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BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WINNSBORO, SOUTH CAROLINA IN COUNCIL ASSEMBLED AND BY THE AUTHORITY THEREOF that:

SECTION 1: The Town of Winnsboro Zoning Ordinance, adopted April 1999, shall be, and hereby is, repealed in its entirety.

ARTICLE 1

ENACTMENT AND JURISDICTION

1-1 AUTHORITY AND PURPOSE

Pursuant to authority conferred by the 1994 “South Carolina Local Government Comprehensive Planning Enabling Act”, S.C. Code Sections 6-29-310 through 6-29-1200, this ordinance shall, where applicable, provide for adequate light, air and open space, prevent land overcrowding, avoid undue concentration of population and lessen street congestion, help create a convenient, attractive and harmonious community, protect and preserve scenic historic or ecologically sensitive areas, regulate population density and distribution, regulate building, structure and land uses, help provide adequate transportation, police and fire protection, water, sewage, schools, recreational facilities, affordable housing, and disaster evacuation, secure safety from fire, flood, and other dangers, further the public welfare in any other way as in accordance with the Town of Winnsboro Comprehensive Plan, the Town Council does ordain and enact into law the following regulations: (1) authority and jurisdiction; (2) defining certain terms used herein; (3) dividing the Town of Winnsboro into districts and establishing the boundaries thereof; (4) regulating and restricting the height, number of stories and size of buildings and other structures, and regulating and restricting the size of yards, courts, and other open spaces; (5) regulating and restricting the percentage of lot area that may be occupied and regulating and restricting the density of population; (6) regulating and restricting the location and use of buildings, structures, and land for trade, industry, residence and other purposes; (7) supplementary regulations for parking, group developments, landscaping, and other districts; (8) regulations of signs; (9) providing for the method of administration and amendment; (10) providing penalties for violations of these regulations; (11) defining powers and duties of the Board of Zoning Appeals with respect

to these regulations; (12) repealing the previous zoning ordinance; and for other purposes.

1-2 JURISDICTION

The regulations set forth herein shall apply to all land and improvements thereon within The Town Limits of the Town of Winnsboro, South Carolina, areas annexed thereto, and such adjacent unincorporated areas of Fairfield County as the Town may assume planning and zoning responsibilities for under right of extraterritoriality.

1-3 INTERPRETATION AND VALIDITY

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 of application so declared to be unconstitutional or invalid.

1-4 REPEAL OF PREVIOUS ZONING ORDINANCE

The Zoning Ordinance of the Town of Winnsboro, South Carolina adopted April 1999 together with all subsequent amendments thereto, is hereby repealed as of the effective date of this Ordinance.

1-5 Effective Date

This Ordinance shall be in full force and effect from and after November 6, 2012.

ADOPTED The sixth (⁵~~6~~th) day of November 2012

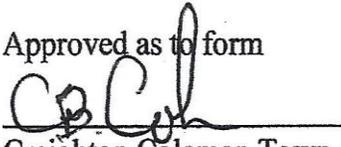


Roger A Gaddy Mayor MD

Attest



Anne Stewart Clerk to Council

Approved as to form


Creighton Coleman Town Attorney

1st Reading: October 16, 2012

2nd Reading and Public Hearing: November ⁵~~6~~, 2012

ARTICLE 2

DEFINITIONS AND INTERPRETATIONS OF WORDS AND PHRASES USED IN THIS ORDINANCE

2-1 INTERPRETATION OF CERTAIN WORDS AND PHRASES

- 2-1.1** Words to have customary meanings; the words and phrases used in this Ordinance shall have their customary meanings, or as defined in a standard dictionary, except for the specific words and phrases defined as below.
- 2-1.2** Tense: The present tense includes the future tense.
- 2-1.3** Number: The singular number includes the plural number and the plural number includes the singular number.
- 2-1.4** Person: The word “person” includes a firm, association, partnership, trust, company, corporation, or any other entity usually defined in legal usage as a person.
- 2-1.5** Shall and May: The word “shall” is mandatory; the word “may” is permissive.
- 2-1.6** Used or Occupied: The words “used” or “occupied” include the words “intended, designed or arranged” includes any part thereof.
- 2-1.7** Lot: The word “lot” includes the words “plat” or “parcel”.
- 2-1.8** Structure: The word “structure” includes the word “building” and the words “buildings” or “structure” includes any part thereof.
- 2-1.9** Interpretation of types of districts or zones: Types of districts or zones, when used as descriptive term for purposes of identifying certain circumstances in which particular regulations are applied (as for example “...when such parking lot is contiguous to a residential district) are defined as follows:
- (1) Residential districts include:
 - a. R-1 Single Family Residential District
 - b. R-2 Duplex Residential District
 - c. R-3 Multi-Family Residential District
 - d. R-O Residential Office District
 - e. PD-R Planned Development-Residential

- (2) Commercial districts include:

- a. C-1 Principal Commercial District
- b. C-2 General Commercial District
- c. PD-C Planned Development—Commercial
- d. PD-M Planned Development—Mixed

(3) Industrial districts include:

- a. I-1 General Industrial District

2-1.10 Interpretation of “contiguous” as applied to lots or districts: The word “contiguous” as applied to lots or districts shall be interpreted as meaning “sharing a common boundary of ten or more feet in length”.

2-1.11 Interpretation of “on the premises of”: The phrase “on the premises of”, as applied to accessory uses or structures shall be interpreted to mean “on the same lot or on a contiguous lot in the same ownership”.

2-1.12 Map or Zoning Map: The words “Map” of “Zoning Map” means the “Official Zoning Map of the Town of Winnsboro”.

2-2 DEFINITIONS

2-2.1 **Accessory:** As applied to a use or structure, means customarily incidental and subordinate to the principal use or structure, and on the same premises of such use or structure.

2-2.2 **Adult Day Care:** A facility that provides supervision, therapy, and social development activities for impaired adults, licensed according to regulations by DHEC.

2-2.3 **Alley:** A minor way twenty (20) feet or less in width which has been dedicated or deeded for public use which is used or intended for use primarily for vehicular service access to the rear or side of properties otherwise abutting a street.

2-2.4 **Alteration of Buildings:** Any change in the supporting members of a building, such as load bearing walls, beams, columns, or girders, except for its safety; any addition to a building; any change in use from that of one district classification to another; or of building from one location to another.

2-2.5 **Assisted Living Facility:** A facility that provides a special combination of housing, supportive services, personalized assistance and health care designed to respond to the individual needs of those persons who need help in activities of daily living.

- 2-2.6** **Bed and Breakfast Inn:** A single dwelling unit other than a Hotel or Motel, in which three or more persons who are not members of the owner's or operator's family are housed or lodged in rooms used or intended to be used for living or sleeping for compensation. One or more meals may be furnished by the management in a kitchen/dining room environment. Any dwelling in which such accommodations are offered in 10 or more rooms shall be considered a hotel or motel. The major difference between a Bed and Breakfast operation and a Rooming and Boarding House establishment is that while both house transient lodgers, the Bed and Breakfast lodger is seldom a permanent resident even though in neither case does this ordinance restrict the operation to only transient customers.
- 2-2.7** **Board of Zoning Appeals (BZA):** The Town of Winnsboro Board of Zoning Appeals.
- 2-2.8** **Building:** Any structure, except a mobile home, having a roof supported by columns or walls and which is designed for shelter, support, or enclosure of persons, animals, or property of any kind.
- 2-2.9** **Building, Accessory:** A detached building subordinate to the main building on a lot and used for purposes customarily incidental to that of the main or principal building and located on the same lot therewith. Uses customarily accessory to dwellings are:
- (a) 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
 - (b) Shed or tool room for the storage of equipment used in grounds or building maintenance.
 - (c) Private kennel for no more than three (3) dogs or three (3) cats, or any combination thereof four (4) months of age or older.
 - (d) Private swimming pool and bath house or cabana.
 - (e) Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.
 - (f) Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or smokehouse not over twelve (12) feet in height.

- 2-2.10 Building, Height of:** The vertical distance from the mean elevation of the finished grade adjoining all exterior walls of the building to the highest part of the coping of a flat roof, or to the highest point of a gable, pitch or hip roof. (See Section 5-9 for exclusions from height limits)
- 2-2.11 Building, Principal:** A building or buildings in which is conducted the principal use of the lot on which said building is located.
- 2-2.12 Building Site:** The land area occupied or to be occupied by a building and its accessory buildings and including such open spaces, yards, minimum area off-street parking facilities, as are required by this Ordinance.
- 2-2.13 Centerline of Streets:** A line surveyed and monumented as such, or if a centerline has not been surveyed and monumented, it shall be that line running midway between the outside lines of right-of-way of the street.
- 2-2.14 Child Daycare Facility:** 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 any number of successive days, one or more children not related to the person providing such temporary custodial care.
- 2-2.15 Church:** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
- 2-2.16 Civic Organization:** See “Club, lodge...”
- 2-2.17 Clinic, Health:** A building in which one or more physician, dentists, and allied professional assistants are engaged in carrying on their profession. The clinic may include a dental or medical laboratory, but it shall not include inpatient care or operating rooms for major surgery.
- 2-2.18 Club, Lodge, Civic or Fraternal Organizations:** An incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational, or like activities, but not including shooting clubs, operated for the benefit of its members and not open to the general public.
- 2-2.19 Completely Enclosed Structure:** A building enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrance and exit doors.
- 2-2.20 Coverage:** That percentage of the lot area covered by the building area.

- 2-2.21 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.
- 2-2.22 Drinking Establishment:** Any establishment engaged in the retail sale of drinks, such as beer, ale, wine, liquor or other alcoholic beverages for consumption on premises, and where the sale of food amounts to less than fifty (50) percent of the total receipts for such establishment.
- 2-2.23 Drive-in Eating Establishment:** Any dining establishment which by its structural design, site characteristics, or manner of food service encourages consumption of food and/or beverages in automobiles on the premises or upon public street adjacent thereto.
- 2-2.24 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.
- 2-2.25 Dwelling, Multiple Family:** A building containing three or more dwelling units.
- 2-2.26 Dwelling, Single Family:** A building containing no more nor no less than one dwelling unit, not physically attached to any other principal structure, and specifically excluding mobile homes.
- 2-2.27 Dwelling, Duplex:** A building containing no more nor no less than two dwelling units, not physically attached to any other principal structure, and specifically excluding mobile homes.
- 2-2.28 Family:** One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such unit shall contain over four persons, but further provided that no more than three domestic servants employed on the premises may be housed within the single dwelling unit without being counted as family or families.
- 2-2.29 Fraternal Organization, Fraternity:** See “Club, Lodge...”
- 2-2.30 Garage Sale:** See “Yard Sale, Garage Sale...”
- 2-2.31 Grandfathered:** To allow certain situations to exist or continue based on an older rule even though a new rule is now in place. The continued use of property as it was when restrictions or zoning ordinances were adopted.

- 2-2.32** **Gross Floor Area:** The total horizontal area of all floors of a building including interior balconies and mezzanines, measured from the exterior faces of the exterior walls of a building including the walls of roofed porches having more than one wall. The gross floor area of a building shall include the floor area of accessory buildings on the same building site measured in the same way.
- 2-2.33** **Group Commercial or Industrial Development:** A single lot containing more than one building used for commercial or industrial purposes and all the structures thereon.
- Group development shall include single buildings containing more than one commercial or industrial use, structure or business. A single building of 20,000 square feet shall be considered a group development and must be reviewed for off-street parking requirements (design, ingress, egress, etc.).
- 2-2.34** **Group Housing Development:** A single lot of record upon which is erected more than one building containing dwelling units, and all the structures thereon; or a single lot upon which is erected a single structure designed to contain more than four dwelling units on the first floor thereof or designed to contain more than eight dwelling units throughout.
- 2-2.35** **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 7-7.
- 2-2.36** **Hospital:** An institution providing health services, primarily for inpatients, and medical and surgical care of the sick or injured, which may include as an integral part of the institution such related facilities as laboratories, outpatient department, training facilities, central service facilities, and staff offices.
- 2-2.37** **Hotel:** A residential structure containing ten or more rental lodgings available to the public for accommodations of transient guests in which meals may or may not be provided, but in which no provision is made for cooking in any rental lodging room or suit. Also refers to “Motel”.
- 2-2.38** **Junk, Salvage, Scrap, or Wrecking Yards:** Any use involving storage, abandonment or processing of inoperable, unused, dismantled, or wrecked metal, waste paper, rags, food processing wastes, construction wastes, industrial wastes, secondhand building materials or other scrap, salvage, waste, or junk material. A junked vehicle is hereby defined as any vehicle which does not have the current year’s state license and registration. Such

uses shall be considered junk yards whether or not all or part of such operations are conducted inside a building or in conjunction with, in addition to, or accessory to, other uses of the premises.

- 2-2.39** **Lot:** An area of land clearly defined by plat or by metes and bounds description.
- 2-2.40** **Lot of Record:** A lot defined by plat or described by metes and bounds which has been duly recorded with the Clerk of Court of the County of Fairfield, South Carolina.
- 2-2.41** **Lot Lines:** The lines bounding a lot.
- 2-2.42** **Lot Measurements:**
- (a) **Depth of a Lot:** The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
 - (b) **Width of a Lot:** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width; in the case of lots fronting on a cul-de-sac, the width between side lot lines at their foremost points shall not be less than 20 feet.
 - (c) **Lot frontage:** The front of an interior lot shall be constructed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided upon that basis. The phrase “street frontage” shall be interpreted to have the same meaning as the phrase “lot frontage”.
- 2-2.43** **Lot Types:** The following describes the terminology used in this chapter with reference to corner lots:
- (a) **Corner Lot:** The lot located at the intersection of two or more streets. For the purposes of this chapter, a lot abutting upon a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the side lot lines to the foremost point of the lot (or an extension of the lot where it has been rounded by a street radius) meet at an interior angle of less than 135 degrees.
 - (b) **Interior Lot:** A lot other than a corner lot, with only one frontage on a street other than an alley.

(c) **Through Lot:** A lot other than a corner lot, with frontage on more than one street other than an alley.

2-2.44 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.

2-2.45 Manufactured Home: Factory built, single-family structures that meet the Federal Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401) of 1974, and the acceptable similarity standards of this ordinance.

2-2.46 Mobile Home: A movable or portable dwelling, constructed to be towed on its own chassis and designed without a permanent foundation for long-term occupancy, which includes a double wide or expandable mobile home as defined below, as well as a portable dwelling composed of a single unit. The term “mobile home” as used in this Ordinance shall not include prefabricated, manufactured, modular 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. A Mobile Home may or may not be permanently attached to the ground, and its transport features may or may not be removed. Mobile Home activity shall be permitted only in a Mobile Home Park. A Mobile Home Park must meet the requirements of the Mobile Home Park regulations in Section 7-6.

(a) **Double-wide Mobile Home:** A double-wide mobile home is a mobile home with two or more units separately towable but designed to be joined into one integral unit at the site.

(b) **Expandable Mobile Home:** An expandable mobile home is a mobile home with one or more sections that fold, collapse or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

2-2.47 Mobile Home Park: A lot used, designed, or intended to be used for the purposes of supplying parking space for two (2) or more mobile homes for non-transient occupation, and includes any buildings, structures, vehicles, or enclosures used or intended to be used as part of such mobile home park. Sales or storage lots for unoccupied mobile homes are not considered to be mobile home parks.

2-2.48 Modular Building Unit: A building including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured

off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site. This term is not to be limited to residential buildings. The definition of modular building unit does not include mobile or manufactured homes.

- 2-2.49** **Modular Home:** A structure intended for residential use and manufactured off-site in accord with the Southern Building Code and BOCA Basic Building Code, as defined within the South Carolina Modular Buildings Construction Act of 1976. Modular residential construction shall be included in the Residential Detached or Residential Attached activity types, as appropriate.
- 2-2.50** **Motel:** Same as “*hotel*” (see *hotel* definition).
- 2-2.51** **Nonconforming:** A term applied to lots, structures, uses of land or structures, and characteristics of use of land or structures which were lawful before the passage or amendment of this Ordinance, but which are prohibited by this Ordinance or which are not in compliance with the requirements of this Ordinance.
- 2-2.52** **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.
- 2-2.53** **Parking Space, Off-Street:** An area adequate for parking an automobile with room for opening doors on both sides, which is not located in the right-of-way of any street.
- 2-2.54** **Parking Space, Loading Space:** A space at least ten (10) feet in width and twenty-five (25) feet in length, with fourteen (14) feet minimum vertical clearance, accessible from a street or alley.
- 2-2.55** **Permitted Structure:** A structure meeting all of the requirements established by this Ordinance for the district in which the structure is located.
- 2-2.56** **Planning Commission:** Town of Winnsboro Planning Commission.
- 2-2.57** **Principal Structure:** Same as principal building (see building, principal definition).
- 2-2.58** **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 upon 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).

- 2-2.59 Residence:** Same as dwelling (see dwelling definition).
- 2-2.60 Restaurant:** Any eating or drinking establishment where foods and beverages are served and consumed inside the enclosed structure only. This does not include drive-in restaurants (see drive-in restaurant definition).
- 2-2.61 Rooming and Boarding House:** Any dwelling, other than a hotel or motel, in which three or more persons who are not members of the owner's or operator's family are housed or lodged in rooms used or intended to be used for living and sleeping but not for cooking or eating purposes, for compensation, with or without meals being provided. Any dwelling in which such accommodations are offered in ten or more rooms shall be considered a hotel or motel.
- 2-2.62 Salvage Yard:** Same as junk yard (see junk yard definition).
- 2-2.63 Scrap Yard:** Same as junk yard (see junk yard definition).
- 2-2.64 Setback Line:** The setback line is the same as the depth or width of any required yard.
- 2-2.65 Sidewalk Café:** The business of providing food and beverage services with chairs, tables, and other vestiges of restaurant service on sidewalks and plazas adjacent to, and operated exclusively by, a business licensed to operate as an eating establishment where food and/or other refreshments are served.
- 2-2.66 Sign:** Any device designed to inform or attract the attention of persons not on the premises on which the device is located, with certain exceptions as enumerated in Article 8.
- 2-2.67 Signs, Other Terms Related Thereto:** Additional terms related to signs and the regulations thereof are defined in Section 8, including:
- Display Surface Area
 - Marque
 - Sign Copy
 - Freestanding Sign
 - Mobile Sign
 - Portable Sign

Projecting Sign
Wall Sign
Digital Sign
Electrical Sign

- 2-2.68** **Sorority:** See “Clubs, lodges...”
- 2-2.69** **Special Exceptions:** A use that would not be appropriate generally or without restriction throughout the zoning district but which if controlled as to number, area, location, or relation to surrounding uses, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as special exceptions, if specific provision for such special exceptions is made in this Zoning Ordinance.
- 2-2.70** **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.
- 2-2.71** **Street Line:** The right-of-way line of a street.
- 2-2.72** **Structural Alterations:** Any change in the supporting members of a structure such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.
- 2-2.73** **Structure:** Anything, excluding paving, 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 buildings, mobile homes, walls, screened enclosures, fences, advertising signs, billboards, poster panels, swimming pools, travel trailers, and exterior mechanical equipment such as air conditioning compressors, fans, and pumps, but excluding from definitions as structures minor landscaping features such as ornamental pools, planting boxes, bird baths, walkways, driveways, recreational equipment, flagpoles, mailboxes, and utility poles/lines/transformer.
- 2-2.74** **Tattoo Parlor/Body Piercing Studio:** An establishment whose principle business activity, either in terms of operation or as held out to the public is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of any opening in the body of a person for the purpose of inserting jewelry or other decoration.
- 2-2.75** **Town Manager:** The Manager for the Town of Winnsboro, or other person duly designated to act in his behalf.

- 2-2.76** **Travel Trailer or Camping Vehicle:** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel or recreation use, not exceeding thirty-five (35) feet in length and having a body width not exceeding eight (8) feet.
- 2-2.77** **Travel Trailer Park:** Any site, tract of land, or lot upon which not less than two overnight sites and/or overnight camping trailers are situated and occupied for temporary shelter, dwelling, recreation or vacation uses regardless of whether or not a charge is made for such services.
- 2-2.78** **Unit:** same as “Dwelling Unit”.
- 2-2.79** **Wrecking Yard:** same as “Junk Yard”.
- 2-2.80** **Yard:** A required open space unoccupied and unobstructed by any structure or portion thereof from a height of 30 inches above the finished grade level of the ground. For purposes of interpretation and regulation, certain exceptions are set forth in Section 5-11.
- 2-2.81** **Yard, Front:** A yard extending between side lot lines across the front of a lot, and measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear lines of required front yard shall be parallel.
- 2-2.82** **Yard, Rear:** A yard extending across the rear of the lot between the inner side yard lines, measured at right angles to a straight line joining the rearmost points of the side lot lines. The forward rear yard line of a required rear yard shall be parallel to the straight line so established. In the case of corner lots or through lots, there will be no rear yard.
- 2-2.83** **Yard, Side:** A yard extending from the rear line of the required front yard to the rear lot line, measured at right angles to a straight line joining the ends of the front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established. In the case of through lots, side yards shall extend from the rear lines of the required front yards remaining after full and half-depth front yards have been established shall be considered to be side yards.
- 2-2.84** **Yard Sale, Garage Sale, Rummage Sale:** The retailing of merchandise from the yard or garage or principal dwelling of a residence.
- 2-2.85** **Zone:** same as “District”.

ARTICLE 3

ESTABLISHMENT OF DISTRICTS AND ZONING MAP

3-1 DISTRICT BOUNDRIES ESTABLISHED BY ZONING MAP

The boundaries of the zoning districts established by Article 6 of this Ordinance are hereby established on a map entitled “Zoning Map of the Town of Winnsboro, S.C.”, which map is declared to be a part of this Ordinance.

3-2 MAINTENANCE OF OFFICIAL COPY OF ZONING MAP

At least one official copy of the Zoning Map shall be maintained in the Office of the Zoning Administrator, upon which shall be recorded, after the passage thereof, every amendment to this Ordinance which effects a change in any zoning district boundary. Such official copy of the Zoning Map shall be attested by the Town Clerk, and shall be available at all times for inspection by the general public.

3-3 ZONING MAPS OTHER THAN OFFICIAL COPY

The Zoning Administrator may distribute copies of the Zoning Map to the general public for reference purposes. However, the official copy of the 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.

3-4 INTERPRETATION OF DISTRICT BOUNDRIES

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 to the Board of Zoning Appeals as specified in Article 11-2.1.

3-4.1 Where Boundaries Approximately Follow Streets, Highways or Alleys: District boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

3-4.2 Where Boundaries Approximately Follow Platted Lot Lines: District boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

- 3-4.3** Where Boundaries Approximately Follow Town Limits: District boundaries indicated as approximately following town limits shall be construed as following such town limits.
- 3-4.4** Where Boundaries Follow Railroad Lines: District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- 3-4.5** Where Boundaries Follow Stream Beds or Other Bodies of Water: District boundaries indicated as following centerlines of stream beds or other bodies of water shall be construed to follow such centerlines.
- 3-4.6** Where Boundaries Approximately Parallel or are Extensions of Above Features: District boundaries indicated as approximately parallel to or extensions of features indicated in subsections above shall be so construed and at such distance therefrom as indicated on the official copy of the Zoning Map. Distances not specifically indicated on the official copy of the Zoning Map shall be determined by the scale of the map.

ARTICLE 4

APPLICATION OF REGULATIONS

4-1 REGULATIONS REGARDED AS 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 the public health, safety, morals or general welfare. Wherever 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.

4-2 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 to the regulations specified in this Ordinance for the district in which it is located.

4-3 ZONING AFFECTS HEIGHT OF BUILDING AND/OR STRUCTURES, POPULATION DENSITY, LOT COVERAGE, YARDS AND OPEN SPACES

No building or other structure shall hereafter be erected or altered,

- a. to exceed the height;
- b. to accommodate or house a greater number of families;
- c. to occupy a greater percentage of lot area;
- d. to leave narrower or smaller front yards, rear yards, side yards, or other open spaces than herein required, or in any manner contrary to the provisions of this Ordinance.

4-4 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 except as noted in Section 7-1.4 (4).

4-5 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.

ARTICLE 5

GENERAL REGULATIONS

5-1 NONCONFORMITIES

Within the districts established by this Ordinance, or by amendments which may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of uses which were lawful before this Ordinance was passed or amended, but which would be prohibited or regulated and restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, except as noted in Section 5-2, but not to encourage their survival. Nonconformities are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities 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.

5-2 CONTINUANCE OF NONCONFORMING USES, STRUCTURES, OR CHARACTERISTICS OF USE

- 5-2.1** Change to Another Nonconforming Use: A nonconforming use, structure, or characteristic of use shall not be changed to any other nonconforming use, structure, or characteristics of use unless the Board of Zoning Appeals finds that the new use, structure, or characteristic of use is more in character with the uses permitted in the district, in which case the Board of Zoning Appeals may permit such change as a special exception. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the purpose of this Ordinance.
- 5-2.2** Conversion of Use on Nonconforming Lots: The minimum yard requirements of this Ordinance shall not be construed as prohibiting the conversion of an existing building which does not meet the minimum yard requirements to another permitted use, so long as no further encroachment is made into the existing yards.
- 5-2.3** Reconstruction: A nonconforming structure shall not be demolished and rebuilt as a nonconforming structure.
- 5-2.4** Extension or Enlargement: A nonconforming use, structure, or characteristic of use shall not be extended, enlarged, or intensified except in conformity with this Ordinance. A nonconforming use may be extended throughout any parts of a building which were primarily designed for such use at the time of the adoption or amendment of this Ordinance. The number of dwelling units in a nonconforming dwelling

use shall not be increased over or exceed the number of dwelling units existing in the nonconforming use on the effective date of this Ordinance. No nonconforming use shall be extended to occupy any land outside such a building.

5-2.5 Reestablishment: A nonconforming use, or characteristic of use, shall not be reestablished after vacancy, abandonment, or discontinuance for any period of twelve (12) consecutive months, except where Section 5-2.6 applies.

5-2.6 Reconstruction After Damage: A nonconforming structure shall not be rebuilt, altered, or repaired except to conform with this Ordinance after sustaining damage exceeding fifty (50) percent of the replacement cost of the structure at the time of damage, provided that any permitted reconstruction shall be complete within twelve (12) months from the time of damage.

5-2.7 Nonconforming Uses of Open Land: A nonconforming use not enclosed in a building or structure, or one in which the use of the land is a use exercised principally out of doors and outside of a building or structure, shall after three years from the date of notification, become a prohibited and unlawful use and shall be discontinued.

5-3 REPAIR OR MAINTENANCE OF NONCONFORMING STRUCTURES

On any building devoted in whole or in part to any nonconformity, work may be done on ordinary repairs, or on repair or replacement of non-load bearing 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.

5-4 NONCONFORMING LOTS OF RECORD

5-4.1 Single Lots: Notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling or single-family mobile home and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, so long as a single-family detached dwelling or single-family mobile home is a permitted use in that district. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area, width, or both, shall conform to the regulations for the district for which such lot is located.

5-4.2 Adjoining Lots: If two or more adjoining lots with continuous lot frontage are in single ownership at any time after the adoption or amendment of this Ordinance and such lots individually are too small to meet the yard, width, or area requirements of the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subject to the requirements of this Ordinance.

5-5 TEMPORARY NONCONFORMING USES

A temporary use permit may be issued by the Zoning Administrator for an appropriate period of time not to exceed twelve (12) month increments for nonconforming buildings, structures or uses incidental to building construction or land development or deemed to be generally beneficial, provided that the owner of such temporary nonconforming use agrees to remove the temporary nonconforming use upon expiration of the permit.

5-6 ANNEXATION

5-6.1 Designation of Zoning Classification: When annexation is accomplished, by any lawful method, the annexed area shall be classified R-1, with such zoning district classification effective upon the effective date of the annexation.

5-6.2 Amendment Proceedings to be Initiated: Immediately after the effective date of such annexation the Zoning Administrator shall initiate zoning amendment proceedings as specified by Article 9 for purposes of establishing or confirming appropriate zoning classifications for such annexed area, and the public hearing therefore shall be scheduled to be held not more than sixty (60) days after the effective date of annexation, further provided that the proposal to be brought before such hearing may either be to retain all such annexed area in the classification or classifications originally designated to be effective upon annexation or to change all or part of such annexed area to classifications other than those originally designated.

5-7 VISIBILITY AT INTERSECTIONS

5-7.1 Sight Clearance to be Maintained: At each corner of each street intersection, except within those areas designated C-1 Principal Commercial District, 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.

5-7.2 Dimensions of Sight Areas: The horizontal dimensions of sight areas are defined as triangular areas formed by the intersecting street lines and a straight line joining said street lines at points which are fifteen (15) feet distant from the point of intersection of the street lines in commercial and industrial districts and twenty-five (25) feet distant from the point of intersection of the street lines in residential districts, measured along the street lines. Such sight areas shall be established regardless of the angle of intersection of the street lines. The vertical dimensions of sight areas are defined as that vertical space between the heights of two and one-half (2 1/2) 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.

5-8 ACCESSORY BUILDINGS

5-8.1 Accessory Building in Any Required Yard: No accessory building shall be erected in any required yard except as herein provided, and no separate accessory buildings shall be erected within five (5) feet of any principal building.

5-8.2 Construction of and Occupancy of Accessory Buildings: Construction of principal building and accessory buildings may be concurrent but no accessory building shall be constructed or occupied prior to construction or occupancy of the principal building.

5-8.3 Residential Use of Accessory Buildings: No accessory building may be used for residential purposes.

5-9 MEASUREMENT OF HEIGHT

For purposes of this Ordinance, the height of a building shall be measured from the mean finished ground elevation at the base of the structure to the highest point of the roof of the structure, whereas the main finished ground elevation does not exceed the mean elevation of the adjacent roadway measured between the property lines along the centerline of the roadway, and provided that spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housings, mechanical equipment or other such structures placed above roof level and not intended for human occupancy shall not be subject to height limitations.

5-10 BUILDINGS AND LOTS TO HAVE ACCESS

Every building hereafter erected or structurally altered shall be on a lot adjacent to a public street, or on a lot adjacent to a private street which meets all standards of the Land Development Regulations of the Town of Winnsboro. However, no private street or

driveway shall be provided to commercial or industrial districts through any residential district established by this Ordinance.

5-11 STRUCTURES IN REQUIRED YARDS

The general definition of “yards” as set forth in Section 2-2 states that yards are unoccupied and unobstructed by a structure or portion of a structure from 30 inches above the finished grade level of the ground upward. However, the general definition shall be construed subject to the following exceptions and interpretations:

- 5-11.1** Those objects which are excluded from the definition of a “structure” under Section 2-2 above shall not be subject to regulation under interpretation of the definition of “yard”.
- 5-11.2** Steps and open porches or patios without roofs shall be allowed in any required yard.
- 5-11.3** Screening walls and fences over 30 inches in height that substantially impede vision may be permitted in a required yard as a special exception, however, screening walls and fences not over eight (8) feet in height are permitted outright in side and rear yards, provided no screening wall or fence in excess of six (6) feet is permitted within six (6) feet of a residential structure on adjacent property.
- 5-11.4** Eaves, cornices, gutters, and other minor architectural features projecting less than 24 inches from the main portion of a building shall be allowed to project into any yard. Open fire escapes may extend into any required yard not more than three and one-half (3.5) feet.
- 5-11.5** Retaining walls in excess of 30 inches in height may be permitted as a special exception in any yard.
- 5-11.6** Signs are permitted to encroach upon required yards in certain circumstances as set forth in Article 8 “Regulation of Signs”.
- 5-11.7** Screening between commercial or industrial uses and lots zoned residentially, as required by Section 7-16 of this Ordinance.

5-12 ORIENTATION OF REQUIRED YARDS

In interpretation of requirements related to establishment of required yards, the Zoning Administrator shall apply the following interpretation to the orientation of such yards:

- 5-12.1** Through Lots: In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided

on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Zoning Administrator may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards existing on adjacent lots.

- 5-12.2** Corner Lots with Two Frontages: In the case of corner lots with two frontages, a front yard of the required depth shall be provided on the frontage of the street having the higher traffic volumes. Where the traffic volumes on both streets are approximately equal, the required depth shall be provided on the street frontage having the minimum lot width. Where traffic volumes on both streets are approximately equal and the street frontages are equal, the required depth shall be provided in keeping with the prevailing yard pattern on adjoining lots. In all cases, a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.
- 5-12.3** Corner Lots with More Than Two Frontages: In the case of corner lots with more than two frontages, the Zoning Administrator shall determine the front yard requirements, subject to the following limitations: (1) at least one front yard shall be provided having full depth required generally in the district; (2) no other front yard on such lot shall have less than half the full depth required generally.
- 5-12.4** Appropriateness of Orientation: Notwithstanding the above, the Zoning Administrator may determine that the most appropriate orientation for any required yard is different from the orientation as set forth above in such instance that it appears that such different orientation will further the intent of this Ordinance. When a structure is to be built which will contain more than one dwelling unit, the orientation of required yards shall be based upon both the orientation of the lot and the orientation of the structure. The Zoning Administrator may impose an orientation of yards different from the orientation set forth in this Section and elsewhere in this Ordinance subject only to appeal of such decision to the Board of Zoning Appeals as an appeal from an administrative decision of the Zoning Administrator.

5-13 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 a conforming use once approval is granted by the Board of Zoning Appeals (See also Section 11-2.2). The Board of Zoning Appeals

may not consider a special exception request unless the requested exception is listed as permissible in the zoning district for which it is requested.

5-14 PROHIBITED USES

Any use which is not expressly permitted in a district shall be prohibited. The display of merchandise for sale in required front yards is prohibited in all zones (excluding yard sales).

ARTICLE 6

DISTRICT REGULATIONS

6-1A PURPOSE OF DIVIDING THE TOWN INTO DISTRICTS

For the purpose of promoting the health, safety, morals and general welfare of the Town of Winnsboro, and for other purposes as enumerated in Article 1 hereof, the Town of Winnsboro is hereby divided into districts as enumerated in this Article within which are regulated and restricted the erection, construction, reconstruction, alteration, repair or use of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

Such regulations have been made with reasonable consideration, among other things, to the character of each district and its peculiar suitability for particular uses and with a view to encourage the most appropriate use of land throughout the municipality.

The regulations of this Article shall apply uniformly to each class or kind of structure or land located within any of the following district classification respectively:

- | | |
|-----|------------------------------------|
| R-1 | Single Family Residential District |
| R-2 | Duplex Residential District |
| R-3 | Multi-Family Residential District |
| RO | Residential Office District |
| C-1 | Principal Commercial District |
| C-2 | General Commercial District |
| I-1 | General Industrial District |
| PDD | Planned Development District |

ZONING DISTRICT							
ACTIVITIES	R-1	R-2	R-3	R-O	C-1	C-2	I-1
Administrative Offices	n	n	n	p	p	p	p
Adult Day Care	n	n	s	p	p	p	n
Airports	n	n	n	n	n	n	p
Assisted Living	s	s	s	p	p	p	n
Automobile Sales	n	n	n	n	n	p	p
Automotive Service Stations	n	n	n	s	p	p	p
Automobile Wash	n	n	n	n	n	p	p
Bed and Breakfast	s	s	s	c	p	p	n
Boarding House	s	s	p	p	p	p	n

ACTIVITIES	ZONING DISTRICT						
	R-1	R-2	R-3	R-O	C-1	C-2	I-1
Bus Terminals	n	n	n	n	n	p	p
Business Services	n	n	n	c	p	p	s
Cemeteries	s	s	s	s	p	p	p
Child Day Care	n	n	s	p	p	s	s
Churches, Temples, etc.	s	s	s	p	p	p	s
Club, Lodge, Civic or Fraternal Organizations	s	s	s	p	p	p	s
Cluster House Developments	n	c	p	p	n	n	n
Communication Towers	s	s	s	s	s	s	c
Community Education	s	s	s	p	p	p	s
Community Service Center	n	s	s	p	p	p	p
Construction Services	n	n	n	n	n	s	p
Convenience Stores	n	n	n	n	c	c	p
Crop and Animal Raising	s	n	n	n	n	n	s
Detention Centers	n	n	n	n	n	n	c
Distribution Center	n	n	n	n	n	n	p
Drinking Establishments	n	n	n	n	c	c	n
Drugstore and Pharmacy	n	n	n	n	c	c	n
Flee Market	n	n	n	n	n	n	p
Funeral Home	n	n	n	p	p	p	n
Group Commercial Developments	n	n	n	n	c	c	n
Group Industrial Developments	n	n	n	n	n	n	c
Group Housing Developments	c	p	p	p	s	n	n
High Rise Structures	n	n	n	n	n	n	s
Hospitals	n	n	n	n	p	p	p
Hotel	n	n	n	n	p	p	s
In-home Child Day Care	s	s	s	p	p	n	n
Junkyard	n	n	n	n	n	n	p
Kennel	n	n	n	n	n	p	p
Landfills	n	n	n	n	n	n	n
Liquor Stores	n	n	n	n	p	p	n
Manufactured Home	n	s	s	n	n	n	n
Manufacturing	n	n	n	n	n	n	p

ACTIVITIES	ZONING DISTRICT						
	R-1	R-2	R-3	R-O	C-1	C-2	I-1
Medical Services	n	n	s	p	p	p	s
Military Installations	n	n	n	n	n	n	p
Mining and Quarrying	n	n	n	n	n	n	s
Mini-Parks	p	p	p	p	p	p	p
Mini-Warehouses	n	n	n	n	n	p	p
Mobile Home Parks	n	n	s	n	n	n	n
Mobile Homes	n	n	n	n	n	n	n
Motel	n	n	n	n	p	p	s
Natural Reserves	p	p	p	p	p	p	p
Non-Assembly Cultural	p	p	p	p	p	p	p
Nursing Homes	s	s	s	p	p	p	n
Personal Convenience Services	n	n	n	c	p	p	n
Plant Nurseries	n	n	n	n	s	s	p
Power Plants	n	n	n	n	n	n	p
Professional Services	n	n	n	p	p	p	n
Radioactive Materials Handling	n	n	n	n	n	n	p
Radio and Television	n	n	n	p	p	p	p
Railroad Yard	n	n	n	n	n	n	p
Recreation Facility	s	s	s	s	p	p	p
Recreation Facility, Commercial	n	n	n	n	p	p	p
Recreation Facility, Personal	p	p	p	p	p	p	p
Recreation Facility, Private	n	n	p	p	p	p	p
Recreation Facility, Public	p	p	p	p	p	p	p
Recycling Collection Point	n	n	n	n	s	p	p
Research Services	n	n	n	s	p	p	p
Residential, Detached	p	p	p	p	n	n	n
Residential, Attached (2 units)	n	p	p	p	p	n	n
Residential, Attached (3 units or more)	n	s	p	s	p	s	n
Restaurant, Sit-down	n	n	n	n	p	p	s
Restaurant, Drive-thru	n	n	n	n	p	p	s
Retail Sales	n	n	n	n	c	p	s
Retail Sales, Outdoor	n	n	n	n	n	p	s
Schools, Public or Private	s	s	s	s	p	s	n

ACTIVITIES	ZONING DISTRICT						
	R-1	R-2	R-3	R-O	C-1	C-2	I-1
Scrap Operations	n	n	n	n	n	n	p
Sexually Oriented Businesses	n	n	n	n	n	n	c
Shopping Center	n	n	n	n	s	p	n
Shopping Mall	n	n	n	n	n	p	n
Stud Farm	s	n	n	n	n	n	p
Supermarket	n	n	n	n	s	p	p
Tattoo Parlor/Body Piercing	n	n	n	n	n	s	p
Transport Services	n	n	n	n	s	s	p
Truck Terminals	n	n	n	n	n	n	p
Truck Stop	n	n	n	n	n	s	p
Veterinarian	n	n	n	n	s	p	p
Video Game Establishments	n	n	n	n	n	c	s
Video Stores	n	n	n	n	p	p	n
Warehouse	n	n	n	n	n	n	p
Zoos	n	n	n	n	n	s	p

N= Not Permitted

P= Permitted

S= Permitted with Special Exception

C= Permitted Conditional Uses and Structures (Conditions set by the Planning Commission)

See specific district sections for permitted accessory uses and structures.

6-1 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

6-1.1 Intent: To establish a low density single family residential district and to protect property in the district from the depreciating effects of incompatible land uses therein.

6-1.2 Permitted Principal Uses and Structures:

- (1) Group housing developments containing single family detached dwellings only, subject to the provisions of Section 7-3.3.
- (2) See Chart.

6-1.3 Permitted Accessory Uses and Structures:

- (1) Accessory structures and uses which are customarily accessory and

clearly incidental and subordinate to permitted or permissible uses and structures.

- (2) Home occupation, provided such uses meet the requirements stipulated for home occupations in Section 7-7 and not more than one occupation-related vehicle, which will have no more than two axles, is permitted for any home occupation.
- (3) Signs subject to the provisions of Article 8.

6-1.4 Special Exceptions Permissible by the Board of Zoning Appeals:

After public notice and hearing before the Board of Zoning Appeals, the Board may permit as special exceptions subject to appropriate conditions and safeguards:

- (1) Public utilities, transformer stations, water tanks and towers, electrical transmission lines and towers, telephone exchanges with no vehicles or equipment stored on the premises, subject to the height requirements of Section 5-9.
- (2) Detached cluster developments subject to the provisions of Section 7-13.
- (3) See chart.

For each of these special exceptions, the Board of Zoning Appeals shall consider:

- (a) Existing zoning and characteristics of development in adjacent areas.
- (b) Potential effect of such establishments on traffic flow characteristics of adjacent streets.
- (c) Ingress, egress, parking, circulation, and site design of the proposed use.
- (d) Potentially adverse characteristics of lighting and other characteristics of operation and use of adjacent property.

and after so doing so shall impose such conditions and safeguards as deemed appropriate to protect adjacent properties from potentially incompatible characteristics of use, to preserve efficient traffic flow on public streets, and otherwise fulfill the intent of this ordinance.

For Special Exception of a Bed and Breakfast, the Board of Zoning Appeals, shall as a minimum, require the following considerations:

- (a) The proposed use of the property will not adversely affect the immediate neighborhood;

- (b) The proposed use of the property will not create noise, light, or traffic conditions detrimental to the neighboring residents or properties;
- (c) No exterior alterations or additions other than those necessary to assure safety of the structure (provided they would not damage the National Register status) shall be made to any building for the purpose of providing a bed and breakfast inn;
- (d) Meals, if provided, may be served only to overnight guests;
- (e) No more than five (5) bedrooms in a residence may be rented for this purpose and the number of rooms must be specified in the request and in the permit;
- (f) The resident owner shall keep a current guest register to include names, addresses, and dates of occupancy of all guests;
- (g) The resident owner shall comply with all tax, business license and revenue collection ordinances of the Town of Winnsboro and the State of South Carolina, any necessary health certificates and applicable DHEC regulations, and all applicable Fairfield County building codes;
- (h) The principal use of any structure shall be residential;
- (i) No on site advertising will be permitted other than one sign no larger than six (6) square feet stating the name and/or number of the residence (pursuant to Article 8);
- (j) No walk-in guests shall be permitted; and
- (k) Use must be specifically requested and may be granted by the BZA after review of all facts and public hearing.

6-1.5 Minimum Area, Yard, Lot Coverage and Height Requirements:

- (1) Minimum lot area for each residential unit: 10,000 square feet.
- (2) Minimum area for other permitted principal uses and special exceptions: 10,000 square feet.
- (3) Maximum lot coverage by buildings: 25%.
- (4) Minimum lot width: 75 feet.
- (5) Minimum front yard: 30 feet.
- (6) Minimum side yard: 5 feet for first story and 3 feet for each additional story or part thereof.
- (7) Minimum rear yard: 25 feet.
- (8) Maximum height of structures: 35 feet*

*See Sections 5-9 and 7-12 for exceptions to height limitations.

6-2 R-2 DUPLEX RESIDENTIAL DISTRICT

6-2.1 Intent: To establish a medium density residential district and to protect property in the district from the depreciating effects of incompatible land uses herein.

6-2.2 Permitted Principal Uses and Structures:

- (1) Detached cluster developments subject to the provisions of Section 7-13.
- (2) See Chart.

6-2.3 Permitted Accessory Uses and Structures:

All accessory uses and structures which are permitted in the R-1 District.

6-2.4 Special Exceptions Permissible by the Board of Zoning Appeals:

After public notice and hearing before the Board of Zoning Appeals, the Board may permit as special exceptions subject to appropriate conditions and safeguards:

- (1) Attached cluster developments subject to the provisions of Section 7-13.
- (2) Manufactured Homes subject to the provisions of Section 7-5.
- (3) Public utilities, transformer stations, water tanks and towers, electrical transmission lines and towers, telephone exchanges with no vehicles or equipment stored on the premises, subject to the height requirements of Section 5-9.
- (4) See chart.

For each of these special exceptions, the Board of Zoning Appeals shall consider:

- (a) Existing zoning and characteristics of development in adjacent areas.
- (b) Potential effect of such establishments on traffic flow characteristics of adjacent streets.
- (c) Ingress, egress, parking, circulation, and site design of the proposed use.
- (d) Potentially adverse characteristics of lighting and other characteristics of operation and use of adjacent property.

and after so doing so shall impose such conditions and safeguards as deemed appropriate to protect adjacent properties from potentially

incompatible characteristics of use, to preserve efficient traffic flow on public streets, and otherwise fulfill the intent of this ordinance.

For Special Exception of a Bed and Breakfast, the Board of Zoning Appeals, shall as a minimum, require the following considerations:

- (a) The proposed use of the property will not adversely affect the immediate neighborhood;
- (b) The proposed use of the property will not create noise, light, or traffic conditions detrimental to the neighboring residents or properties;
- (c) No exterior alterations or additions other than those necessary to assure safety of the structure (provided they would not damage the National Register status) shall be made to any building for the purpose of providing a bed and breakfast inn;
- (d) Meals, if provided, may be served only to overnight guests;
- (e) No more than five (5) bedrooms in a residence may be rented for this purpose and the number of rooms must be specified in the request and in the permit;
- (f) The resident owner shall keep a current guest register to include names, addresses, and dates of occupancy of all guests;
- (g) The resident owner shall comply with all tax, business license and revenue collection ordinances of the Town of Winnsboro and the State of South Carolina, any necessary health certificates and applicable DHEC regulations, and all applicable Fairfield County building codes;
- (h) The principal use of any structure shall be residential;
- (i) No on site advertising will be permitted other than one sign no larger than six (6) square feet stating the name and/or number of the residence (pursuant to Article 8);
- (j) No walk-in guests shall be permitted; and
- (k) Use must be specifically requested and may be granted by the BZA after review of all facts and public hearing.

6-2.5 Minimum Area, Yard, Lot Coverage, and Height Requirements:

- (1) Minimum area for each residential unit: 6,000 square feet.
- (2) Minimum area for other permitted principal uses and special exceptions: 10,000 square feet.
- (3) Maximum lot coverage by buildings: 30%.
- (4) Minimum lot width: 50 feet.
- (5) Minimum front yard: 25 feet.
- (6) Minimum side yard: 5 feet for first story and 3 feet for each additional story or part thereof.

- (7) Minimum rear yard: 25 feet.
- (8) Maximum height of structures: 35 feet.*

*See Sections 5-9 and 7-12 for exceptions to height limitations.

6-3 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

6-3.1 Intent: To establish a high density residential district and to protect property in the district from the depreciating effects of incompatible land use herein.

6-3.2 Permitted Principal Uses and Structures:

- (1) Attached cluster developments subject to the provisions of Section 7-13.
- (2) See Chart.

6-3.3 Permitted Accessory Uses and Structures:

All accessory uses and structures which are permitted in the R-2 District.

6-3.4 Special Exceptions Permissible by the Board of Zoning Appeals:

After public notice and hearing before the Board of Zoning Appeals, the Board may permit as special exceptions subject to appropriate conditions and safeguards:

- (1) Public utilities, transformer stations, water tanks and towers, electrical transmission lines and towers, telephone exchanges with no vehicles or equipment stored on the premises, subject to the height requirements of Section 5-9.
- (2) Mobile Home Parks subject to the terms and provisions of Section 7-6.
- (3) See chart.

For each of these special exceptions, the Board of Zoning Appeals shall consider:

- (a) Existing zoning and characteristics of development in adjacent areas.
- (b) Potential effect of such establishments on traffic flow characteristics of adjacent streets.

- (c) Ingress, egress, parking, circulation, and site design of the proposed use.
- (d) Potentially adverse characteristics of lighting and other characteristics of operation and use of adjacent property.

and after so doing so shall impose such conditions and safeguards as deemed appropriate to protect adjacent properties from potentially incompatible characteristics of use, to preserve efficient traffic flow on public streets, and otherwise fulfill the intent of this ordinance.

For Special Exception of a Bed and Breakfast, the Board of Zoning Appeals, shall as a minimum, require the following considerations:

- (a) The proposed use of the property will not adversely affect the immediate neighborhood;
- (b) The proposed use of the property will not create noise, light, or traffic conditions detrimental to the neighboring residents or properties;
- (c) No exterior alterations or additions other than those necessary to assure safety of the structure (provided they would not damage the National Register status) shall be made to any building for the purpose of providing a bed and breakfast inn;
- (d) Meals, if provided, may be served only to overnight guests;
- (e) No more than five (5) bedrooms in a residence may be rented for this purpose and the number of rooms must be specified in the request and in the permit;
- (f) The resident owner shall keep a current guest register to include names, addresses, and dates of occupancy of all guests;
- (g) The resident owner shall comply with all tax, business license and revenue collection ordinances of the Town of Winnsboro and the State of South Carolina, any necessary health certificates and applicable DHEC regulations, and all applicable Fairfield County building codes;
- (h) The principal use of any structure shall be residential;
- (i) No on site advertising will be permitted other than one sign no larger than six (6) square feet stating the name and/or number of the residence (pursuant to Article 8);
- (j) No walk-in guests shall be permitted; and
- (k) Use must be specifically requested and may be granted by the BZA after review of all facts and public hearing.

6-3.5 Minimum Area, Yard, Lot Coverage, and Height Requirements:

- (1) Minimum area for first residential unit: 6,000 square feet.
- (2) Minimum area for each additional residential unit: 2,500 square feet.*
- (3) Minimum area for other permitted principal uses and special exceptions: 10,000 square feet.

- (4) Maximum lot coverage by buildings: 30%.
- (5) Minimum lot width: 50 feet.
- (6) Minimum front yard: 25 feet.
- (7) Minimum side yard: 5 feet for first story and 3 feet for each additional story or part thereof.
- (8) Minimum rear yard: 25 feet.
- (9) Maximum height of structures: 35 feet.**

*See Section 7-3.3 for group housing regulations.

**See Sections 5-9 and 7-12 for exceptions to height limitations.

6-4 RO RESIDENTIAL OFFICE DISTRICT

6-4.1 Intent: This district is intended to permit either high density residential, small scale retail, or office uses or a compatible mixture of these uses and to discourage encroachment by intensive retail uses capable of adversely affecting the specialized commercial, institutional, and housing character of the district. This district is intended for application in areas undergoing transition from residential to commercial uses and is intended to accomplish that transition with a minimum of conflict between uses and is to act as a buffer between residential and general commercial zones.

6-4.2 Permitted Principal Uses and Structures:

- (1) Child Daycare facilities subject to the requirements of Section 7-8.
- (2) See Chart.

6-4.3 Permitted Accessory Uses and Structures:

- (1) All accessory uses and structures permitted in the R-2 District.
- (2) Dwelling units in connection with other permitted or permissible uses or structures if located on the same premises therewith for occupancy only by owners or employees thereof.
- (3) Parking area and lots of uses permitted in this district, subject to the provisions of Section 7-1.

6-4.4

Special Exceptions Permissible by the Board of Zoning Appeals:

After public notice and hearing before the Board of Zoning Appeals, the Board may permit as special exceptions subject to appropriate conditions and safeguards:

- (1) Public utilities, transformer stations, water tanks and towers, electrical transmission lines and towers, telephone exchanges with no vehicles or equipment stored on the premises, subject to the height requirements of Section 5-9.
- (2) See chart.

For each of these special exceptions, the Board of Zoning Appeals shall consider:

- (a) Existing zoning and characteristics of development in adjacent areas.
- (b) Potential effect of such establishments on traffic flow characteristics of adjacent streets.
- (c) Ingress, egress, parking, circulation, and site design of the proposed use.
- (d) Potentially adverse characteristics of lighting and other characteristics of operation and use of adjacent property.

And after so doing so shall impose such conditions and safeguards as deemed appropriate to protect adjacent properties from potentially incompatible characteristics of use, to preserve efficient traffic flow on public streets, and otherwise fulfill the intent of this ordinance.

For Special Exception of a Bed and Breakfast, the Board of Zoning Appeals, shall as a minimum, require the following considerations:

- (a) The proposed use of the property will not adversely affect the immediate neighborhood;
- (b) The proposed use of the property will not create noise, light, or traffic conditions detrimental to the neighboring residents or properties;
- (c) No exterior alterations or additions other than those necessary to assure safety of the structure (provided they would not damage the National Register status) shall be made to any building for the purpose of providing a bed and breakfast inn;
- (d) Meals, if provided, may be served only to overnight guests;
- (e) No more than five (5) bedrooms in a residence may be rented for this purpose and the number of rooms must be specified in the request and in the permit;
- (f) The resident owner shall keep a current guest register to include names, addresses, and dates of occupancy of all guests;
- (g) The resident owner shall comply with all tax, business license and revenue collection ordinances of the Town of Winnsboro and the State

- of South Carolina, any necessary health certificates and applicable DHEC regulations, and all applicable Fairfield County building codes;
- (h) The principal use of any structure shall be residential;
 - (i) No on site advertising will be permitted other than one sign no larger than six (6) square feet stating the name and/or number of the residence (pursuant to Article 8);
 - (j) No walk-in guests shall be permitted; and
 - (k) Use must be specifically requested and may be granted by the BZA after review of all facts and public hearing.

6-4.5 Minimum Area, Yard, Lot Coverage and Height Requirements:

- (1) Minimum area for first residential unit: 6,000 square feet.
- (2) Minimum area for each additional residential unit: 2,500 square feet.*
- (3) Minimum area for other permitted principal uses and special exceptions: 10,000 square feet.
- (4) Maximum lot coverage by buildings: 30%.
- (5) Minimum lot width: 50 feet.
- (6) Minimum front yard: 25 feet.
- (7) Minimum side yard: 5 feet for first story and 3 feet for each additional story or part thereof.
- (8) Minimum rear yard: 25 feet.
- (9) Maximum height of structures: 35 feet.**

*See Section 7-3.3 for group housing regulations.

**See Sections 5-9 and 7-12 for exceptions to height limitations.

6-5 C-1 PRINCIPAL COMMERCIAL DISTRICT

6-5.1 Intent: To provide a district for principal retail and office uses which serve the entire community and trade area. Since the principal commercial district of the Town serves a unique and special function, it is the intent of this Ordinance that the C-1 district classification be applied to one contiguous and continuous area.

6-5.2 Permitted Principal Uses and Structures:

- (1) Public utilities, transformer stations, water tanks and towers, electrical transmission lines and towers, and telephone exchanges, subject to the height requirements of Section 5-9.
- (2) Child Daycare facilities subject to the requirements of Section 7-8.
- (3) See Chart.

6-5.3 Permitted Accessory Uses and Structures:

- (1) Accessory structures and uses which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
- (2) Storage yards for permitted uses are permitted but must meet the screening requirements of Section 7-9.
- (3) Signs subject to the provisions of Article 8.

6-5.4 Special Exceptions Permissible by the Board of Zoning Appeals:

After public notice and hearing before the Board of Zoning Appeals, the Board may permit as special exceptions subject to appropriate conditions and safeguards.

- (1) Historic sites and structures, located on the same premises therewith for occupancy only by owners or employees thereof.
- (2) Dwelling units in connection with permitted or permissible uses or structures, located on the same premises therewith for occupancy only by owners or employees thereof. At the time of the approval of the revision of this ordinance, existing employer/employee occupancies previously permitted will be grandfathered, however, all future residential occupancy by owners or their employees of dwelling units within businesses in the Principal Commercial District (C-1) will require special exception consideration and approval by the Board of Zoning Appeals. Additionally, while any existing employer/employee occupancies will be grandfathered, any changes of ownership or usage of the business, changes in the existing occupants, increases in the number of occupants, or any other changes in the current existing employer/employee occupancy relationship will require the owner to apply for a Special Exception as outlined in this Section (6-5.4.)
- (3) Residential over commercial: the provisions of this Article shall apply to conforming businesses within the Principal Commercial District (C-1) for the establishment, operation and maintenance of

a Residential over commercial initiative. The purpose of this Article is to promote the general economic development and atmosphere of the C-1 District and other areas for the benefit of all businesses and citizens located within the town. Residential over commercial uses are allowed within the Principal Commercial District (C-1) as part of a larger, mixed-use development and not as a stand-alone principal use.

Conditions:

- a. Residential components may not exceed 50% of the total gross floor area.
- b. Residential units may only be located on the upper floors of the commercial buildings. No units are located on street level or within a basement.
- c. One parking space is provided for each dwelling unit.
- d. Units must have a means of egress separate from the commercial use. No access to the units shall be through a commercial establishment.
- e. All units must meet the minimum requirements of the building and health codes for habitable space.

(4) See Chart

For each of these special exceptions, the Board of Zoning Appeals shall consider:

- (a) Existing zoning and characteristics of development in adjacent areas.
- (b) Potential effect of such establishments on traffic flow characteristics of adjacent streets.
- (c) Ingress, egress, parking, circulation, and site design of the proposed use.
- (d) Potentially adverse characteristics of lighting and other characteristics of operation and use of adjacent property.

and after so doing so shall impose such conditions and safeguards as deemed appropriate to protect adjacent properties from potentially incompatible characteristics of use, to preserve efficient traffic flow on public streets, and otherwise fulfill the intent of this ordinance.

6-5.5

Minimum Area, Yard, and Height Requirements:

- (1) Minimum lot area: No minimum except as needed to meet other requirements herein.
- (2) Maximum lot coverage by all buildings: No maximum except as needed to meet other requirements herein.
- (3) Minimum lot width: No minimum except as needed to meet other requirements herein.

- (4) Minimum front yard: No minimum except as needed to meet other requirements herein.
- (5) Minimum side yard: No minimum except as needed to meet other requirements herein except that if a side yard is provided, it shall not be less than three (3) feet in width.
- (6) Minimum rear yard: No minimum except as needed to meet other requirements herein.
- (7) Maximum height of structures: 45 feet.*

*See Sections 5-9 and 7-12 for exceptions to height limitations.

6-6 C-2 GENERAL COMMERCIAL DISTRICT

6-6.1 Intent: This district is intended to accommodate a variety of general commercial and non-residential uses which are not oriented to the downtown area.

6-6.2 Permitted Principal Uses and Structures:

See Chart.

6-6.3 Permitted Accessory Uses and Structures:

Any accessory use permitted in the C-1 district.

6-6.4 Special Exceptions Permissible by the Board of Zoning Appeals:

After public notice and hearing before the Board of Zoning Appeals, the Board may permit as special exceptions subject to appropriate conditions and safeguards:

- (1) Historic sites and structures, located on the same premises therewith for occupancy only by owners or employees thereof.
- (2) See chart

For each of these special exceptions, the Board of Zoning Appeals shall consider:

- (a) Existing zoning and characteristics of development in adjacent areas.
- (b) Potential effect of such establishments on traffic flow characteristics of adjacent streets.

- (c) Ingress, egress, parking, circulation, and site design of the proposed use.
- (d) Potentially adverse characteristics of lighting and other characteristics of operation and use of adjacent property.

and after so doing so shall impose such conditions and safeguards as deemed appropriate to protect adjacent properties from potentially incompatible characteristics of use, to preserve efficient traffic flow on public streets, and otherwise fulfill the intent of this ordinance.

6-6.5 Minimum Area, Yard, Lot Coverage and Height Requirements:

- (1) Minimum lot area: 10,000 square feet.
- (2) Maximum lot coverage by all buildings: 40%.
- (3) Minimum lot width: 50 feet.
- (4) Minimum front yard: 25 feet.
- (5) Minimum side yard: No minimum except as needed to meet other requirements herein except that if a side yard is provided, it shall not be less than five (5) feet in width.
- (6) Minimum rear yard: 20 feet.
- (7) Maximum height of structures: 45 feet.*

*See Sections 5-9 and 7-12 for exceptions to height limitations.

6-7 I-1 GENERAL INDUSTRIAL DISTRICT

6-7.1 Intent: This district is intended to accommodate industrial uses which do not create excessive noise, odors, or smoke, and do not possess other objectionable characteristics, and which do not have undue detrimental effects upon adjoining prosperities; to create and protect efficient industrial areas; to provide a proper relationship between industrial areas and adjoining land uses; to assure the careful design, placement, and grouping of industrial uses; to provide for area and setback requirements; and for other purposes.

6-7.2 Permitted Principal Uses and Structures:

- (1) Public utilities, transformer stations, water tanks and towers, electrical transmission lines and towers, and telephone exchanges, subject to the height requirements of Section 5-9.

- (2) See Chart.

6-7.3 Permitted Accessory Uses and Structures:

- (1) Parking for uses located herein.
- (2) Signs.
- (3) Retail outlets for goods manufactured on the premises thereof.
- (4) Offices for use by a permitted use.

6-7.4 Special Exceptions Permissible by the Board of Zoning Appeals:

After public notice and hearing before the Board of Zoning Appeals, the Board may permit as special exceptions subject to appropriate conditions and safeguards:

- (1) Historic sites and structures, located on the same premises therewith for occupancy only by owners or employees thereof.
- (2) See chart

For each of these special exceptions, the Board of Zoning Appeals shall consider:

- (a) Existing zoning and characteristics of development in adjacent areas.
- (b) Potential effect of such establishments on traffic flow characteristics of adjacent streets.
- (c) Ingress, egress, parking, circulation, and site design of the proposed use.
- (d) Potentially adverse characteristics of lighting and other characteristics of operation and use of adjacent property.

and after so doing so shall impose such conditions and safeguards as deemed appropriate to protect adjacent properties from potentially incompatible characteristics of use, to preserve efficient traffic flow on public streets, and otherwise fulfill the intent of this ordinance.

6-7.5 Minimum Area, Yard, and Height Requirements:

- (1) Minimum lot area: 10,000 square feet.
- (2) Maximum lot coverage by all buildings: No maximum except as needed to meet other requirements herein.
- (3) Minimum lot width: 100 feet.

- (4) Minimum front yard: 25 feet.
- (5) Minimum side yard: No minimum except as needed to meet other requirements herein except that if a side yard is provided, it shall not be less than three (3) feet in width.
- (6) Minimum rear yard: No minimum except as needed to meet the other requirements herein.
- (7) Maximum height of structures: 45 feet.*

*See Sections 5-9 and 7-12 for exceptions to height limitations.

6-8 PPD - PLANNED DEVELOPMENT DISTRICT

6-8.1 Intent: The intent for planned development districts (also called planned unit developments) 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 permitted uses, but only subject to 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 of interest in the development of such sites that they will adhere to development policies which will fulfill the intent of this Ordinance.

6-8.2 Types of Planned Development Districts: Three types of planned development districts accommodating primarily residential or nonresidential uses are created as follows:

- (1) PD-R Planned Development – Residential:
The PD-R district is intended to accommodate primarily residential uses, with nonresidential uses integrated into the design of such districts as secondary uses.
- (2) PD-C Planned Development – Commercial:
The PD-C is intended to accommodate primarily non-residential uses, with residential uses integrated into the design of such districts as secondary uses.
- (3) PD-M Planned Development – Mixed Use:

The PD-M is intended to accommodate a variety of mixed uses, with both residential and commercial uses integrated into a design which follows neo-traditional neighborhood design standards where both types of uses of such district are primarily uses typically on the same lot.

Intent: The types of residential dwelling units, and the types of non-residential uses allowed to be established in such districts increase with the 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 uses within such planned development districts with uses in adjacent districts.

It is the intent of the Ordinance that such design and planning features be incorporated properly into any PD 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.

6-8.3 Permitted Principal Uses and Structure:

Permitted principal uses and structures vary with increasing size and are different PD-R, PD-C, and PD-M districts. Such uses are permitted as per the uses enumerated for specific districts in Sections 6-1 through 6-7 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 PD districts are as follows:

Site size in acres	PD-R Uses permitted as for the following districts:	PD-C Uses permitted as the following districts:	PD-M Uses permitted as for the following districts:
2 but less than 4...	R-3, R-2	C-1, RO	R-3, RO, C-1
4 but less than 8...	R-3, R-2	C-1, RO	R-3, R-2, RO, C-1
8 but less than 15...	R-3, R-2, R-1	C-1, R-3, RO	R-3, R-2, RO, C-1
15 but less than 25.	R-3, R-2, R-1, RO	C-1, R-3, RO	All districts except I-1
25 or more....	R-3, R-2, RO, C-1	All districts	All districts

6-8.4 Maximum Area of Commercial or Industrial Uses in PD-R Districts:

In PD-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 PDD at any time. In addition, in PD-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 percentages listed below as related to total PD site size at any time.

Total PD Size in Acres	Maximum Percentage of Gross Floor Area and Maximum Percentage of Site Area for Commercial or Industrial Structures and Uses
8 but less than 15	5
15 but less than 25	15
25 or more	30

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.

6-8.5 Permitted Accessory Uses and Structures: Accessory uses and structures shall be permitted as for the least restrictive districts indicated in

6-8.6 Special Exceptions Permissible by the Board of Zoning Appeals: No special exception actions are required to establish any specific use. Uses and structures permitted in the least restrictive districts indicated in Section 6-8.3 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 as listed in Section 6-1 through 6-7 will substantially be met by the terms of the proposed planned development district.

6-8.7 Minimum Area, Yard, and Height Requirements:

- (1) Minimum Area: No minimum lot area is required for any specific structure, however, minimum site size to accommodate specific uses shall be as listed in Section 6-8.3.
- (2) Minimum lot width, minimum yard requirements, maximum lot coverage, and maximum height of structures: Minimum setbacks, minimum lot width, minimum yard sizes, maximum lot coverage, and maximum height are not regulated within PD 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.

6-8.8 Minimum Off-Street Parking and Loading: Off-Street parking and loading requirements as set forth in Article 7 shall be met as for the least restrictive districts indicated in Section 6-8.3 for any specific site size.

6-8.9 Signs: Signs are permitted in PD districts only in accordance with provisions of Article 8 “Regulation of Signs” as for the least restrictive districts indicated in Section 6-8.3 for any specific site size.

6-8.10 Administrative Application and Review Procedures:

(1) **General:** The establishment of a PD 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 PD district shall be subject to the provisions of Article 9 “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 development district upon the community at large. The provisions of the PD 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 PD district classification, by requesting the PDD designation and making application therefor 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 a addition to the specific requirements set forth herein, and that guarantee of meeting the minimum requirements set forth herein does not per se create an indication that an applicant 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 prior to initiating an Application for Amendment in order to avoid undue delay in the review process after initiating such application, and in order to facilitate review of materials which may be in 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 PDD classification as specific by
- (4) **Site Development Plans to be Submitted to 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 Land Development Regulations of the Town of Winnsboro, South Carolina, and in addition shall show locations of development, drawn approximately to scale, and in addition shall indicate the proposed uses of all such buildings, 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 development district.

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 Section 6-8.4.
- 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 Section 6-8.8.
- 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 or 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.

(6) Planning Commission and Town Council Hearing: A public hearing shall be held in accordance with procedures set forth in Article 9, 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 9 are applicable if the Planning Commission should fail to report within the time limit established by Article 9.

(8) Town Council Approval: The Town Council may, after fulfilling all applicable requirements of this Section and all applicable requirements of Article 9, 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 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 Fairfield County plats showing all proposed features of the planned development district as approved by the Town Council which approval 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 development district, and recorded such agreement with the Town Clerk and with the Register of Mesne Conveyances of Fairfield County.
- c. Recorded with the Register of Mesne Conveyances of Fairfield County all required deed restrictions or other restrictive covenants as required by the Town Council upon approval of the amendment establishing the planned development
- d. Recorded with the Town Clerk and with the Register of Mesne Conveyances of Fairfield 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.

- e. Completed the posting of a bond or giving of other surety that adequate progress will be made in developing the project as may be required by Section 6-8.12 below.

6-8.11

Changes of Plans for Planned Development District: Changes which do not require changes of the boundaries of an established PD district or establishment of a new PD district are not considered amendments to the Zoning Ordinance. Any change in boundary of such PD district shall be accomplished only by following procedures set forth in Article 9 herein. Changes in the approved characteristics or agreements relating to a PD 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 development district, 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 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 development shall follow the same procedural requirements as for the amendment originally establishing the planned development district, including Planning Commission review, public hearing, and Town Council determination, as set forth in Article 9 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 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 been duly recorded as for the original documents recorded as set forth in Section 6-8.10 (9) above.

6-8.12 Failure to Begin, 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 construction statement will be materially adhered to in order to guarantee construction of streets, utilities, and other facilities and amenities or to allow for rectification of improper development characteristics such as failure to develop areas designated as common open 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 the district classification of the planned development in accordance with provisions of Article 9, and thus terminated 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 10 or any appropriate combination of the above remedies may be taken.

6-8.13 Terms of this Section to Prevail: In case of any conflict of the terms of Section 6-8 with terms of other sections of this Ordinance, the terms of Section 6-8 shall prevail.

6-9 DESIGN OVERLAY DISTRICTS

The Board of Architectural Review shall have purview over all proposed new developments, and over all alterations and/or additions (excluding normal maintenance and repair of an internal nature) to existing developments which have a visual impact from the corridor, located on land which lies within the rights-of-way and within all zoning districts which abut each side of the rights-of-way of the following commercial corridors, herein defined as “Design Overlay Districts”, currently within town limits.

- (1) Congress Street
- (2) Historic District (as defined by the Historical Society of Fairfield County)

The boundaries of the design overlay districts shall be shown on the official zoning map.

6-9.1 Architectural Design Review Guidelines

The architectural compatibility and aesthetic harmony of structures located along designated thoroughfares, defined as “Designed Overlay Districts,” are of critical importance in protecting and promoting the appearance, character, and economic value of land, in addition to protecting the public

from the impact of adverse visual experiences. The intent of the Architectural Review process is to assure respect for the character, integrity, and quality of the built and natural environment environments of the Town of Winnsboro it is not intended to stifle innovative architecture.

- (A) Proposed development shall avoid excessive or unsightly grading, indiscriminate earth moving or clearing, and removal of trees and vegetation which could cause disruption of natural water courses or disfigure natural land forms.
- (B) Proposed development shall be located and configured in a visually harmonious manner with the terrain and vegetation of the subject parcel and with that of adjacent parcels. Proposed structures shall be designed in visual harmony with existing structures as well.
- (C) Where it is reasonably practical, proposed structures shall not impede scenic views from the main road, from existing structures, or from natural settings.
- (D) Proposed structures will contribute to the establishment of the image of the Town of Winnsboro as a unique place of visual character, integrity, and quality. Proposed structures of inferior architectural design and/or material composition shall not be permitted.
- (E) Although maximum lot coverage and height restrictions, and special site requirements defined for particular zoning categories in the Winnsboro Zoning Ordinance shall be preserved, proposed structures shall not dominate, in an incompatible manner, an adjacent building, nor surrounding general development, which is substantially in compliance with this article.
- (F) There shall be an overall maximum 35 foot front setback along the street right-of-way. Emphasis shall be placed on maintaining prevailing setbacks of existing structures on the block. No new structures shall have smaller setbacks from the street than adjacent structures do.
- (G) In reviewing a proposed structure, specific consideration shall be given to its compatibility with adjacent structures where such structures are substantially in compliance with these sections.
- (H) Materials shall be compatible with other permitted visible materials already in use in nearby areas of the Design Overlay District. Use of low maintenance materials is encouraged, such as

brick, glass, and aluminum storefront materials. In pedestrian oriented areas, non-reflective, non-mirror glass should be used.

- (I) Materials shall express their function clearly and honestly and shall not appear as materials which are foreign to the character of the rest of the building. For example, on a façade, materials that appear heavy, such as brick, shall not be used above materials that appear light, such as wood.
- (J) Entrances should receive architectural emphasis with at least one primary entrance of structures fronting the street shall be oriented to Wilson Road. Walkways shall be provided between the building entrance and the sidewalk, and shall be as wide as the entrance they lead to.
- (K) All elevations of a structure shall be architecturally harmonious with the front elevation and one another in terms of scale, proportion, detail, material, color, and high design quality, especially when those side or rear elevations are most often viewed by the public. Rooflines and architectural detailing shall present a consistency in design.
- (L) Any building exterior elevation shall consist of architectural materials which are equal in quality, appearance, and detail to all other exterior elevations of the same structure. Nothing in this section shall preclude the use of different materials on different exterior elevations of the same structure so long as those materials maintain the architectural unity and integrity of the entire structure.
- (M) No portion of a building constructed of unadorned concrete masonry unit's metal siding shall be visible in any manner from adjoining developed properties, from existing public rights-of-ways, or from adjoining properties which are eligible for future development.
- (N) Color combinations of paints or stains shall be harmonious. In no case shall garish colors be permitted.
- (O) All structures within a proposed development, including gasoline canopies, which utilize a uniform architectural theme and shall be designed to create a harmonious whole. It is not to be inferred that buildings must look alike to achieve a harmony of design. Harmony of design can be created through proper considerations of scale, proportion, detail, materials, color, site planning, and landscaping.

- (P) The scale of buildings and accessory structures (including canopies) shall be appropriate to the scale of structures located in the adjacent area. Canopies designed as domineering or overpowering architectural features are strongly discouraged.
- (Q) The architectural design and material finish of buildings, signage, gasoline pump canopies, and other necessary structures shall be compatible with one another and with adjacent structures where such structures are substantially in compliance with these sections.
- (R) Mechanical equipment, whether ground level, raised, or roof-top, shall be shielded and screened from public view, and designed to be perceived as an integral part of the building.
- (S) Structures shall be oriented so that loading areas are in no manner visible from residential districts, from existing public rights-of-way or from planned future public rights-of-way. Loading areas may be oriented toward adjoining developed properties which are commercially zoned or toward adjoining properties eligible for future commercial development if and only if they are entirely screened from view by the use of fencing which is compatible with the overall architectural scheme of the project and/or are appropriately landscaped.
- (T) Signs shall comply with the Winnsboro sign regulations and shall maintain compatibility with the architectural features of the structure.
- (U) Buildings must be maintained in a neat, clean, and orderly fashion. Paint on painted surfaces must be fresh and unpainted surfaces must be kept clean. The Board of Architectural Review shall assure that properties are maintained in accordance with the spirit and intent of this ordinance.

6-9.2

Landscaping Design Review Guidelines

A comprehensive landscaping program for each individual lot or parcel located within the Design Overlay District is essential for the protection and promotion of the appearance, character, and economic value of land. Additionally, the purpose and intent of landscaping requirements is to reduce the visibility of paved areas from adjacent properties and streets, moderate climatic effects, minimize noise and glare, and enhance public safety by defining spaces to influence traffic movement. Landscaping will reduce the amount of storm water runoff and provide transition between neighboring properties.

- (A) Emphasis shall be placed upon landscaping as a means of achieving beauty in the community. It will be required on all projects, and in some areas it will be the primary tool available.
- (B) Landscape design and planning shall be integrated with the overall project design concept and shall not be considered as merely an afterthought. Toward this end, proposed landscaping will be evaluated in relation to existing natural landscape, and to developed and proposed landscaping, including that existing on adjacent properties and street rights-of-way, and in relation to buildings existing or proposed.
- (C) Each approved application for development shall provide a minimum visual buffer between the development and the right-of-way line of the subject roadway, between all proposed structures and parking areas, and between neighboring developments in accordance with the landscaping requirements of the Winnsboro Zoning Ordinance. The purpose of the minimum visual buffer is to soften the appearance of structures and parking lots from the road, to screen vehicular headlight glare on and off site, to lessen spillover light from on-site lighting, and to enhance the aesthetics of the site.
- (D) No existing vegetation of any type, size or origin shall be altered or removed unless it satisfies the requirements of this ordinance.
- (E) Landscaping shall be required between buildings and sidewalks, and parking lots and driveways. The scale of the proposed landscaping shall be in proportion to the building.
- (F) Shrubbery between buildings and the sidewalk and parking lots and the sidewalk shall be not exceed three feet in height. Planting beds of less than 10 feet in depth shall use a mulch or other ground cover instead of grass.
- (G) Landscaping includes not only trees and plantings, but paving, benches, fountains, exterior lighting fixtures, fences, and any other item of exterior furniture. All items of the landscape are to be selected not only for their functional value but for their aesthetic value, and must compliment the whole.
- (H) All utility lines such as electric, telephone, cable TV, or other similar lines serving individual sites as well as all utility lines necessary within the property shall be placed underground. All junction and access boxes shall be screened with appropriate landscaping. All utility pad fixtures and meters should be shown

on the site plan. The necessity for utility connections, meter boxes, etc., should be recognized and integrated with the architectural elements of the site plan.

- (I)** Parking areas and driveways shall be paved with material which is appropriate to the comprehensive design scheme of the project and to the intensity of use to which parking areas and driveways will be subject.
- (J)** The placement of a proposed development's parking area to the side or rear of a main structure's corridor façade, or within a courtyard surrounded on two or more sides by a proposed structure, is required. The rationale for this guideline is to promote good proportional spatial definition for the Wilson Road area to be accomplished through a reduction in the distance required for a building's setback.
- (K)** Where possible, curb cuts and driveways shall be combined to ensure the traffic handling capacity of area roads. In the Wilson Road Design, connections between and joint use of rear parking lots is encouraged.
- (L)** All exterior lights shall be arranged and installed so that the direct or reflected illumination does not exceed 0.5 foot candles above the background measured at the lot line of any adjoining residential or agricultural parcel. Lighting standards shall be of a directional type capable of shielding the light source from direct view from any adjoining residential or agricultural parcel and public right-of-way.
- (M)** Lighting shall enhance the overall aesthetics of the site and shall provide security for pedestrians and visitors to the area.
- (N)** Lighting shall be compatible with the architectural design of the buildings.
- (O)** Ease of pedestrian access between proposed developments and adjacent developments shall be a required consideration in the development of a proposed project's site and circulation plans.

ARTICLE 7

SUPPLEMENTARY REGULATIONS

7-1 OFF-STREET PARKING REQUIREMENTS

Permanent off-street parking is required in all districts except the C-1 Principal Commercial Districts unless stated otherwise in this Section. Such parking shall be provided in the amount required by this section at the time of erection, alteration, enlargement, establishment or change in use of any building or use.

7-1.1 General requirements: Off-street parking shall be required as listed below for all general uses, except for specific requirements listed in following sections for specific uses or unless modified by requirements of following sections:

- a. The following general uses shall provide one (1) off-street parking space for each 300 square feet of gross floor area:
 - (1) Offices (excluding medical and dental offices) in all districts.
 - (2) Financial institutions in all districts. In addition, a stacking area must be provided for each drive-thru lane providing enough space for five (5) vehicles in each lane.
 - (3) Photography studios, art studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops, establishments for the teaching of music, dancing or other performing arts in all districts.
 - (4) Automobile service stations and automobile repair garages in all districts.
 - (5) Personal service establishments in all districts.
 - (6) Veterinary establishments in all districts.

- b. The following general uses shall provide one (1) off-street parking space for each 600 square feet of gross floor area:
 - (1) Service and repair establishments, excluding automobile service stations and automobile repair garages in all districts.
 - (2) Laboratories in all districts.
 - (3) Private clubs and lodges in all districts.
 - (4) Veterinary establishments in all districts.
 - (5) Wholesaling, warehousing and distribution operations in all districts, of the first 12,000 square feet, one space per 600 square feet of gross floor area, and one (1) space per 900 square feet of gross floor are for any remaining area over 12,000 square feet.
 - (6) Industrial, manufacturing, and processing uses.

- c. Retail stores, retail sales and display rooms in all districts: five (5) spaces per 1000 square feet of gross floor area.
- d. Sit down eating and drinking establishments in all districts, including restaurants, bars, nightclubs, taverns, and lounges shall provide one (1) off-street parking space for every three (3) seats plus one (1) space per employee during the peak shift. Drive-thru restaurants shall provide one (1) space per fifty (50) square feet of gross floor area with a minimum of ten (10) spaces and eleven (11) stacking spaces per drive-thru window, with a minimum of five (5) stacking spaces designated for the ordering station.

7-1.2

Special requirements: The following requirements shall apply to the following specific uses, instead of the general requirements listed above:

- (1) **Dwelling units:**
 - (a) In single family detached structures: 3 spaces per dwelling unit.
 - (b) In all other types of structures housing dwelling units: 2 spaces per dwelling unit, or 1.25 spaces for each 500 square feet of gross floor area, whichever is greater. However, at no time shall this requirement exceed 3 parking spaces per dwelling unit.
- (2) **Elementary schools, junior high or middle schools:** two (2) spaces per classroom plus two (2) spaces per office, plus one (1) space for every five (5) seats of maximum seating capacity in the main assembly room, whichever is greater.
- (3) **Senior high schools, business schools, vocational schools:** Four (4) spaces per classroom plus two (2) spaces per office plus one (1) space for every five (5) seats of maximum seating capacity in the main assembly room.
- (4) **Colleges and universities:** Required parking shall be based upon the uses of each individual structure as required for structures not in connection with colleges and universities. Classrooms shall be considered as in (3) above.
- (5) **Churches, auditoriums, commercial recreation establishments, other places of public assembly excluding motion picture theaters:** One (1) space for every four (4) seats of maximum capacity in the main assembly room.
- (6) **Motion picture theaters:** One (1) space for every 3 seats.
- (7) **Bowling alleys:** Five (5) spaces for each bowling alley.
- (8) **Hotels, motels, rooming and boarding houses:** One (1) space for each rental unit, plus one (1) space for every three (3) employees.
- (9) **Rooming and boarding houses:** Two (2) spaces plus one (1) space for each rental unit.

- (10) **Bed and Breakfasts:** Two (2) spaces plus one (1) space per room for rent.
- (11) **Hospitals:** One space for each two patient beds.
- (12) **Nursing homes, convalescent homes, and similar instructions:** One space for each patient bed.
- (13) **Medical and dental offices, clinics:** One (1) space for each 150 square feet of gross floor space.
- (14) **Home occupations:** In addition to spaces required for dwelling units, one (1) space for each 200 square feet of floor space utilized in connection with such home occupations.
- (15) **Funeral homes:** Five (5) spaces plus one space for each (2) seats of maximum seating capacity in the main assembly room, or one (1) space for each 300 square feet of gross floor area, whichever is greater.

7-1.3

Modifications to Above General and Specific Requirements:

- (1) Reduction of required parking for residential facilities intended for occupancy by the elderly. The Board of Zoning Appeals may, as a special exception, after notice and hearing, and subject to appropriate safeguards and conditions, grant a reduction in off-street parking requirements of not more than fifty (50) percent of that generally required for such facilities, provided that adequate land is available for future expansion to accommodate the generally required amount of parking and that the site design of such reduced parking area will facilitate future expansion if such is required.
- (2) Reduction of required off-street parking for industrial, processing, storage, warehousing, distribution, or wholesaling uses: The Board of Zoning Appeals may, as a special exception, after notice and hearing, and subject to appropriate safeguards, and conditions, grant a reduction of not more than fifty (50) percent in the amount of parking required for industrial, processing, storage, warehousing, distribution, or wholesaling uses located in I-1 district if such action appears to be reasonably justified as based upon employment levels and characteristics of operation of such uses.
- (3) Reduction of required off-street parking for drive-in facilities other Appeals may, as a special exception, after notice and hearing, and subject to appropriate safeguards, and conditions, grant a reduction of not more than fifty (50) percent in the generally required off-street parking for facilities offering drive-in service to customers or patrons provided that:

- (a) The applicant for such special exception demonstrates that the installation of drive-in facilities will reduce customer or patron parking requirements in direct ratio to the number of off-street parking spaces proposed to be eliminated.
- (b) That adequate off-street parking will remain to accommodate employees.

- (4) **Requirements for Combined Facilities:** Combined Facilities -- The off-street parking facilities required of two or more uses located on the same Building Site may be combined and used jointly; provided, however, that where the facilities are combined and used jointly by two or more uses having different standards for determining the amount of facilities required, the off-street parking facilities shall be adequate in area to provide the sum total of the facilities required of all such uses provided, further, that where the facilities are combined and used jointly by two or more uses having the same standard for determining the amount of facilities required, of all such uses, for the purposes of this section, shall be considered as a single unit in determining the amount of off-street parking facilities required.

7-1.4 Other Regulations Relating to Off-Street Parking

- (1) **Required Improvements for Off-Street Parking Areas:** Off-Street parking areas developed to meet minimum requirements of this Ordinance, and all off-street parking facilities located within the C-1 Principal commercial District shall be within properly graded, marked and improved parking lots or within parking structures which meet the following standards:
- (a) Drainage and surfacing: They shall be properly graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt and maintained in good condition free of weeds, dust, trash, and debris;
 - (b) Wheel Guards: They shall be provided with wheel guards or bumper guards, so located that no part of parked vehicles will extend beyond the parking space;
 - (c) Protective barriers of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or night, by the movement of vehicles;
 - (d) Lighting: Facilities shall be so arranged that the source of light is concealed from public view and from adjacent residential properties and does not interfere with traffic;
 - (e) Entrances and Exits: They shall be provided with entrances and exits so located as to minimize traffic congestion;

(f) Prohibition of Other Uses: They shall not be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials, or supplies.

(2) Design of Parking Area:

All off-street parking areas with the exception of parking areas for one and two family detached dwellings shall be so designed that no maneuvering incidental to parking shall be on any public street and so that an automobile may be parked or unparked without moving any other automobile.

(3) Size of Required Parking Spaces:

For purposes of this Ordinance the minimum size of one parking space shall be nine feet in width and twenty (20) feet in depth plus sufficient areas for access to and maneuvering for parking in any respective space.

(4) Remote Parking Space:

If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the principal use; provided that the owner or authorized agent for the land upon which such remote parking is located shall restrict the use of such parking areas for parking only in connection with the use or structure for which such remote parking is provided, and that such restriction shall be recorded by a declaration of restrictions properly filed with the Register of Mesne Conveyances of Fairfield County, which may be released only by the written consent of the Town of Winnsboro.

(5) Major Recreational Equipment: Not more than one (1) piece of major recreational equipment, per family living on the premises, shall be permitted to be parked on a lot in any residential zone; and the equipment shall not be occupied temporarily or permanently while it is parked or stored, except in an authorized mobile home park.

(6) Parking and Storage of Certain Vehicles:

Automotive vehicles or trailers (excluding trailers not legally required to have licensing) of any kind or type without current license plates shall not be parked on any residentially zoned property other than in completely enclosed buildings. However, one boat or one travel trailer may be stored in the rear yard if they have a current license.

7-2 OFF-STREET LOADING REQUIREMENTS

Every building or structure hereafter erected and used for business, trade, or industry shall provide space as indicated herein for the loading and unloading of vehicles, with access to a public street or alley. Such space shall be so arranged that vehicles shall maneuver for loading and unloading entirely within the property lines of the premises. Off-street loading spaces shall meet the following requirements of size and number:

7-2.1 Retail and service businesses: One space ten (10) feet by twenty-five (25) feet with overhead clearance of fourteen (14) feet for each twenty thousand (20,000) square feet of gross floor area or fraction thereof.

7-2.2 Wholesale and industrial uses: One space ten (10) feet by fifty (50) feet with fourteen (14) feet overhead clearance, as follows:

<u>Square feet of gross floor area in structure</u>	<u>Number of berths</u>
0 - 25,000	1
25,000 - 40,000	2
40,000 - 100,000	3
100,000 - 160,000	4
160,000 - 240,000	5
240,000 - 320,000	6
320,000 - 400,000	7
Each 90,000 and above 400,000	1

7-2.3 Bus and truck terminals: Sufficient spaces to accommodate the maximum number of buses or trucks to be loading, unloading, or stored at the terminal at any one time.

7-3 GROUP DEVELOPMENTS

Group development where permitted must meet the provisions of the Winnsboro Land Development Regulations. Group commercial or industrial districts may be permitted in any commercial or industrial zone, subject to the provisions of the Winnsboro Land Development Regulations.

7-3.1 Types of Group Developments:

(1) **Group commercial or industrial developments** consist of more than one commercial or industrial structure erected on a single lot.

(2) **Group housing developments consist of:**

- (a) Any structure containing more than four dwelling units on the first floor level thereof or containing more than eight dwelling units throughout.
- (b) More than one structure containing dwelling units erected on a single lot.

7-3.2

Regulation of Group Commercial or Industrial Developments:

Group commercial or industrial developments may be established in any district provided that:

- (1) They house only permitted or permissible uses for the district in which they are located.
- (2) They meet all lot, yard, and other requirements of this Ordinance.
- (3) Off-street parking facilities established in connection with such developments shall be reviewed by the Planning Commission to see that the design, location and arrangement will not interfere with the efficient flow of traffic and with the access of emergency or service vehicles.
- (4) They are reviewed by the Planning Commission. Before the Zoning Administrator may act on any proposal for a zoning permit for the construction or enlargement of any group commercial or industrial development, the Planning Commission shall review site plans, descriptions and other such materials as set forth in Section V, Large Scale Development, of the Winnsboro Subdivision Regulations in order to determine that the requirements of that ordinance will be met by the proposed development and further shall find that such development is in harmony with the intent and purposes of this ordinance and shall certify such findings to the Zoning Administrator. In the event that the Planning Commission shall fail to report its findings to the Zoning Administrator within sixty days from the time that all required materials are submitted, the Zoning Administrator may act upon such proposal as if the Planning Commission had reported favorably on all aspects thereof.

7-3.3

Regulations of Group Housing Developments:

- (1) **Establishment:** Group housing developments may be established as follows:
 - a. Containing single family detached dwellings only in R-1 districts.
 - b. Containing single family detached dwelling or duplexes only in R-2 districts.

c. Containing single family detached dwellings, duplexes, or multi-family dwellings in R-3 and RO districts.

- (2) **Lot Area Per Dwelling Unit:** A group housing development shall conform to the minimum lot area per dwelling unit of the district in which it is located, provided however, that any group housing development containing more than one structure shall have lot area of at least 20,000 square feet.
- (3) **Street Access:** Any building established in connection with such group housing development which does not face directly on a public street shall be provided with access to a public street by a paved driveway having a pavement width of not less than twelve (12) feet in width for a one-way street and twenty (20) feet in width for two-way streets. These pavement widths are exclusive of parking spaces.
- (4) **Setback Requirements:** Unless otherwise provided by this Ordinance, all buildings and structures established in connection with such development shall comply with the front yard setbacks established for the district in which located and shall be set back not less than twenty (20) feet from any side or rear property line. Parking facilities or driveways shall not be permitted in the side and rear yard setbacks for a distance of ten (10) feet from the property line.
- (5) **Orientation of Yards:** The orientation of yards for structures within group housing developments shall be based upon the orientation of the lot and upon the orientation of individual structures, as further set forth in Section 5-12.4.
- (6) **Spacing Between Buildings:** All buildings shall be at least 20 feet apart; but at least 40 feet apart when front-to-front or rear-to-rear and one hundred (100) feet when front-to-rear.
- (7) **Uses Prohibited:** In no case shall a use be permitted in connection with such development that is prohibited by this Ordinance in the district in which such group housing development is to be located.
- (8) **Off-Street Parking Facilities:** Off-street facilities established in connection with such developments shall be of such design, location and arrangement that will not interfere with the efficient flow of traffic through the area and that will not interfere with the access of emergency or service vehicles.

- (9) **Elevators or Escalators:** Any residential structures within a group housing development, or defined as being a group housing development, containing three stories or more above or below the level of the principal entrance shall contain elevators or escalators.
- (10) **Buffer requirements:** The Planning Commission at its discretion may require a buffer between a group housing development and other adjoining uses to mitigate any adverse impact of the development on surrounding uses.
- (11) **Review by Planning Commission:**
 - a. Before the Board of Zoning Appeals may act on any proposal for construction or enlargement of any group housing development requiring special exception therefore, the Planning Commission shall review site plans, descriptions, and other such materials as set forth in the Winnsboro Land Development Regulations in order to determine that the requirements listed above will be met by such proposed development, and further shall find that such development is in harmony with the intent and purposes of this Ordinance and shall certify such findings to the Board of Zoning Appeals. In the event that the Planning Commission shall fail to report its findings to the Board of Zoning Appeals within sixty days from the time that all required materials are submitted, the Board of Zoning Appeals may act upon such proposal as if the Planning Commission had reported favorably on all aspects thereof.
 - b. If the group development is a permitted use in the district, the Planning Commission shall review the same materials as set forth in (a) above and may accept or reject the said proposal.

7-4 MOBILE HOMES

Mobile homes are permitted only in certified mobile home parks, and subject to the following procedures and requirements in addition to those of the Mobile Home Park Regulations:

- 7-4.1 The applicant shall apply for a mobile home permit from the Zoning Administrator prior to moving a mobile home within the town limits and/or the connection of utilities;
- 7-4.2 The mobile home shall meet or exceed all current federal regulations governing design and construction of mobile homes, and shall not be older than five (5) years from date of construction to the date of installation.
- 7-4.3 The permit shall be issued only after advertisement in a newspaper of

general circulation in the Town. This notice shall be placed at least seven (7) days prior to granting the permit;

7-4.4 The applicant shall submit an approved zoning permit to the County Assessor's office for proper moving permits, stickers and payment of any applicable taxes.

7-4.5 The mobile home must subsequently be legally connected with all utilities except gas.

7-5 MANUFACTURED HOMES

7-5.1 DEFINITIONS

A. Manufactured building - Has the following features and characteristics; it is

1. Mass-produced in a factory;
2. Designed and constructed for transportation to a site of installation and use when connected to required utilities; and
3. Either an independent, individual building or a module for combination with other elements to form a building on the site.

NOTE: The term "manufactured building" is not intended to apply to use of prefabricated panels, trusses, plumbing subsystems, or prefabricated sub-elements incorporated in the course of construction of buildings on the site (modular), but only to major elements requiring minor and incidental on-site combination or installation.

B. Manufactured Home - A transportable dwelling unit over 35 feet in length and at least 20 feet in width, designed without a permanent foundation, capable of supporting year-round occupancy, and which may be joined into one unit at the final site of occupancy. The house must be permanently attached to the ground once moved to its site of occupancy and all transportable features used to move the house to the site of occupancy must be removed.

C. Classes of Manufactured Homes:

1. Class A-New manufactured homes certified as meeting the 1974 Federal Manufactured Home Construction and Safety Standards of the Department of Housing and Urban Development

and approved by the Zoning Administrator as meeting “acceptable similarity” appearance standards in accordance with Section 7-5.2(g) of this ordinance.

7-5.2

CLASS “A” MANUFACTURED HOMES – INTENT AND EFFECT OF APPROVAL PROCEDURES; GUIDES AND STANDARDS

- A. **Intent:** It is the intent of these regulations to encourage the provision of moderate and middle income housing in a general residential environment by permitting the use of Class A manufactured homes, as defined herein, in the R-2 and R-3 districts, and the MH Mobile Home Park subject to the requirements and procedures set forth herein to assume acceptable similarity in exterior appearance between such manufactured homes and dwellings that have been or might be constructed under these and other lawful regulations on adjacent lots in the same district.
- B. **Effect of Approval of Class A Manufactured Homes; Limitations:** Manufactured homes approved as Class A, either individually or by specified model, shall be permitted in any district in which similar residential occupancy is permitted, subject to requirements and limitations residential occupancy is permitted, subject to requirements and limitations applying generally to such residential use in the district, including minimum lot, yard, and building-spacing dimensions, percentage of the lot that may be covered by building, transitional provision at district boundaries, and off-street parking requirements, and subject to the following additional requirements and limitations.
- C. **Approved Permanent Foundation and Curtain Wall Required:** No manufactured home shall be placed or occupied for residential use on a separate site in any district permitting the use of Class A manufactured homes, except with a permanent masonry foundation and curtain wall, with proper ventilation.
- D. **Approval of Permanent Foundation and Curtain Wall:** The Zoning Administrator may, on his own initiative, establish general approval for specified types, brands, varieties or design of permanent foundation and brick curtain wall to be used in connection with installation of Class A manufactured homes in areas where such homes are permitted on their own sites. Such general approval shall be based on a determination of acceptable similarity in appearance to foundations for housing built on the site and on durability adequate to preserve such appearance with proper brands, varieties, or designs, the Zoning Administrator shall make similar determinations. Where approval is granted for permanent foundations or brick curtain wall in connection with

applications on individual Class A manufactured homes, the same type, brand, variety, or design shall hereafter be construed to be generally approved. If the Zoning Administrator shall find that a specified type, brand, variety, or design of permanent foundation or brick curtain wall that has been approved fails to preserve acceptable appearance with proper maintenance, he shall order necessary correction and/or shall suspend or remove the type, brand, variety, or design from the generally approved listing, with reasons stated in writing.

- E. **Application for Class A Determination; Material to be Supplied:** Application for approval of manufactured homes as Class A shall be submitted to the Zoning Administrator in such form as he may reasonably require to make determinations. In particular, in addition to such information as is generally required for permits and is necessary for administrative purposes, such application shall include all information necessary to make determination as to their conformity with Standards for Determinations of Acceptable Similarity in Exterior Appearance, Class A Manufactured Homes, including elevation or photographs of all sides of the manufactured home, exterior dimensions, roof slopes, exterior finish, and the like.
- F. **Action by the Zoning Administrator; Time Limitation on Determinations; Nature of Determination:** Within fifteen working days of receipt of the application and all required supporting material, the Zoning Administrator shall notify the applicant of approval, conditional approval, or denial of the application. Conditional approval shall be granted only when the conditions and reason therefor are stated in writing and agreed to by the applicant, and such conditions shall be binding upon the applicant. In case of disapproval, the reasons therefore shall be stated in writing.
- G. **Standards for Determination of Acceptable Similarity of Exterior Appearance; Class A Manufactured Homes:** The following standards shall be used in determination of acceptable similarity in appearance between manufactured homes and residences constructed on the site to assure that such manufactured homes, with permanent foundation or curtain wall approved (as provided at Approval of Permanent Foundation) will be compatible in appearance with site-built housing that has been or may be constructed on adjacent or nearby locations. In addition to meeting the following specific standards, no manufactured home to be approved as Class A shall have an arrangement and appearance of windows and doors or other features or use colors or color combinations that would be incompatible in a neighborhood in which most residences are site-built.

1. Minimum Width of Structure: Minimum width of the manufactured home as assembled on the site shall not be less than 20 feet, measured across the narrowest point.
2. Minimum Roof Pitch, Minimum Eave Overhang, Roofing Materials: The pitch of the main roof shall not be less than 3:12. Minimum overhang of eaves shall be twelve (12) inches. Roofing materials shall consist of one of the following categories: wood, shingle, wood shake, synthetic composite shingle, concrete tile, or any other material may be used that is generally acceptable for site-built housing, if applied in such a manner as to be similar in appearance. Metallic roofing surfaces shall not be permitted on the residential structure or on any garage or carport unless approved by the Town's Building Official.
3. Exterior Siding: Exterior siding shall be made of nonreflective, nonglossy, and nonmetallic materials unless approved by the Town's Building Official. Acceptable siding materials include: vinyl, brick, wood, stucco, stone, or other masonry materials or any combination of these materials or any material that the Town's Building Official deems to meet the intent of this regulation, and which is compatible with surrounding development shall be used.
4. Average Assessed Valuation of Homes Within the Block Immediately Surrounding and Opposite the Proposed Site: The assessed valuation of the manufactured home must be 100% of other homes within the block immediately surrounding and opposite the proposed site for approval.

7-6 MOBILE HOME PARK REGULATION

The Winnsboro Mobile Home Park Ordinance is hereby repealed.

7-6.1 Mobile Home Park: In any district in which mobile home parks are permitted the minimum standards listed below shall apply.

(1) **Definitions:** For purpose of this section, the following terms are defined:

(a) **Mobile Home:** Any vehicle or similar portable structure mounted or design for mounting on wheels, used or intended for use for dwelling purposes, including structural additions, except parked and unoccupied camping type trailers. Any such vehicles or structure shall be deemed to be a mobile home whether or not the wheels have been removed therefrom and

whether or not resting upon a temporary or permanent foundation.

(b) Mobile Home Stand: That part of an individual lot which has been reserved for the placement of a mobile home.

(c) Mobile Home Park: Any premises used or set apart for the purpose of supplying to the public parking space for two or more mobile homes for living and sleeping purposes, and which include any buildings, structures, vehicles, or enclosure used or intended for use as a part of the equipment of such mobile home park.

(d) Property Line: The recorded boundary of a mobile home park.

(2) Area:

(a) The minimum area for a mobile home park shall be two acres.

(b) The maximum number of mobile homes per acre shall not exceed seven.

(c) The minimum mobile home stand shall be at least 4,000 square feet. These stands shall be indicated by permanent flush stakes, markers, or other suitable means at each corner.

(3) Driveways, Walkways and Parking:

(a) All mobile home stands, other than those fronting upon a public street, shall abut upon a private driveway that has a minimum roadway width of 24 feet, exclusive of on-street parking. Such driveway shall be graded in accordance with standards of Fairfield County, shall be well marked and lighted, and shall have unobstructed access to a public street.

(b) In the event such driveway is not a “through street”, it shall have a minimum of 50 foot radius turn-around (cul-de-sac).

(c) A minimum of one automobile parking space shall be provided for each mobile home. The space should be located on or adjacent to the mobile home stand. Concrete curbs or other appropriate and durable car stops shall be installed at the end of all “head-in” parking bays.

(4) Setbacks and Clearances:

- (a) All mobile homes and all buildings or structures within a mobile home park shall have a minimum setback of 25 feet from the park's side or rear property lines and shall comply with the front yard requirements.
- (b) Mobile homes shall be situated on each space so that a minimum setback of at least 15 feet exists between the mobile home stand and any abutting driveway.
- (c) There shall be at least a 20 foot side clearance and a 20 foot end to end clearance between adjacent mobile home stands.
- (d) Accessory structures shall not be erected within five feet of any mobile home stand or within 20 feet of any common building such as offices or laundry facilities.

(5) Drainage, Recreation, Screening and Improvements:

- (a) A mobile home park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant water.
- (b) A safe, useable recreation area shall be conveniently located in each park and shall comprise an area to at least 150 square feet for each mobile home stand.
- (c) Mobile home parks shall be effectively screened along the rear and side property lines by a planting of evergreen trees or shrubs designed to be at least five feet high and four feet deep at maturity. In addition to such planting strip, a wall or fence at least seven (7) feet high, which is designed to provide equivalent screening, shall be provided.
- (d) Construction of the required drives, utilities, mobile home stands, and other improvements shall be completed for at least seven mobile home stands before any part of the park is occupied.

(6) Plot Plan: An application for a permit to develop a mobile home park shall be filed with the Zoning Administrator upon forms supplied from his office. This application, together with five (5) copies of the plot plan drawn at a scale of 1" to 40' or larger, shall show the following:

- (a) The total park area, including the shape and dimensions of the site and a North arrow;

- (b) The location and dimensions of proposed driveways, entrances, exits, and walkways;
- (c) The location and dimensions of mobile home stands and parking areas;
- (d) The method and plan of sewage disposal;
- (e) The plan of water, gas, and electrical supply;
- (f) The location and quantity of refuse receptacles;
- (g) The location of recreation areas, and
- (h) The park screening and landscaping plans.

After the Zoning Administrator has reviewed the permit and plot plan, he shall forward same, together with his written comments to the Planning Commission for review. The Planning Commission will have 30 days in which to make a recommendation.

7-7 HOME OCCUPATIONS

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 or permissible, subject to the following provisions:

- 7-7.1** No person other than members of the family residing on a premises shall be engaged in such occupation.
- 7-7.2** 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;
- 7-7.3** 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, not exceeding two square feet in area, non-illuminated, and mounted flat against the wall of the principal building;
- 7-7.4** The home occupation shall be conducted only within the principal structure;
- 7-7.5** There shall be no sales in connection with such home occupation;

- 7-7.6 No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard, in accordance with Section 7-1.
- 7-7.7 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, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;
- 7-7.8 No outdoor storage shall be allowed in connection with any home occupation;
- 7-7.9 Operation of home occupations shall be limited to the hours between 8:00 a.m. and 8:00 p.m.

7-8 CHILD DAYCARE FACILITY

Child Daycare facilities are permitted in C-1, C-2 and RO districts, subject to the following provisions:

- 7-8.1 **General requirements:** Before granting a special exception for establishment of a child daycare facilities, the Zoning Board of Appeals shall determine that such facility meets the requirements set forth in the South Carolina Department of Social Services “Rules and Regulations Relating to Licensing Day Care Facilities and Child Care Centers.”
- 7-8.2 **Fencing:** A fenced play area of not less than 3,000 square feet shall be provided. Also the number of children in the fenced play area at any time shall not exceed the ratio of one child for every 150 square feet of fenced in the play area. No fence shall be less than five (5) feet in height.
- 7-8.3 **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.
- 7-8.4 **Signs:** Notwithstanding provisions of Article 8 of the Zoning Ordinance, signs in connection with any day nursery or kindergarten located in C-1 or

C-2 districts shall be limited to one sign for each facility, not to exceed two (2) square feet of display area, and not illuminated.

7-8.5 Play Equipment: No play equipment shall be closer than twenty (20) feet to any residential lot line.

7-8.6 Facilities, operation and maintenance shall meet requirements of the appropriate health department.

7-8.7 Additional Conditions: The Board shall determine if additional safeguards and conditions are appropriate in order to protect children accommodated from detrimental characteristics of use of adjacent areas, or to protect adjacent uses from potentially incompatible characteristics arising from such day nurseries and kindergartens.

7-9 YARD SALES, GARAGE SALES, OR RUMMAGE SALES

Yard sales shall not be permitted more than three times per year at one address. No new or used merchandise can be purchased for purposes of resale at a yard sale, garage sale, or rummage sale. The family living in the dwelling unit at the site of the sale may include the merchandise of other families in the sale.

7-10 REQUIRED SEPARATION BETWEEN COMMERCIAL AND/OR INDUSTRIAL AND RESIDENTIAL LOTS

When the rear or side lot lines 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:

7-10.1 The required setback line for buildings on the commercial or industrial lot shall be increased to ten (10) feet from the zoning line of the residential district;

7-10.2 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 which at the end of a two year period would be at least four (4) feet deep and six (6) feet tall, a solid wall or fence at least six (6) feet tall, or any combination of the above offering equal protection. All buffers must be constructed, planted, and maintained so they do not adversely affect utilities.

7-10.3 These provisions shall not apply when the aforesaid side or rear lot lines do not meet due to the presence of an easement, water course or right-of-way greater than twenty-five (25) feet in width. In such cases said

easement, water course or other right-of-way shall be deemed as a sufficient buffer for the purpose of this Ordinance.

7-11 REQUIRED CONCEALMENT OF LIGHTING

Lighting facilities used to illuminate parking areas or for other purposes shall be so arranged that the source of light is concealed from adjacent residential properties and does not interfere with traffic.

7-12 EXCESS HEIGHT

Any principal structure may be erected or altered to a height in excess of that specified for the district in which the structure is located providing that each required front, side, and rear yard is increased one foot for each foot of such excess height, provided, further that where no front yard is required the part of the structure exceeding the height specified for the district shall be set back from the vertical planes of all street lines one foot for each two feet of such excess height.

7-13 CLUSTER HOUSING REGULATIONS

7-13.1 Intent: Is it the intent of these regulations to encourage variety and flexibility in land development and land use for residential areas, subject to the purpose of zoning and the conditions and safeguards which will promote the comprehensive plan; to provide harmonious relationship with surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on existing and planned public facilities; to provide a means of developing areas of physiographic or other physical features to enhance natural beauty and other attributes, and in so doing, to provide for the use of such lands as recreational space for the residents of such developments; to encourage the efficient use of those public facilities required in connection with new residential development; and to encourage innovative design techniques to utilize the environment as a guide to development such as, but not limited to, zero lot lines, party walls, site locations with regard to energy consumption, and other concepts.

7-13.2 Definitions

- (1) **Detached Cluster House:** A single family dwelling unit which has no common wall with any building other than its accessory structure or structures and located on its own individual lot.
- (2) **Attached Cluster House:** A single family dwelling unit in a building that has not less than 2 nor more than 8 single family

housekeeping units intended for owner occupancy which are erected in a row or cluster on adjoining lots, each being separated from the adjoining unit or units by an approved two hour fire wall, and each such building being separated from any other building by space on all sides.

- (3) **Detached Cluster Housing Development:** A minimum of four detached cluster houses.
- (4) **Attached Cluster Housing Development:** A minimum of two attached cluster houses (or principal building).

7-13.3 Zoning Districts Where Allowed: Cluster housing developments are allowed in certain districts as permitted uses or special exceptions. See Article 6 as to where district cluster housing is allowed.

7-13.4 Materials to be submitted for Planning Commission Review: All applicants for Cluster Housing Developments shall submit architectural plans including details such as number, location, and orientation of dwelling units; plat plans, landscaping plans, plans for off-street parking and service areas, ingress and egress arrangements, elevations of all portions of proposed structures, perspective drawings showing the relationship between the proposed structures and between proposed structures and any other adjoining existing structures within fifty feet of the exterior property lines of the proposed Cluster Housing Development area. Also a copy of the legal documentation for land in private ownership, common ownership and public ownership must accompany the application for Planning Commission review. The Planning Commission may require additional information if the members feel there is a need.

7-13.5 Requirements Concerning Planning Commission Review:

- (1) The Zoning Administrator shall issue no zoning permit for the erection of any attached or detached cluster house or any alteration to any cluster house, which (a) increases its height or coverage of land; (b) increases the total number of residential units in the approved cluster housing development; (c) alters the parking requirements or reduces the number of off-street parking spaces; or (d) infringes on the common ownership property or the designated exterior buffer areas along the fringe of the identified cluster housing development until the Planning Commission shall have reviewed the application and documents required to be submitted therewith and reported concerning conformity with the provisions, intent and purposes of this Ordinance.

- (2) Where cluster housing developments are allowed as permitted uses, the site plan must be approved by the Planning Commission prior to the issuance of a building permit. The Planning Commission as a condition of approval may require screening or modifications to the landscaping, parking and circulation plans.
- (3) Where cluster housing developments are allowed as special exceptions, the approval of the site plan must be obtained prior to the consideration by the Board of Zoning Appeals. The Planning Commission as a condition of approval may require screening or modifications to the landscaping, parking and circulation plans.

The screening as determined by the Planning Commission and the placement of curb cuts as approved by the Planning Commission, along with the arrangement of land in private ownership, common ownership and public ownership, are binding upon the Board of Zoning Appeals.

7-13.6 Maximum Dwelling Unit Density for Cluster Housing Developments:

The dwelling unit density of a clustering housing development must not be greater than the following:

REQUIRED LAND AREA PER UNIT EXCLUSIVE OF STREET

ZONING DISTRICT	RIGHTS-OF-WAY
R-1	10,000 square feet per dwelling unit
R-2	6,000 square feet per dwelling unit
R-3 & RO	6,000 square feet for the first dwelling unit and 2,500 square feet for each additional dwelling unit

7-13.7 Minimum Yard Requirements from Exterior Property Lines of Cluster Housing Developments:

DISTANCE FROM:

ZONING DISTRICT	RIGHT-OF-WAY ALONG EXISTING PUBLIC STREET	OTHER EXTERIOR PROPERTY LINES
R-1	30 feet	25 feet

R-2	25 feet	25 feet
R-3 & RO	25 feet	25 feet

7-13.8 Minimum Yard Requirements from New Street Rights-of-Way Within A Cluster Housing Development:

ZONING DISTRICT	MINIMUM REQUIRED YARD	
	Front	Secondary Front
R-1, R-2, R-3, & RO	20 feet	10 feet

7-13.9 Minimum Spacing Between Principal Buildings:

ZONING DISTRICT	FRONT TO FRONT	FRONT TO SIDE	SIDE TO SIDE	REAR TO FRONT	REAR TO SIDE	REAR TO REAR
R-1 & R-2	35'	25'	6'	100'	10'	20'
R-3 & RO	25'	20'	4'	100'	10'	20'

7-13.10 Minimum Required Open Space:

- (1) Open space for the purpose of cluster housing development is defined as follows: That land area in common ownership of the homeowners, exclusive of parking areas and roadways, which is designed to meet the primary objective of supplying passive or active recreation needs.

MINIMUM OPEN SPACE

ZONING DISTRICT	PERCENT OF LAND IN OPEN SPACE IN COMMON OWNERSHIP
R-1	35%
R-2	25%
R-3 & RO	20%

- (2) Maintenance of Opening Space – Recreation area designated for use by the residents of the Cluster Housing Development as generated by the requirements in Section 7-12.10, of this ordinance, shall be maintained either by the developer in perpetuity and a document executed and recorded to that effect, or by a Home Owner’s Association to be set up by the developer in accord with and chartered by the State under the applicable regulations. Such association charter or declaration of incorporation shall be submitted with the Development Plan for approval by the Planning Commission and shall be recorded along with the development plat(s) in the Register of Mesne Conveyances Office.

7-13.11 Minimum Off-Street Parking Spaces:

- (1) Where a Cluster Housing Development is dependent completely on off-street parking grouped in concentrations of greater than four spaces and under common ownership, two off-street parking spaces per dwelling unit;
- (2) Two off-street parking spaces per dwelling unit on an individual privately owned driveway and appropriate visitor parking as determined by the Planning Commission.

7-13.12 Requirements for Streets and Parking Areas:

- (1) All new streets and their rights-of-way must meet the requirements of subdivision streets as stated in the Land Development Regulations and be approved by the Zoning Administrator.
- (2) The quality of paving standards for off-street parking areas containing more than four parking spaces are the same as quality of paving standards for minor residential streets, as set forth in the Land Development Regulations.
- (3) All dwelling units and appropriate community facilities must be provided adequate access to streets meeting the standards of the Land Development Regulations.

7-13.13 Other Lot Requirements:

Notwithstanding other provisions of this ordinance lots within Cluster Housing Developments are not subject to minimum lot area, lot width, lot frontage, or requirements concerning access to a public or private street.

7-14 FENCES

7-14.1 **In any residential district:**

Electric fences, barbed wire fences, or other fences constructed of sharp materials are prohibited in all residential districts, unless the electrified, barbed, or sharp portions of the fence are shielded in such a way that persons on the exterior side of the fence cannot be harmed. Existing fences may be replaced or repaired notwithstanding the requirements listed above.

7-14.2 In non-residential districts adjoining a residential district: When a lot line of a lot used for commercial or industrial purposes adjoins a lot line of a lot zoned or used for residential purposes the commercial or industrial development must set back any barbed wire fence, electrified fence, or fenced constructed of sharp materials at least 12 feet from any such lot line, unless the electrified, barbed, or sharp portions of the fence are shielded in such a way that persons on the exterior side of the fence cannot be harmed. Existing fences may be replaced or repaired, notwithstanding the requirements listed above.

7-15 SEXUALLY ORIENTED BUSINESSES

It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the Town of Winnsboro, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the town. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Similarly, it is not the intent or effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this section to condone or legitimize the distribution of obscene material.

7-15.1. **Definitions**

7-15.1.1. Adult arcade means any place to which the public is permitted or invited within coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “certain sexual activities” or “specified anatomical areas”.

7-15.1.2. **Adult bookstore or adult video store** means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- a.** Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”; or
- b.** Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities”. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe “specified sexual activities” or “specified anatomical areas”.

7-15.1.3. **Adult cabaret** means a night club, bar, restaurant or similar commercial establishment which regularly features:

- a.** Persons who appear in a state of nudity; or
- b.** Live performances which are characterized by the exposure of “specified sexual activities” or “specified anatomical areas”; or
- c.** Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

- 7-15.1.4.** **Adult motel** means a hotel, motel or similar commercial establishment:
- a.** Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of this adult type or photographic reproductions; or
 - b.** Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - c.** Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- 7-15.1.5.** **Adult motion picture theater** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
- 7-15.1.6.** **Adult theater** means a theater concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities”.
- 7-15.1.7.** **Escort** means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- 7-15.1.8.** **Escort Agency** means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- 7-15.1.9.** **Establishment** means and includes any of the following:

- a. The opening or commencement of any sexually oriented business as a new business.
- b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- c. The additions of any sexually oriented business to any other existing sexually oriented business; or
- d. The relocation of any sexually oriented business.

7-15.1.10. **Permittee and/or licensee** means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

7-15.1.11. **Nude Model Studio** means any place where a person who appears in a state of nudity or displays “specified anatomical area” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

7-15.1.12. **Nudity or a state of nudity** means the appearance of a person’s genitals, pubic area, vulva, anus, anal cleft or cleavage of the buttocks, including the portion of the buttocks within four (4) inches on either side of a vertical line extending upward from the anus, or any simulation thereof, or any portion of a female breast below a horizontal line across the top of the areola at its highest point or any simulation thereof. This definition shall include the entire lower portion of the female breast.

7-15.1.13. **Person** means an individual, proprietorship, partnership, corporation, association, or other legal entity.

7-15.1.14. **Semi-nude** means a state of dress in which clothing covers no more than the genitals, pubic region, and exposes the female breast, as well as portions of the body covered by supporting straps or devices.

7-15.1.15. **Sexual encounter center** means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- b. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

7-15.1.16. **Sexual oriented business** means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

7-15.1.17. **Specified anatomical areas** means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

7-15.1.18. **Specified sexual activities** means and includes any of the following:

- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- c. Masturbation, actual or simulated; or
- d. Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

7-15.1.19. **Substantial enlargement** of a sexually oriented business means the increase in floor areas occupied by the business by more than (25) percent, as the floor areas exist on the date this ordinance is adopted.

7-15.1.20. **Transfer of ownership or control** of a sexually oriented business means and includes any of the following:

- a. The sale, lease, or sublease of the business;
- b. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

- c. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

7-15.2. Classification

Sexually oriented businesses are classified as follows:

1. Adult arcades;
2. Adult bookstores or adult video stores;
3. Adult cabarets;
4. Adult motels;
5. Adult motion picture theaters;
6. Adult theaters;
7. Escort agencies;
8. Nude model studios; and
9. Sexual encounter centers.

7-15.3. Permit required

7-15.3.1. A person commits a misdemeanor if he operates a sexually oriented business without a valid permit issued by the town for the particular type of business.

7-15.3.2. An application for a permit must be made on a form provided by the Zoning Administrator. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

7-15.3.3. The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the health department, fire department, and building official.

7-15.3.4. If the person who wishes to operate a sexually oriented business is an individual, that person must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than

an individual, each individual who has a ten (10) percent or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business, each individual having a (10) percent or greater interest in the corporation must sign the application for a permit as applicant.

7-15.3.5. The fact that a person possesses other types of state, county, or city permits and/or licenses does not exempt that person from the requirement of obtaining a sexually oriented business permit.

7-15.4. Issuance of permit and fee.

7-15.4.1. The Town Zoning Administrator shall approve the issuance of a permit to an applicant within thirty (30) days after receipt of an application unless any one or more of the following is found to be true:

- a.** An applicant is under eighteen (18) years of age.
- b.** An applicant or an applicant's spouse is overdue payment to the town for taxes, fees, fines, or penalties assessed or imposed in relation to a sexually oriented business.
- c.** An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application.
- d.** An applicant if residing with a person who has been denied a permit by the town to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
- e.** The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.
- f.** The permit fee required by this ordinance has not been paid.
- g.** An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this ordinance.

- h.** The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

7-15.4.2. The annual fee for a sexually oriented business permit is one thousand dollars (\$1,000) dollars.

7-15.5. Inspection.

An application of permittee shall permit representatives of the sheriff department, health department, fire department, or any town of Winnsboro officials to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business, and it is unlawful to refuse to permit such inspection of the premises at any time it is occupied or open for business.

7-15.6. Expiration of Permit.

7-15.6.1. Each permit shall expire one year from the date of issuance and may be renewed only by making application as provided herein. Application for renewal should be made at least (30) days before the expiration date, and when made less than (30) days before the expiration date, the expiration of the permit will not be affected except for good cause shown.

7-15.6.2. When the zoning administrator denies renewal of a permit, the applicant shall not be issued a permit for one year from the date of denial. If subsequent to denial, the zoning administrator finds that the basis for denial of the renewal permit has been corrected or abated, the applicant may be granted a permit.

7-15.7. Suspension of Permit.

The zoning administrator may suspend a permit for a period not to exceed thirty (30) days if it is determined that a permittee or an employee of a permittee has:

7-15.7.1. Violated, or is not in compliance with any section of this ordinance;

- 7-15.7.2. Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
- 7-15-7.3. Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter;
- 7-15-7.4. Knowingly permitted gambling by any person on the sexually oriented business premises.

7-15.8. Revocation of Permit.

7-15.8.1. The zoning administrator shall revoke a permit if a cause for suspension in Section 7-15.7 occurs and the permit has been suspended within the preceding twelve (12) months for willful and knowing violation of this ordinance.

7-15.8.2. The zoning administrator shall revoke a permit if it is determined that:

- a. A permittee knowingly gave false or misleading material information in the application submitted to the zoning department during the application process;
- b. A permittee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- c. A permittee or an employee knowingly allowed prostitution on the premise;
- d. A permittee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;
- e. A permittee or an employee has knowingly allowed any act of sexual conduct to occur in or on the permitted premises;
- f. A permittee is delinquent in payments to the town, county, or state for any taxes or fees past due related to the sexually oriented business.

7-15.8.3. When the zoning administrator revokes a permit, the revocation shall continue for one year, and the permittee shall not be issued a sexually oriented permit for one year from the date revocation became effective. If subsequent to revocation the zoning administrator finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date the revocation became effective.

7-15.9. Transfer of Permit.

A permittee shall not transfer his permit to another, nor shall a permittee operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application.

7-15.10. Location of Sexually Oriented Businesses.

7-15.10.1. Reserved.

7-15.10.2. A person commits a misdemeanor when operating or causes to be operated, a sexually oriented business outside of a designated I-1 district. All sexually oriented businesses shall be located within an I-1 district.

7-15.10.3. A person commits a misdemeanor when operating, or causes to be operated, a sexually oriented business within one thousand (1000) feet of:

- a.** A church;
- b.** A public or private elementary or secondary school;
- c.** A public park;
- d.** The property line of a lot devoted to residential use;
- e.** The property line of a lot devoted to a child Day-Care Center.

7-15.10.4. A person commits a misdemeanor by causing or permitting the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand (1000) feet of another sexually oriented business.

7-15.10.5. A person commits a misdemeanor by causing or permitting the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

7-15.10.6. For the purpose of this ordinance, measurement shall be made in a straight line, without regard of intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a church or public or

private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot.

7-15.10.7. For purposes of subsection (4) of this section, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

7-15.10.8. Any sexually oriented business lawfully operating on date ordinance that is in violation of subsection (1) through (7) of this section shall be deemed to nonconforming use will be permitted to continue for a period not to exceed two (2) years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within one thousand (1000) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established businesses is nonconforming.

7-15.10.9. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private elementary or secondary school, public park, residential district, or a residential lot within one thousand (1000) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

7-15.11. Additional Regulations for Adult Models.

7-15.11.1. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.

- 7-15.11.2.** A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit, he rents or sub-rents a sleeping room to a person and, with ten (10) hours from the time the room is rented, he rents or sub-rents the same sleeping room again.
- 7-15-11.3.** For purposes of subsection (2) of this section, the terms “rent” or “sub-rent” mean the act of permitting a room to be occupied for any form of consideration.

7-15.12. Regulations for Exhibition of Sexually Explicit Films or Videos.

- 7-15.12.1.** A person who operates or causes to be operated, a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
- a.** Upon application for a sexually oriented permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager’s stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager’s station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer’s or architect’s blueprint shall not be required; however each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The zoning administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram for renewal applications that the configuration of the premises has not been altered since it was prepared.
 - b.** The application shall be sworn to be true and correct by the applicant.

- c.** No alteration in the configuration or location of a manager's station may be made without the prior approval of the zoning administrator or his designee.
- d.** It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station.
- e.** The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's station. The view required in this subsection must be by direct line of sight from the manager's station.
- f.** It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in subsection (e) remains unobstructed by any wall, merchandise, display racks or other materials at all times and in every booth or room in which viewing of videos, as defined in subsection (a) of this section, is taking place the bottom of the door must be at least eighteen (18) inches above the floor level, and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (a) of this section.
- g.** No viewing room may be occupied by more than one person at any time.
- h.** The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot candle as measured at the floor level.
- i.** It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises, to ensure that the

illumination described above, is maintained at all times that any patron is present in the premises.

7-15.12.2. A person having a duty under subsection (a) through (i) of subsection (1) above commits a misdemeanor if he knowingly fails to fulfill that duty.

7-15.13. Exemptions.

It is a defense to prosecution under this Article that a person appearing in a state of nudity did so in a modeling class operated:

7-15.13.1. By a proprietary school, licensed by the state of South Carolina; a college, junior college, or university supported entirely or partly by taxation;

7-15.13.2. By a private college or university which maintains and operates education programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

7-15.13.3. In a structure:

- a.** Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
- b.** Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
- c.** Where no more than one nude model is on the premises at any one time.

7-16 LANDSCAPE REGULATIONS

7-16.1 Purposes for Required Landscaping

Landscaped open areas are required by this ordinance to provide buffer areas or screening between adjacent land uses to reduce the impact of incompatible activities; to improve, protect, preserve and promote the aesthetic character, natural beauty, and value of land; and to promote and protect public interests in recreation, safety, health, reduction of pollution, and tree protection. The standards in this Section shall apply to all zoning districts.

7-16.2 Buffer Areas

Landscaped buffer areas along the perimeter of lots, but not in a street right-of-way, which areas may be used for passive recreation only, shall be maintained by property owners as follows:

TYPE	LAND USE	WHERE REQUIRED	BUFFER SIZE AND REQUIRED PLANTS
A	Multi-family complex, mobile home park, non-residential use not adjacent to residential district, and all surface parking lots.	Along street rights-of-way, except driveways and visibility triangles.	Minimum buffer width: five (5) feet. Plants required per 100 linear feet of street frontage: 12 ornamental shrubs, 2 evergreen understory trees, and grass or other ground cover. Shrubs may be clustered.
B	Multi-family complex, mobile home park, commercial or institutional use adjacent to single-family residential use not separated by street or alley.	Along adjacent residential property lines.	Minimum buffer width: ten (10) feet. Plants required per 100 linear feet: 2 deciduous canopy trees 40 to 60 feet on center, and 8 evergreen plants 10 feet on center.
C	Industrial, warehouse, outdoor sales or storage use adjacent to residential district not separated by street at least 18 feet wide.	Along adjacent residential district lines.	Minimum buffer width: fifteen (15) feet. Plants required per 100 linear feet: 2 deciduous canopy trees 40 to 60 feet on center, and 17 evergreen plants or understory trees in double staggered rows 10 feet on center.
Plant Standards:	<p><u>Minimum installation height:</u> Evergreen understory trees and shrubs -- 6 feet; deciduous canopy trees -- 8 feet.</p> <p><u>Minimum mature size:</u> Evergreens -- 10 feet; deciduous trees -- 25 feet.</p>		
Substitutions:	<p><u>Existing plants:</u> Existing plants meeting minimum standards may be retained to meet buffer requirements.</p> <p><u>Evergreens:</u> Evergreen plants may be substituted for deciduous plants.</p> <p><u>Fence or wall:</u> Where existing lot use, size, shape, configuration, topography or unusual circumstances prevent reasonable compliance with buffer landscaping requirements, the Zoning Administrator may approve substitution of an opaque fence or wall at least six feet in height, but not exceeding ten feet in height, for a Type B or C buffer. Fences and walls shall be neat in appearance and have a finished surface facing adjacent property.</p>		

7-16.3 Open Space Landscaping Requirements

The following open space landscaping requirements shall apply to land used in all zoning districts.

LAND USE	OPEN SPACE REQUIRED	LANDSCAPING
Single-family and two-family residential, except clustered.	District yard requirements.	None required.
Clustered residential	15% of land area.	Grass, shrubs and trees selected by owner.
Mobile home park	2,500 square feet for each acre or major fraction or an acre in the park.	Greenbelt along all interior lot lines.
Multi-family residential, commercial and industrial, except surface parking lots	District yard requirements. Required buffer areas, woodlands and wetlands may be used to satisfy requirements.	Grass, shrubs and trees selected by owner.
Surface parking lots	100 square feet of planted area for each 20 parking spaces. Required buffer areas may be used to satisfy requirements.	One evergreen or deciduous tree for each 20 parking spaces. Grass and shrubs selected by owner.

7-16.4 Tree Protection

An existing healthy tree greater than ten (10) inches in DBH (diameter breast high) is a valuable natural resource by virtue of age, size and contribution to the environment, and must be preserved and protected to the extent practical and feasible. Trees ten (10) inches in DBH shall be flagged and shown on a required plat or site plan for development. No more than 25% of said trees shall be removed from a lot, except by variance granted by the Board of Zoning Appeals. In the event a variance is granted, each tree removed shall be replaced by a tree at least two (2) inches in DBH in a location meeting required landscaping.

7-17 Sidewalk Cafes

7-17.1 Purpose

The provisions of this Article shall apply to conforming businesses within a Principal Commercial District (C-1) for the establishment, operation and

maintenance of dining areas on sidewalks and public plazas. The purpose of this Article is to promote the general economic development and atmosphere of the C-1 District and other areas for the benefit of all businesses and citizens located within the town. No rights of individuals or individual businesses are created by Article 7-17. The Zoning Administrator shall have broad discretion to grant, modify or revoke Permits issued, pursuant to this Article, in the interest of improving public health, safety and welfare. This Article is an exception to Public Works Article A Section 3-100 et al. which remains in effect for all other persons or businesses not covered herein.

7-17.2 Definitions:

7-17.2.1 Administrator means the Municipal personnel designated by the Town Manager to enforce this Article as Zoning Administrator.

7-17.2.2 Permitted Obstructions on Sidewalks means stands, tables, umbrellas, chairs, signs, objects related to the business, or other items on the sidewalk, public right-of-way, or common areas on the Town's public property.

7-17.2.3 Permit is the Special Use Certificate from the Zoning Administrator under the terms and provisions of this Article.

7-17.2.4 Permittee means the recipient of Special Use Permit from the Zoning Administrator under the terms and provisions of this Article.

7-17.2.5 Sidewalk Café means the business of providing food and beverage services with chairs, tables on sidewalks and plazas, adjacent to, and operated exclusively by, a business licensed to operate as an eating establishment where food and/or refreshments are served.

7-17.2.6 Sidewalk means the area of the public right-of-way between the curblines or the lateral lines of a roadway and the adjacent property line, which is reserved for pedestrian traffic, but does not include street crossings.

7-17.3 Penalties

A person violating any provision of this Article shall be guilty of a misdemeanor and, upon conviction, may be fined in an amount not exceeding \$50.00, or imprisonment not exceeding 10 days, or both. Each

day any violation of this Article shall continue shall constitute a separate offense.

7-17.4 Permits Required

- A. It shall be unlawful for any person to create, establish, operate, maintain or otherwise be engaged in the business of running a Sidewalk Café or to place any items upon the sidewalks or public property in the Town, unless he shall hold a current valid Permit issued by the Zoning Administrator under the terms of this Article.
- B. Permits shall be issued only to valid licensed businesses that wish to set up, on the public sidewalk or Town property adjacent to their business, premise signs, tables, chairs or other objects related to their food and beverage businesses.

7-17.5 Application for Permit: Fee

- A. Application for Permits, provided by this Article, shall be made with the Board of Zoning Appeals in accordance with Section 11-2.3. The application form shall be deemed appropriate by the Town Manager and shall include, but not limited to, the following information:
 - (1) The name, home and business address and telephone number of the applicant, who shall be the business owner.
 - (2) The name, home address and telephone number of a responsible person who the Town may notify or contact at any time concerning the applicant's encroachment.
 - (3) A copy of a valid Business License to operate a business establishment adjacent to the sidewalk or public property which is the subject of the application.
 - (4) A sketch, to scale, of the proposed location, showing the layout and dimensions of the existing public area and adjacent private property.
 - (5) Proof of current liability insurance, issued by an insurance company licensed to do business in the State, protecting the license and the Town from all claims and damages to property and bodily injury, including death, which may arise from the operation under or in connection with the permitted obstruction. Such insurance shall name the Town as an additional insured and shall provide that the Policy shall not terminate or be cancelled prior to the termination date without 30 days advance notice to the Town. The Policy shall be a minimum amount required by law or regulation governing the applicant's business or a high amount, if deemed necessary by the Town's risk management advisors.

- (6) Proof of any required ABC license, Health Permit or other State permit for the business involved.
- B. Applicants shall not begin operation of a Sidewalk Café until a Special Use Permit has been issued.
- C. An initial Application Fee of \$50.00 will be charged. This Application Fee may be modified, from time to time, by Town Council Resolution.
- D. The Permit shall be annually renewed and a fee of \$25.00 will be due and payable at the time of renewal. This Renewable Fee is subject to modification, from time to time, by Town Council Resolution.
- E. The Application Fee and Renewal Fee are in addition to the Business License Fee required for operation within the Town. Only new permits shall be prorated on a quarterly basis.

7-17.6

Prohibited Areas

- A. No Permit Holder or Property Owner shall:
 - (1) Place any tables, chairs, signs, moveable barriers or café equipment on any portion of public property other than directly in front of his existing business. (“Existing business” means from the point of origin to the point of termination of the front boundary line).
 - (2) Block or restrict the pedestrian passageway to less than six feet in width, or block ingress and egress to or from any building. In areas of congested pedestrian activity, the Zoning Administrator is authorized to require a wider pedestrian path, as circumstances dictate. Also, no item is to be placed so as to block any driveway, crosswalk, bus stop, counter service window, or visibility within an intersection.
 - (3) Use tables, chairs, umbrellas, any other objects of such quality, design, materials and workmanship, which are not authorized by the Zoning Administrator.
 - (4) Sound or permit the sounding of devices on the public property which produces a loud noise or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device.
 - (5) Fail to pick up, remove and dispose of all trash or refuse left by the business or its patrons on the public right-of-way.
 - (6) Store, park, or leave any stand or items of business overnight on the street or sidewalk, except for tables and chairs, which may be kept in permitted areas at the Permittee’s risk.

- B.** The Special Exception Certificate is a permit and temporary license, which may be denied, suspended or revoked for any conduct, which is contrary to the provisions of this Article, or for conduct of the business in such a manner as to create a public nuisance or constitute a danger to the operators or a danger to the public health, safety or welfare.

7-17.7

Conditions of Permits

- A.** The Permit required by this Article3 shall be issued on a form deemed suitable by the Zoning Administrator. In addition to naming the Permittee and any other information deemed appropriate, the Permit shall contain the following conditions:
 - (1)** The sidewalk area or public property covered by the Permit shall be maintained in a neat and orderly appearance at all times, and the area shall be cleaned of all debris on a periodic basis during the day, and again at the close of each business day.
 - (2)** No advertising is permitted (except the posting of prices).
 - (3)** No tables, chairs or any other parts of the business shall be attached, chained or, in any manner affixed to a tree, post, sign, or fixture, curb or sidewalk within or near the permitted area in a manner which causes or threatens to cause injury or damage to public or private properties. No additional outdoor seating under this Article shall be used for calculating seating requirements pertaining to location of, application for, or issuance of an ABC License for any establishment, or be used as a basis for computing required seating for restaurants and dining rooms, or as grounds for claiming exemptions from such requirements under the provisions of any Town Ordinance or State Law.
 - (4)** Tables, chairs, umbrellas, and other objects in the permitted area shall be maintained with a clean and attractive appearance and shall be kept safe and in good repair at all times.
 - (5)** The serving of and consumption of alcoholic beverages on Town's sidewalks and public property shall be limited to beer and wine. Consumption of alcoholic beverages at Sidewalk Cafés is limited to patrons seated at tables. The food and drink area is to be roped or fenced off to control the movement of patrons with alcoholic beverages in or out of the permitted area.
 - (6)** Nothing in this Section shall be interpreted to alter or abridge the Permittee's responsibility to comply with the terms of service of alcoholic beverages, as required now or as amended by the South Carolina Law Enforcement Division or South Carolina Alcoholic and Beverage Commission.

7-17.8

Denial, Suspension, Retraction or Revocation of Permit

- A.** The Zoning Administrator may deny, retract, or suspend a Permit issued under this Article for any business in the Town, if it is found that:
- (1) Any necessary Business or Health Permit has been suspended, revoked, or canceled.
 - (2) The Permittee does not have insurance in force, which is correct and effective in a minimum amounts described in Sub-section 17-17.4(5).
 - (3) Changing conditions of pedestrian or vehicular traffic cause congestion or changing of property conditions necessitate removal of the Sidewalk Café. Such decision shall be based upon findings by the Zoning Administrator that the minimum six foot pedestrian path is insufficient under existing conditions or circumstances and represents a danger to the health, safety, and general welfare of pedestrians or vehicular traffic.
 - (4) The Permittee has failed to correct violations of this Article or conditions of the Permit upon receipt of the Zoning Administrator's Notice of the Violation, delivered in writing to the Permittee.
 - (5) The Permittee has failed to take positive actions to prohibit violations from recurring.
 - (6) The Permittee has failed to make modifications after receipt of the Zoning Administrator's Notice to make such modifications delivered in writing to the Permittee.
- Tables, chairs, and other vestiges of the business may be removed by the Department of Public Works, and a reasonable fee charged for labor, transportation and storage, should the Permittee fail to remove the items within 36 hours of receipt of the Zoning Administrator's Final Notice to do so for any reason provided for under this Article. If the action is taken based upon Sub-section (a)(2) or (a)(3) of this Section, the action shall become effective upon the receipt of such Notice, and the Permittee shall have four hours to remove the items.
- B.** Notice of Denial or Revocation. Upon denial or revocation, the Zoning Administrator shall give written Notice of such action to the Applicant or Permittee, stating the action which has been taken and the reason thereof. The action shall be effective upon giving such Notice to the Permittee.
- C.** Appeal. The Permittee shall have the right to appeal the decision of the Zoning Administrator to the Board of Zoning Appeals in accordance with Article 11-2.1.

ARTICLE 8

REGULATION OF SIGNS

8.1 INTENT

The intent of this Ordinance is to establish requirements for placement, installation and maintenance of business and advertising signs, in order to preserve and protect the health, safety, welfare and general well-being of the community's citizens. As regulation of placement, construction and maintenance of buildings and structures is a valid use of the police power, so too is regulation of placement, installation and maintenance of signs, since such signs in the literal sense must ordinarily be considered structures, and in a practical sense are capable of producing many of the same nuisances as are produced by buildings.

Regulation of placement, installation and maintenance of signs is further justified by their purpose which is to draw mental attention to them, potentially to the detriment of sound driving practices and to the safety of the motoring public to which a majority of signs are oriented. Therefore, it is the intent of this Ordinance to regulate the size and location of business and advertising signs so that their purpose can be served without unduly interfering with motorists and causing unsafe conditions.

Finally, it is the objective of this Ordinance to protect and preserve the aesthetic qualities of the community by regulating placement, installation and maintenance of signs. The fact that such signs are intended to command visual contact grants to business and advertising signs a proportionately greater role than other structures in determining the overall aesthetic quality of the community. The aesthetic impact of business and advertising signs is an economic fact which may bear heavily upon the enjoyment and value of property; therefore the regulation of signs is validly justified on the basis of conserving the value of property and encouraging the most appropriate use of land throughout the municipality. It is contended that it is not irrational for a community's citizens to plan their physical surroundings in such a way that unsightliness is minimized.

8.2 DEFINITIONS

In addition to the definitions set forth in Article 2 of this ordinance, the following definitions relate to signs.

8-2.1 **Advertising Sign:** Any sign, pictorial or otherwise, regardless of size or shape, which directs attention to a business, commodity, attraction, profession, service or entertainment conducted, sold, offered, manufactured, existing, or provided at a location other than on the premises where the sign is located or to which it is affixed. Such signs are sometimes called "off-premise signs," "non-point-of-sale signs," and

include, but are not limited to those signs commonly referred to as outdoor advertising signs, billboards, or poster boards.

- 8-2.2** **Animated Sign:** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
- 8-2.3** **Banner:** Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building of a permanent frame at one or more edges. National flags, state or municipal flags or the official flag of any institution or business shall not be considered banners.
- 8-2.4** **Beacon:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source, also, any light with one or more beams that rotate or move.
- 8-2.5** **Building Marker:** Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
- 8-2.6** **Building Sign:** Any sign attached to any part of a building as contrasted to a freestanding sign.
- 8-2.7** **Business Sign:** Any sign, pictorial or otherwise, regardless of size or shape, which directs attention to a business, commodity, attraction, profession, service or entertainment conducted, sold, offered, manufactured, existing or provided on the premises where the sign is located or to which it is affixed. Such signs are sometimes called “on-premise signs” or “point-of-sale signs.”
- 8-2.8** **Canopy Sign:** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
- 8-2.9** **Changeable Copy Sign:** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which this message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for the purpose of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of the time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy sign for the purposes of this ordinance.
- 8-2.10** **Commercial Copy:** Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

- 8-2.11** **Commercial Center:** A commercial complex consisting of more than one retail, commercial, or office establishment grouped together, usually developed under one ownership or management, and generally sharing parking areas and vehicular entrances and exits.
- 8-2.12** **Copy Extension:** Part of the copy of an advertising sign which extends beyond the edge or border of the sign, sometimes called a “cut-out” or “drop-out.”
- 8-2.13** **Digital sign:** a form of electronic display that shows a variety of programming to include advertising, menus, information, and other messages. Digital signs may use a variety of technologies such as LCD, LED, plasma displays, or projected images to display content. Digital Signs are usually controlled by computers or servers.
- 8-2.14** **Director:** The Zoning Administrator or his designee.
- 8-2.15** **Directory Sign:** Any sign listing only the names, uses, or locations of more than one business, activity, firm, professional office, or tenant within a building, group of buildings, or commercial center.
- 8-2.16** **Electrical sign:** a fixed or portable self-contained, electrically illuminated appliance with words or symbols designed to convey specific information or attract attention. Such signage maybe backlit, LED, light box, neon, or similar technologies.
- 8-2.17** **Freestanding Sign:** Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
- 8-2.18** **Flag:** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used a symbol of a government, political subdivision or other entity.
- 8-2.19** **Ground or Monument-type Sign:** A freestanding sign which extends from the ground or is attached directly to the ground generally for the entire length of its bottom sign face dimensions or which has a support which places the bottom of the sign less than twelve (12) inches from the ground.
- 8-2.20** **Incidental Sign:** A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

- 8-2.21** **Information Sign:** Any sign containing no message, copy, an announcement, or decoration other than instructions or directions to the public except for subordinate identity. Such signs include, but are not limited to, identifying the following: restrooms, public telephones, walkways, entrance and exit drives, freight entrances and traffic directions.
- 8-2.22** **Lot:** Any piece or parcel of land or portion of a subdivision, the boundaries of which have been established by some legal instrument of record that is recognized and intended as a unit for the purpose of transfer of ownership.
- 8-2.23** **Marquee:** Any permanent roof-like structure projecting behind a building or extending along and projecting beyond a wall of the building, generally designed to provide protection from the weather.
- 8-2.24** **Marquee Sign:** Any sign attached to, in any manner, or made a part of a marquee.
- 8-2.25** **Mobile Sign:** A sign which may be moved from one location to another, is not permanently affixed to the ground, and is differentiated from a portable sign in that it may be equipped for transporting by motor vehicle or other mechanical means and includes signs referred to as trailer signs. See Section 7-5.2 for time limits placed on using mobile signs.
- 8-2.26** **Nonconforming Sign:** Any sign that does not conform to the requirements of this ordinance.
- 8-2.27** **Off-premises Sign:** See “Advertising sign.”
- 8-2.28** **Pennant:** Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind
- 8-2.29** **Person:** Any association, company, corporation, firm, organization, or partnership, singular or plural of any kind.
- 8-2.30** **Portable Sign:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

- 8-2.31** **Principal Building:** The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have principal use buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.
- 8-2.32** **Product Sign:** Any sign not permanently affixed to a building or the ground, and whose purpose is to advertise products sold on or off the premises.
- 8-2.33** **Projecting Sign:** Any sign affixed to a building or wall in such a manner that its leading edge extends more than 6 inches beyond the surface of the building or wall.
- 8-2.34** **Residential Sign:** Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of the zoning ordinance.
- 8-2.35** **Roof Sign:** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- 8-2.36** **Roof Sign, Integral:** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the design extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than 6 inches.
- 8-2.37** **Setback:** The distance from the property line to the nearest part of the applicable building, structure, or sign measured perpendicularly to the property line.
- 8-2.38** **Sign:** Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
- 8-2.39** **Street:** A strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails, or other thoroughfares.
- 8-2.40** **Windblown Sign:** Any banner, pennant, flag, spinner, streamer, or other sign designed to be moved by the wind.

8-2.41 **Window Sign:** Any sign mounted inside a window for the purposes of viewing from the outside, not to include merchandise on display.

8-2.42 **Zone Lot:** A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements of area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

8-3 COMPUTATIONS

The following principles shall control the computation of sign area and sign height.

8.3.1 **Computation of Area of Individual Signs.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background or the display or used to differentiate the sign from the backdrop of structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

8.3.2 **Computation of Area of Multifaced Signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

8.3.3 **Computation of Height.** The height of the sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be constructed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, beaming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street of the grade of the land at the principal entrance to the principal; structure on the zone lot, whichever is lower.

8.3.4 **Computation of Maximum Total Permitted Sign Area for a Zone Lot.** The permitted sum of the area of all individual signs on a zone lot shall be

computed by applying the formula contained in Table 8-2, Maximum Total Sign Area, to the lot frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area is oriented toward a particular street may not exceed the portion of the lot's total sign allocation that is derived from the lot, building or wall area frontage on that street.

8-4 SIGNS ALLOWED ON PRIVATE PROPERTY WITH AND WITHOUT PERMITS

If the letter “P” appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter “S” appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter “N” appears for sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstance.

Although permitted under the previous paragraph, a sign designated by an “S” or “P” in Table 8-1 shall be allowed only if:

- a. The sum of the area of all building and freestanding signs on the zone lot conforms with the maximum permitted sign area as determined by the formula for the zoning district in which the lot is located as specified in Table 8-3.
- b. The size, location, and number of signs on the lot conform with the requirements of Tables 8-2 and 8-5, which establish permitted sign dimensions by sign type, and to any additional limitations listed in Table 8-4.
- c. The characteristics of the sign conform with the limitations of Table 8-4, Permitted Sign Characteristics, and to any additional limitations on characteristics listed in Table 8-3.

**TABLE 8-1
PERMITTED SIGNS BY TYPE AND ZONING DISTRICT**

Sign Type	All R1	All R2	All R3	INS ^a	All RO	All C1	All C2	All I1	All PD
<i>Freestanding</i>									
Residential ^b	P	P	P	N	N	N	N	N	N
Other	N	N	N	S	S	S	S	S	S
Incidental ^c	N	P ^d	P	P ^d	P ^d	P ^d	P	P	P ^d

Advertising	N	N	N	N	N	N	N	N	N
Temporary ^h	N	N	N	S	S	S	S	S	S
Product	N	N	N	N	N	N	N	N	N
<i>Building</i>									
Banner	N	N	N	N	S	S	S	S	S
Building marker ^c	P	P	P	P	P	P	P	P	P
Canopy	N	N	N	N	S	S	S	S	S
Identification ^d	P	P	P	P	P	P	P	P	P
Incidental ^c	N	P ^f	P	P ^f	P ^c	P ^c	P	P	P ^c
Marquee ^g	N	N	N	N	N	S	S	S	N
Projecting ^g	N	N	N	N	S	S	S	S	S
Residential ^g	P	P	P	P	P	P	P	P	P
Roof	N	N	N	N	N	N	N	N	N
Roof, Integral	N	N	N	N	N	N	S	S	N
Suspended ^h	N	N	N	P	N	N	P	P	P
Temporary ^h	N	N	N	S	S	S	S	S	S
Wall	N	N	N	S	S	S	S	S	S
Window	N	N	N	N	S	S	S	S	S
<i>Miscellaneous</i>									
Banner ^c	N	N	N	N	S	S	S	S	S
Flag ⁱ	P	P	P	P	P	P	P	P	P
Monument	N	N	S ^f	S ^d	S ^c	S ^b	S ^b	S ^c	S ^c
Portable	N	N	N	N	N	N	S	S	N

P = Allowed without sign permit S = Allowed only with sign permit N = Not allowed

- a. This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential zoning districts. Such use may include, but are not necessarily limited to, churches, schools, funeral homes, and cemeteries.
- b. No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises.
- c. No commercial message of any kind allowed on sign, if such message is legible from any location off the zone lot on which the sign is located.
- d. Only address and name of occupant allowed on sign.
- e. May include only building name, date of construction, or historical date on historic site; must be cut or etched into masonry, bronze, or similar material.
- f. No commercial message of any kind allowed on sign.

- g. If such a sign is suspended or projects above the public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability insurance for such sign in such form and such amount as the Director may reasonably determine, from time to time, provided that the amount for such liability insurance shall be at least \$500.00 per occurrence per sign.
- h. The contents of Section 8-15 of this ordinance shall apply.
- i. Flags of the United States, the state, the town, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elective body of competent jurisdiction, provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.
- j. Permitted on the same terms as a temporary sign, in accordance with Section 8-15, except that it may be freestanding.

8-5 PERMITS REQUIRED

If a sign requiring a permit under the provisions of this ordinance is placed, constructed, re-erected, or modified on a zone lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 8-12.

Furthermore, the property owner shall maintain in force, at all times, a sign permit for such sign in accordance with Section 8-14.

No signs shall be erected in the public right-of-way except in accordance with Section 8-9 and the permit requirements of Section 8-16.

No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this ordinance (including those protecting existing signs) in every respect and with the Master Signage Plan or Common Signage Plan effect for the property.

8-6 DESIGN, CONSTRUCTION, AND MAINTENANCE

All signs shall be designed, constructed, and maintained in accordance with the following standards:

- a. All signs shall comply with applicable provisions of the Uniform Building Code and electrical code for the town at all times.
- b. Except for banners, flags, temporary signs, and window signs conforming in all respect with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to

the ground, a building or another structure by direct attachments to a rigid wall, frame or structure.

- c. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and conformance with this code, at all times.

**TABLE 8-2
MAXIMUM TOTAL SIGN AREA PER ZONE LOT BY ZONING DISTRICT**

The maximum total area of all signs on a zone lot except incidental, building marker and identification signs and flags^b shall not exceed the lesser of the above.

Sign Type	All R1	All R2	All R3	INS	All RO	All C1	All C2	All I1	All PD
Maximum Number of total Square Feet	8	8	50	42	100	200	300	300	300
Percentage of Wall area of Principal Building	N/A	N/A	2%	N/A	10%	4%	8%	2%	8%
Square Feet of Signage per Linear Foot of Street Frontage	N/A	N/A	N/A	1/2	2	3	4	N/A	4

- a. This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential zoning districts. Such use may include, but are not necessarily limited to, churches, schools, funeral homes, and cemeteries.
- b. Flags of the United States, the state, the town, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elective body of competent jurisdiction, provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a pole, the top of which is more than 40 feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

**TABLE 8-3
NUMBER, DIMENSIONS, AND LOCATION OF
INDIVIDUAL SIGNS BY ZONING DISTRICT**

Individual signs shall not exceed the applicable maximum number dimensions or setbacks shown on this table and on Table 8-5.

	All R1	All R2	All R3	INS^a	All RO	All C1	All C2	All I1	All PD
<i>Freestanding</i>									
Area (sq. ft.)	6	6	20	40	40	45	160	80	140

Height (feet)	4	4	4	7	7	7 ^b	20	12	16
Setback (feet) ^c	10	10	10	10	10	5	5	5	5
Number Permitted									
Per Zone Lot	1	1	1	1	1	N/A	N/A	N/A	N/A
Per feet of Street Frontage ^d	N/A	N/A	N/A	N/A	N/A	N/A	1 per 500 feet	1 per 500 feet	1 per 500 feet
<i>Building</i>									
Area (max. sq. ft.)	2	2	N/A	2	3	N/A	N/A	N/A	N/A
Wall Area (percent ^c)	N/A	N/A	5%	N/A	5%	10%	15%	5%	10%

- a. This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential zoning districts. Such use may include, but are not necessarily limited to, churches, schools, funeral homes, and cemeteries.
- b. Maximum height is 7 feet, and minimum setback is five feet; however, in no case shall the actual sign height exceed the actual sign setback for any adjacent lot this is zone and used for residential purpose. For example is the sign if set back five feet from such a lot, may be no more than five feet high.
- c. In addition to the setback requirements on this table, sign shall be located such that there is at every street intersection a clear view between heights of three feet and 10 feet in a triangle formed by the corner and points on the curb 30 feet from the intersection or entranceway.
- d. Lots fronting on two or more streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots worth only one street frontage.
- e. The percentage figure here shall mean the percentage of the area of the wall of which such sign is a part or to which each sign is most nearly parallel.

**TABLE 8-4
PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT**

	All R1	All R2	All R3	INS ^a	All RO	All C1	All C2	All I1	All PD
Animated	N	N	N	N	N	S	S	N	
Changeable Copy	N	N	N	S	N	S	S	N	

Illumination, Internal	N	N	S	S ^b	S ^b	S ^b	S	S	
Illumination, External	N	N	S	S ^b	S ^b	S ^b	S	S	
Illumination, Exposed bulbs or Neon	N	N	N	N	N	S	S	S	

P = Allowed without sign permit S = Allowed only with sign permit N = Not allowed

- a. This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential zoning districts. Such use may include, but are not necessarily limited to, churches, schools, funeral homes, and cemeteries.
- b. No direct light or significant glare from sign shall be cast onto any adjacent zone lot that is zoned and used for residential purposes.

8-7 MASTER OR COMMON SIGNAGE PLAN

No permit shall be issued for an individual sign requiring a permit unless and until a Master Signage Plan or a Common Signage Plan for the zone lot on which the sign will be erected has been submitted to the Director and approved by the Director as conforming to this section.

8-7.1 Master Signage Plan: For any zone lot on which the owner proposed to erect one or more signs requiring a permit unless such zone lot is included in a Common Signage Plan, the owner shall submit to the Director a Master Signage Plan containing the following:

- a. An accurate plot plan of the zone lot, at such scale as the Director may reasonably require;
- b. Location of buildings, parking lots, driveways, and landscaped areas on such zone lot;
- c. Computation of the maximum total sign area, the maximum area for individual signs, the height of the signs and the number of freestanding signs allowed on the zone lot(s) included in the plan under this ordinance, and
- d. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

8-7.2 Common Signage Plan: If the owners of two or more contiguous (disregarding intervening streets and alleys) zone lots of the owner of a

single lot with more than one building (not including any accessory building) file with the Director for such zone lots a Common Signage Plan conforming with the provisions of this section, a 25 percent increase in the maximum total sign area shall be allowed for each included zone lot. This bonus shall be allocated within each zone lot as the owner(s) elect.

8-7.3 **Provisions of Common Signage Plan:** The Common Signage Plan shall contain all the information required for a Master Signage Plan and shall also specify standards for consistency among all signs on the zone lots affected by the Plan with regard to:

- a. Color Scheme;
- b. Lettering or graphic style;
- c. Lighting;
- d. Location of each sign on the buildings;
- e. Material, and
- f. Sign proportions

8-7.4 **Showing Window Signs on Common or Master Signage Plan.** A Common Signage Plan or Master Signage Plan including window signs may simply indicate the areas of the windows to be covered by the window signs and the general type of the window signs (e.g. paper affixed to window, painted, etched on glass or some other material hung inside window) and need to specify the exact dimension or nature of every window sign.

8-7.5 **Limit on Number of Freestanding Signs Under Common Signage Plan.** The Common Signage Plan, for all zone lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one for each street on which the zone lots included in the plan have frontage and shall provide for shared or common usage of such signs.

8-7.6 **Consent.** The Master or Common Signage Law shall be signed by all owners or their authorized agents in such form as the Director shall require.

8-7.7 **Procedures.** A Master or Common Signage Plan shall be included in any development plan, site plan, planned unit development plan or other official plan required by the town for the proposed development and shall be processed simultaneously with such other plan.

8-7.8 **Amendments.** A Master or Common Signage Plan may be amended by filing a new Master or Common Signage Plan that conforms with all requirements for the ordinance then in effect.

8-7.9 **Existing Signs not Conforming to Common Signage Plan.** If any new or amended Common Signage Plan is filed for a property on which

existing signs are located, it shall include a schedule for bringing into conformance, within three years, all signs not conforming to the proposed amended plan or to the requirements of this ordinance in effect on the date of submission.

8-7.10 **Binding Effect.** After approval of a Master or Common Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this ordinance. In case of any conflict between the provisions of such a plan and any other provision of this ordinance, the ordinance shall control.

TABLE 8-5
NUMBER AND DIMENSIONS OF CERTAIN INDIVIDUAL SIGNS BY SIGN TYPE
No sign shall exceed any applicable maximum numbers or dimensions, or encroach on any applicable minimum clearance shown on this table.

SIGNS	NUMBER ALLOWED	MAXIMUM SIGN AREA	VERTICAL CLEARANCE FROM SIDEWALK OR PRIVATE DRIVE OR PARKING	HORIZONTAL CLEARANCE FROM PUBLIC STREET
<i>Freestanding</i>				
Residential, Other and Incidental	See Table 8-3	See Table 8-3	N/A	N/A
<i>Building</i>				
Banner	N/A	N/A	9 ft.	12 ft.
Building Marker	1 per bldg.	5 sq. ft.	N/A	N/A
Canopy	1 per bldg.	25% of vertical surface of canopy	9 ft.	12 ft.
Identification	1 per bldg.	N/A	N/A	N/A
Incidental	N/A	N/A	N/A	N/A
Marquee	1 per bldg.	N/A	9 ft.	12 ft.
Projecting	1 per bldg.	15 sq ft.	9 ft.	12 ft.
Residential	1 per zone lot	N/A	N/A	N/A
Roof	1 per principal bldg.	N/A	N/A	N/A
Roof, Integral	2 per principal bldg.	N/A	N/A	N/A

Suspended	1 per entrance	N/A	9 ft.	N/A
Temporary	See Section 8-15	N/A	N/A	N/A
Wall	N/A	N/A	N/A	N/A
Window	N/A	25% of total window area	N/A	N/A
<i>Miscellaneous</i>				
Banner	N/A	N/A	9 ft.	12 ft.
Flag	N/A	60 sq. ft.	9 ft.	12 ft.
Portable	1 where allowed	20 sq. ft.	N/A	N/A

8-8 SIGNS PERMITTED IN PD-R, PD-C, AND PD-M DISTRICTS

No specific regulations are imposed upon signs located in PD-R and PD-C districts. However, it is the intent of this Ordinance that signs within PD-R, PD-C, and PD-M districts be appropriate for the locations in which they are established, and that regulations governing the display surface area, number, location, and height of signs should be generally followed as for the least restrictive zone related to the site size of the development, as set forth in Section 6-8.3.

8-9 SIGNS IN THE PUBLIC RIGHT OF WAY

No sign shall be allowed in the public right-of-way, except for the following:

8-9.1 Permanent Signs. Permanent signs, including:

- A. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
- B. Bus stop signs erected by a public transit company;
- C. Informational signs of a public utility regarding its poles, lines, pipes, or facilities; and
- D. Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions of Table 8-5 of this ordinance.

8-9.2 Temporary Signs. Temporary signs for which a permit has been issued in accordance with Section 8-15 which shall be issued only for signs meeting the following requirements:

- A. Such signs shall contain no commercial message; and
- B. Such signs shall be no more than two square feet in area each.

8-9.3 **Emergency Signs.** Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permit work within the public right-of-way.

8-9.4 **Other Signs Forfeited.** Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the town shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

8-10 SIGNS EXEMPT FROM REGULATION UNDER THIS ORDINANCE.

The following signs shall be exempt from regulation under this ordinance:

8-10.1 Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;

8-10.2 Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located;

8-10.3 Works of art that do not include a commercial message;

8-10.4 Holiday lights and decorations with no commercial message, but only between November 15 and January 15; and

8-10.5 Traffic control signs on private property, such as Stop, Yield, and similar signs; the face of which meet the Department of Transportation standards and which contain no commercial message of any sort.

8-11 SIGNS PROHIBITED UNDER THIS ORDINANCE

All signs not expressly permitted under this ordinance or exempt from regulation hereunder in accordance with the previous section are prohibited in the town. Such signs included, but are not limited to: beacons; billboards; poster boards; outside product; pennants; strings or lights not permanently mounted to a rigid background, except those exempt under the previous section; and inflatable signs and tethered balloons.

8-12 GENERAL PERMIT PROCEDURES

The following procedures shall govern the applicant for, and issuance of, all signs permitted under this ordinance, and the submission and review of Common Signage Plans and Master Signage Plan.

- 8-12.1** **Applications.** All applications for sign permits of any kind and for approval of any kind and for approval of a Master or Common Signage Plan shall be submitted to the Director on an application form or in accordance with application specifications published by the director.
- 8-12.2** **Fees.** Each application for a sign permit or for approval of a Master or Common Signage Plan shall be accompanied by the applicable fees which shall be established by the governing body of the town from time to time by resolution.
- 8-12.3** **Completeness.** Within five days of receiving an application for a sign permit or for a Common or Master Signage Plan, the Director shall review it for completeness. If the director finds that it is complete, the application shall then be processed. If the Director finds that it is incomplete, the Director shall, within such five-day period, send the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this ordinance.
- 8-12.4** **Action.** Within seven days of the submission of a complete application for a sign permit, the Director shall either:
- A.** Issue the sign permit, if the sign(s) that is subject of the application conforms in every respect with the requirements of this ordinance and of the applicable Master or Common Signage Plan; or
 - B.** Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform to the requirements of this ordinance and of the applicable Master or Common Signage Plan. In case of a rejection, the Director shall specify in the rejection the section or sections of the ordinance or applicable plan with which the sign(s) is inconsistent.
- 8-12.5** **Action on Plan.** On any application for approval of a Master Signage Plan or Common Signage Plan, the Director shall take action on the applicable one of the following dates:
- A.** Fourteen days after the submission of a complete application if the application is for signs for existing buildings; or

- B. On the date of final action on any related application for building permit, site plan, or development plan for sign involving new construction.

On or before such applicable date, the Director shall either;

- C. Approve the proposed plan if the sign(s) as shown on the plan and the plan itself conforms in every respect with the requirements of this ordinance; or
- D. Reject the proposed plan if the sign(s) as shown on the plan or the plan itself fails in any way to conform to the regulations of this ordinance. In case of rejection, the Director shall specify in the rejection, the section or sections of the ordinance with which the plan is inconsistent.

8-13 PERMITS TO CONSTRUCT OR MODIFY SIGNS

Signs identified as “P” or “S” in Table 8-1 shall be erected, installed, or created only in accordance with a duly issued and valid construction permit from the Director. Such permits shall be issued only in accordance with the following requirements and procedures.

8-13.1 **Permits for New Signs or for Sign Modification.** An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure and location of each particular sign, to the extent that such details are not contained on a Master Signage Plan or Common Signage Plan then in effect for the zone lot. One application and permit may include multiple signs on the same zone lot.

8-13.2 **Inspection.** The Director shall cause an inspection of the zone lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this ordinance and with the building and electrical codes, the Director shall affix to the premises a permanent symbol identifying the sign(s) and the applicable permit by number or other reference. If the construction is substantially complete but not in full compliance with this ordinance and applicable codes, the Director shall give the owner or applicant notice of

deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not correct by such date, the permit shall lapse. If the construction is then complete, the Director shall affix to the premises the permanent symbol described above.

8-14 SIGN PERMITS - CONTINUING

The owner of a zone lot containing signs requiring a permit under this ordinance shall at times maintain in force a sign permit for such property. Sign permits shall be issued for individual zone lots, notwithstanding the fact that a particular zone lot may be included with other zone in a Common Signage Plan.

8-14.1 **Initial Sign Permit.** An initial sign permit shall be automatically issued by the Director covering the period from the date of the inspection of the completed sign installation, construction, or modification through the last day of the calendar year.

8-14.2 **Sign Permits, Subsequent.** Sign permits shall be issued for 12 months. Except as provided herein, sign permits shall be renewable annually upon submission of a renewal application form and applicable fees.

Renewable applications shall contain a representation by the applicant that no change in signage under the permits has been made or shall contain dimensions, drawings, and photos of any changes.

8-14.3 **Lapse of Sign Permit.** A continuing sign permit shall lapse automatically if not renewed or if the business license for the premises lapses, is revoked, or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of 180 days or more and is not renewed within 30 days of notice from the town to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.

8-14.4 **Assignment of Sign Permits.** A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Director may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

8-15 TEMPORARY SIGN PERMITS (PRIVATE PROPERTY)

Temporary signs on private property shall be allowed only upon issuance of a Temporary Sign Permit, which shall be subject to the following requirements:

- 8-15.1** **Term.** A temporary sign permit shall allow the use of a temporary sign for a specified 15-day period.
- 8-15.2** **Number.** No more than three temporary sign permits shall be issued to the same business license holder on the same lot in any calendar year.
- 8-15.3** **Other Conditions.** A temporary sign shall be allowed only in districts with a letter “S” on Table 8-1, and subject to all of the requirements for a temporary sign noted therein.

8-16 PERMITS FOR SIGNS IN PUBLIC RIGHT-OF-WAY

Permits for temporary political signs in the public right-of-way shall be issued in accordance with the following conditions:

- 8-16.1** **Terms and Number of Permits.** The term of such a permit shall be 60 days. No more than one permit for temporary signs shall be issued to any applicant in any calendar year. For any sign containing the name of a political candidate, the candidate shall be deemed to be the applicant.
- 8-16.2** **Number of Signs.** No more than 5 signs may be erected under one permit.
- 8-16.3** **Identification of Permitted Signs.** Each sign erected under such a permit shall contain an official stamp of the Director, authenticating the sign and giving the number of the permit and the date of issuance.
- 8-16.4** **Other Conditions.** In addition to applicable fees otherwise payable, the applicant shall post a bond of \$25 for each sign authorized by the Director’s stamp, which bond shall be held to ensure the removal of the signs and shall be refundable upon the surrender to the Director of the actual sign(s) for disposal. The bond on any sign not surrendered for disposal within 75 days of the issuance of the permit or actually removed by the town because it is located on public property more than 60 days after the date of permit issuance shall be forfeited.

8-17 TIME OF COMPLIANCE: NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS

Any sign which is in existence on the date of approval of this ordinance shall be grandfathered. For new signage and any sign that is modified or replaced, the

owner must apply for the valid sign permit and must conform to the requirements of this ordinance.

8-17.1 **Sign Removal Required.** A sign that was constructed, painted, installed, or maintained in conformance with a permit under this ordinance, but for which the permit has lapsed or not been renewed or for which the time allowed for the continuance of a nonconforming sign has expired, shall be forthwith removed without notice or action from the town.

8-18 VIOLATIONS

Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this ordinance, by the zoning ordinance, and by state law:

1. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
2. To install, create, erect, or maintain any sign requiring a permit without such a permit;
3. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot which sign is located;
4. To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed; and
5. To continue any such violation. Each such day a continued violation shall be considered a separate violation when applying the penalty portions of this ordinance. Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this ordinance.

8-19 ENFORCEMENT AND REMEDIES

Any violation or attempted violation of this ordinance or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this ordinance shall be considered a violation of the zoning ordinance of the town. The remedies of the town shall include the following:

1. Issuing a stop-work order for any and all work on any signs on the same zone lot.
2. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity.
3. Imposing any penalties that can be imposed directly by the town under the zoning ordinance.
4. Seeking in court the imposition of penalties that can be imposed by such court under the zoning ordinance; and
5. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as is available to the town under the applicable provisions of the zoning ordinance and the building code for such circumstances.

The town shall have such other remedies as are and as may from time to time be provided for or allowed by state law for the violation of the zoning ordinance.

All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other part of the same violation.

8-20 FEE SCHEDULE-SEE SECTION 10-6

Reserved

ARTICLE 9

AMENDMENTS

9-1 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.

9-2 PLANNING COMISSION REVIEW

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

- a.** The need and justification for the change.
- b.** 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.
- c.** 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 required.
- d.** 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.

9-3 PLANNING COMMISSION RECOMMENDATION TO TOWN COUNCIL

Within thirty (30) 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 recommendations 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.

9-4 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 thirty (30) days from the date the proposed zoning amendment was referred to the Planning Commission.

9-5 NOTICE OF PUBLIC HEARINGS

In scheduling a public hearing concerning zoning amendments, the Town Council shall publish two notices in a newspaper of general circulation in the Town of Winnsboro; once at least 15 days prior to the hearing and once at least 7 days prior thereto, which notices 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 anyone 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 one hundred (100) 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.

9-6 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 that either (a) there has been a substantial change in the character of the area or (b) evidence of factors or conditions exist 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.

9-7 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:

- a.** The extension of existing district boundaries,
- b.** The addition of C-2 zoning contiguous to existing C-1 or I-1 zones,
- c.** The addition of RO zoning contiguous to existing C-1, C-2, or I-1 zones.

ARTICLE 10

ADMINISTRATION, ENFORCEMENT, AND PENALTIES

10-1 RESPONSIBILITY FOR ADMINISTRATION

A Zoning Administrator designated by the Town Manager shall administer and enforce this Ordinance. The Zoning Administrator may be provided with the assistance of such other persons as the Town Manager may direct. It is the intent of this Ordinance that all questions of administration and enforcement shall first be presented to the Zoning Administrator and that such questions shall be presented to the Board of Zoning Appeals only upon reference by, or appeal from, the Zoning Administrator, and that resource from the decisions of the Board of Appeals shall be to the courts 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, and for establishing a schedule of fees and charges as herein provided.

10-2 POWERS AND DUTIES OF THE ZONING ADMINISTRATOR

The duties of the Zoning Administrator shall include:

- 10-2.1** Interpretation of the terms and provisions of this Ordinance.
- 10-2.2** Administration of the provisions of this Ordinance relating to Zoning Permits, Certificates of Zoning Compliance and fee collection.
- 10-2.3** Administration of the provisions of this Ordinance relating to applications for variances, appeals from administrative decision and other actions before the Board of Zoning Appeals.
- 10-2.4** Administration of the provisions of this Ordinance relating to applications for zoning amendments, the presentation of same to the Planning Commission and Town Council, and giving notice of hearings on such amendment requests as specified herein.
- 10-2.5** 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.
- 10-2.6** 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 materials 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 application and disposition of applications for variances, interpretations, appeals from an administrative decision and other actions before the Board of Zoning Appeals;
- (c) The retention of records of complaints and disposition of complaints from persons who allege that violations of this Ordinance have occurred; and
- (d) The retention of application records for zoning permits, plats, and plans in connection with said permits, occupancy certificates, denials of permits and reasons for denying such permits.

10-2.7 Other such duties as may properly relate to the accomplishment of the spirit and intent of this Ordinance.

10-3 ZONING PERMITS

10-3.1 Zoning Permits 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, unless he receives a written order from the Board of Zoning Appeals in the form of an interpretation involving error or a special exception or variance as provided in Article 11. If the permit is denied, reasons shall be stated for the denial.

10-3.2 Applications for Zoning Permits: All applications for zoning permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of all buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application or plans shall include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot and on nearby lots; 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 administrative official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy.

10-3.3 Zoning Permits to be Posted: The zoning permit shall be posted in a conspicuous place upon the premises to which the permit applies within five days of the date of issuance of the permit, and shall remain posted until completion of the action for which the permit was issued.

10-3.4 Expiration of Zoning Permit: If the work described in any zoning permit has not begun within six months from the date of issuance thereof, or in the case of a special exception, within the time limit established therefor, the permit shall expire and be cancelled by the Zoning Administrator. Written notice thereof shall be given to the persons affected.

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 cancelled by the Zoning Administrator, except as follows:

- a. In the case of a special exception, work shall be substantially completed within the time limit established therefor by the Board of Zoning Appeals, or
- b. 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 cancelled permit shall not proceed unless and until a special zoning permit has been obtained.

10-4 CERTIFICATES OF ZONING COMPLIANCE

10-4.1 Certificates of Zoning Compliance to be issued: 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.

10-4.2 Certificates May be Issued for Nonconforming Uses: Upon enactment or amendment of this Ordinance, owners or occupants of uses made nonconforming shall apply for Certificates of Zoning Compliance for the purpose of establishment of vested interest in such nonconforming uses, and the Zoning Administrator may issue such certificates upon acceptance of reasonable proof that the nonconformity was in existence at the time of such enactment or amendment, provided however, that owners or occupants must make application within six months of the time of enactment or amendment, and Certificates of Zoning Compliance issued upon such application shall state specifically wherein the nonconforming use differs from the requirements of this Ordinance.

10-4.3 Temporary Certificates of Zoning Compliance: A temporary certificate of zoning compliance may be issued by the Zoning Administrator for a period not exceeding six months during alterations or partial occupancy of a building pending completion, provided that such temporary certificates may include such conditions and safeguards as will protect the safety of occupants and the public.

10-5 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 authorize only the use, arrangement, location set forth in such approved plans and applications, and no other use, arrangement, location or construction.

Use, arrangement, location or construction at variance with that authorized shall be deemed violations of this Ordinance, punishable as provided herein.

10-6 SCHEDULE OF FEES AND CHARGES

The Town Council may establish a schedule of fees and charges, and a collection procedure, for zoning permits, certificates of zoning compliance, appeals, amendments, and other matters pertaining to these regulations. This schedule of fees and charges, if established, shall be posted in the office of the Zoning Administrator, and may be altered or amended only by the Town Council, provided however, that such fees and charges shall not be levied against the Town Council, the Planning Commission, the Zoning Administrator, or any department or agency of the Town. No permit, certificate, special exception, or variance shall be issued or granted unless and until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proposed amendments or on proceedings before the Board of Appeals unless and until applicable charges and fees have been paid in full.

10-7 VIOLATION

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he shall in writing notify the owner or tenant of the property, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of any illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of, its provisions.

10-8 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 the complaint properly, investigate promptly, and take action thereon as provided by the Ordinance.

10-9 REMEDIES

In case any building or structure is erected, constructed, reconstructed, altered, maintained or used in violation of this Ordinance, or regulations in furtherance hereof, the Town Council, Town Attorney, Zoning Administrator, or any person aggrieved may, in addition to other remedies provided by law, institute injunction, abatement, or any other appropriate action or proceeding to prevent enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

10-10 PENALTIES

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any structure or land is used in violation of this Ordinance; or there is violation of any condition or requirement in connection with special exceptions, variances, or rezoning under the terms of this Ordinance, such violations shall constitute a misdemeanor. Violations of this Ordinance or failure to comply with any of the requirements hereof shall be a misdemeanor. Each day such violation continues after due notice to discontinue such violation shall be considered a separate offense. The owner or tenant of any building, structure, premise, or part thereof, and any architect, surveyor, builder, engineer, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 11

BOARD OF ZONING APPEALS

11.1 PROCEDURES OF THE BOARD OF ZONING APPEALS

11-1.1 Establishment and Membership: A Board of Zoning Appeals is hereby established which shall consist of five members who are residents of the Town of Winnsboro, appointment by the Town Council. The term of office of the members of the Board shall be for three years, provided however, that the initial Board of Zoning Appeals established under this Ordinance shall be appointed with terms as follows: one to serve for one year, two to serve for two years, and two to serve for three years and their successors shall serve for three years or until their respective successors are appointed. Members may be removed for cause by Town Council upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Members shall not hold any other Town of Winnsboro public office.

11-1.2 Organization and Structure: The essential elements of the organizational structure of the board include the following:

- A. Chairperson. The board shall elect one of its members as chairperson. The chairperson serves for one year or until a successor is elected and qualified. The chairperson may be reelected.
- B. Secretary. The board must appoint a secretary. He/she may be an officer of the governing authority or the zoning board. It is customary for the zoning board to appoint the zoning administrator as secretary.
- C. Rules of Procedure. The board must adopt rules of procedure complying both with the 1994 Local Government Comprehensive Planning Enabling Act and this zoning ordinance. The rules of procedure shall address the following elements as a minimum.
 - 1) Election of a chairperson and his/her duties
 - 2) Procedure for electing an acting chairperson
 - 3) Appointment of a secretary and his/her duties
 - 4) Procedures for calling meetings
 - 5) Time and place for meetings
 - 6) Posting of meeting notices to comply with Freedom of Information Act and S.C. Code § 6-29-70 for variances and special exceptions
 - 7) Setting agenda
 - 8) Quorum and attendance requirements
 - 9) Rules of procedure for conducting meetings
 - 10) Time for appeal from decision of zoning administrator

- 11) Time and procedure for hearing appeals, variances and special exceptions
- 12) Time and procedure for rendering and serving decisions
- 13) Procedure for making and keeping records of actions
- 14) Procedure for granting re-hearings
- 15) The oath administered to witnesses

- D.** Meetings. The board meets at the call of the chairperson and other times as determined by the board
- E.** Notice. The board must give a public notice of all meetings in a general circulation newspaper in the community.
- F.** Posting property. In cases involving variances or special exceptions, the board must post conspicuous notices on or next to the affected property. At least one notice must be visible from each street that borders the property.
- G.** Witnesses. The chairperson or acting chairperson may administer oaths and subpoena witnesses.
- H.** Minutes. The board must provide for minutes of its proceedings to be taken. They must be a public record on file in the office of the board. Minutes must record the vote of each member on each question.

11-1.3

Freedom of Information Act: The Freedom of Information Act (*S.C. § Code 30-4-10, et seq.*) requires all public bodies to conduct their meetings in public. Public bodies may go into executive session only for matters such as receipt of legal advice, employment matters and contract negotiations. The commission/board must give a written public notice of regular meetings at the beginning of each calendar year. The commission/board must post regular meeting agendas at the meeting place 24 hours before a meeting. Notices and agenda for called, special or rescheduled meetings must be posted at least 24 hours before meetings. The board must notify persons, organizations and news media that request meeting notifications.

11-2 POWERS OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the following powers and duties:

11-2.1

Administrative Review: The board shall hear and decide appeals where it is alleged the Zoning Administrator erred in an order, requirement, decision or determination. In such cases, the board may reverse or affirm, wholly or in part, the Zoning Administrator's actions, provided that such appeal is made within thirty (30) days after the order, requirement, decision, or determination which is alleged to be in error is made. The board has all the powers of the Zoning Administrator in such cases and may direct the issuance of a permit.

11-2.2

Variances: The board has the power to hear and decide appeals for variances when strict application of the zoning ordinance would cause an unnecessary hardship.

A. Standards for Granting Variances:

- (1) The Board of Zoning Appeals may grant a variance for an unnecessary hardship if it makes and explains in *writing all* of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography and
 - (b) These conditions do not generally apply to other property in the vicinity, and
 - (c) Because of these conditions, the application of the Ordinance to a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property, and
 - (d) The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by granting of the variance.
- (2) Other issues affecting findings of the board in a variance application:
 - (a) The fact that property may be used more profitably if a variance is granted is not grounds for a variance.
 - (b) In granting a variance, the board may attach conditions to it. These conditions may address the location, character or other feature of a proposed building, structure, or use. The board sets the conditions to protect established property values in the surrounding area or to promote the public health, safety or general welfare.
 - (c) Under the general rule, the board may not grant use variances. A “use variance” involves the establishment of a use not otherwise permitted in a zoning district, or extends physically a nonconforming land use or changes zoning district boundaries shown on the official zoning map.

- (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) Granting of a special exception shall not be considered as a basis for the granting of a variance, and the Board of Appeals shall grant no variance for the establishment, enlargement, or alteration of any use, structure, or characteristic of use which arises from or is necessitated by the granting of any special exception.

C. Effect of Failure to Meet Condition:

- (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 a violation of this Ordinance, punishable under penalties established herein.
- (2) Failure to begin or complete, or being 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.

11-2.3

Special Exceptions: The board of zoning appeals can permit uses by special exception if the terms and conditions described in this zoning ordinance are met.

A. Duties of the Board:

- (1) To hear and decide only such applications for special exceptions as the Board of Zoning Appeals 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.

B. Procedures in consideration of Special Exception Applications:

- (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 the 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 of Winnsboro;
- (3) The public hearing shall be held, and any party may appear in person, or by agent or attorney;
- (4) The Board of Zoning Appeals 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 Zoning Appeals and no variance to such requirements shall be granted.
- (6) The Board of Zoning Appeals shall grant no special exception for the establishment of any use or structure which necessitates the concomitant granting of a variance.

C. 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.

11-3 APPEALS TO THE BOARD

Appeals to the board and appeals from decisions of the board to circuit court must follow set procedures. Appeals from administrative actions and decisions of zoning officials are taken to the board of zoning appeals then to Circuit Court and finally to the Supreme Court. An appeal on a zoning matter is never taken to the governing body. It has only a legislative function in zoning.

11-3.1 Time Limits for Appeals:

- A. Appeal to Board. A party appealing an administrative action or decision must make an appeal within 30 days of receiving actual notice of the action from which he is appealing.
- B. Appeal to Circuit Court. A party appealing a board decision to circuit court must file the appeal with the clerk of court within 30 days after the decision of the board is mailed. Failure to file an appeal within the time limit deprives the court of jurisdiction to hear the matter.
- C. Appeal to Supreme Court. A party may appeal a circuit court decision to the South Carolina Supreme Court in the same manner as other circuit court judgments.

11-3.2 Procedure for Appeals to Board:

- A. Notice of appeal. Any person displeased with an officer's action may appeal it to the board of zoning appeals. The person must file a notice of appeal specifying the grounds with officer and the board. The applicant and parties to the permitting process are parties in interest and are entitled to notice of appeal. Citizens and residents who are not parties to the permitting process are not entitled to notice. The zoning administrator shall provide a form for the appeal notice. The officer being appealed must immediately send the board all papers constituting the record upon which the action was taken.
- B. Stay of proceedings. Filing an appeal to the board stays all legal proceedings to enforce the appealed action unless the appealed officer certifies that a stay would cause imminent peril to life and property. In such cases, a board or court restraining order may stay the action.
- C. Time and notice of hearing. The board must set a reasonable time for hearing the appeal. It must publish a 15 day notice in a general circulation newspaper and give notice to parties in interest, preferably by mail.

- D. Conduct of hearing. Any party may appear at the hearing in person, by agent or by attorney. At the start of the hearing, the chairperson should explain the procedures for presenting and examining witnesses, receiving evidence, the role of attorneys and how the board will make and serve a decision. The board may subpoena witnesses and certify contempt to the circuit court. The board must hold the hearing in compliance with the Freedom of Information Act.
- E. Rehearing. A rehearing may be justified by reason of newly discovered evidence, fraud, surprise, mistake, inadvertence, or change in conditions.
- F. Board decisions. The board has the same powers as the zoning administrator. Board members cannot vote by absentee ballots. Members must be present to vote. The board must make all final decisions in writing, deliver them to parties in interest by certified mail and permanently file them as public records. The board must separately state in decisions or orders all findings of fact and conclusions of law. This is a critical requirement because the board's findings of fact are binding on the circuit court of appeal.

11-4 APPEAL TO CIRCUIT COURT

- A. **Petition:** A party may appeal a board decision to the circuit court. He must file a written petition with the clerk of court stating why the decision is contrary to law. Although the statutes do not require serving the petition on the board, it is advisable. The clerk of court is required to give immediate notice of the appeal to the secretary of the board. The filing does not stay or supersede the decision of the board, but the circuit judge may grant a supersedeas upon reasonable terms.
- B. **Transcript:** Within 30 days after notice from the clerk of court, the secretary of the board must file with the clerk of court a certified copy of the proceedings, a transcript of testimony, evidence and the decision including findings of fact and conclusions. There is no requirement for the board to serve the certified record on parties in interest. The attorney for the board files a return to the petition and sends it with a copy of the certified record to the attorney for the appealing party.
- C. **Standards of review:** The findings of fact by the board are treated in the same manner as findings of fact by a jury. The court may not take additional It can determine only whether the board decision is correct as a matter of law. The court must allow the board's decision to stand if there is any evidence in the record to support it. If the record is insufficient for review, the circuit judge may send it back to the board for rehearing. This is a new provision which should be helpful in getting a complete record. Lack of a good record is the most common problem in zoning appeals.

11-5 EXHAUSTION OF ADMINISTRATIVE REMEDIES

The courts ordinarily dismiss suits challenging zoning actions as premature if the party fails to exhaust the provided administrative remedies. A party may not go directly to court when the administrative procedures and remedies are available.

Constitutional “taking” claims frequently arise when application of the zoning regulations result in the denial of use of property. The Supreme Court has ruled that a taking claim is premature when there was not application for a variance or exception pursuant to administrative procedures provided by the zoning ordinance.

Until there has been a final decision regarding the application of the zoning ordinance and subdivision regulations to property, the United States Supreme Court has held that it is impossible to determine whether the land retains any reasonable beneficial use, or whether expected property interests have been taken.

ARTICLE 12

BOARD OF ARCHTECTORAL REVIEW

12-1 A “Board of Architectural Review” is hereby established to oversee development and redevelopment of the below described Design Overlay District. The purpose of the body is:

1. Preservation and protection of historic and architecturally valuable districts and neighborhoods;
2. Preservation and protection of significant or natural scenic areas; and
3. Protection or provision for the unique, special or desired character of the below defined design overlay district.

12-1.1 Membership

The body will be composed of 5 members appointed by Town Council. Membership shall consist of the following: one South Carolina licensed architect or one registered landscape architect, a representative of the Fairfield County Chamber of Commerce, a representative of the Winnsboro real estate or development community, a member of the Fairfield County Historical Society, a resident of the Town who has demonstrated a knowledge, interest, and involvement in history, archaeology, genealogy, or a similar discipline or field.

12-1.2 Organization and Operation

- (1) **Chairperson.** The Board must elect one of its members as chairperson. The chairperson serves for one year or until a successor is elected and qualified. The chairperson may be reelected.
- (2) **Secretary.** The board must appoint a secretary. This person may be an officer of the governing authority or the Board of Architectural Review.
- (3) **Minutes.** The Board must provide for minutes of its proceedings to be taken. Minutes must record the vote of each member on each question.
- (4) **Rules.** The Board must adopt rules of procedure.

12-1.3 Freedom of Information Act

The Freedom of Information Act (*S.C. Code 30-4-10, et seq.*) requires all public bodies to conduct their meetings in public. Public bodies may go into executive session only for matters such as receipt of legal advice,

employment matters and contract negotiations. *S.C. Code 30-4-70*. The Board must give a written public notice of regular meetings at the beginning of each calendar year. It must post regular meeting agenda at the meeting place 24 hours before a meeting. Notices and agenda for called, special or rescheduled meetings must be posted at least 24 hours before meetings. The Board must notify persons, organizations and news media that request meeting notifications. *S.C. Code 30-4-80*.

12-1.4

Appeals

(1) Appeal to Board

A party may appeal from the Zoning Administrator or other administrative official actions for matters under the jurisdiction of the Board of Architectural Review. The following are the appeal steps:

- a.** The party must file notice of appeal with the officer from whom the appeal is taken and with the Board within the time provided by the Zoning Ordinance or rules of the Board.
- b.** The officer appealed from must send the Board all documents in the record upon which the action appealed was taken.
- c.** An appeal stays all proceedings to enforce the action, unless the officer certifies that a stay would cause imminent peril to life and property. The Board or circuit court may grant a restraining order.
- d.** The Board sets a reasonable time for hearing the appeal and giving public notice to parties in interest. This notice must be published and distributed to concerned parties not less than seven (7) days prior to the hearing, and not longer than thirty (30) days between notice and hearing.
- e.** A party may appear in person or be represented at the hearing by an agent or attorney.

Although the statutes do not specifically require the following steps, they follow the Board of Appeals procedures. The Board of Architectural Review should use these procedures also.

- f.** The Board will conduct the hearing following its adopted procedural rules. The written decision will include findings of fact and conclusions.
- g.** The Board will serve a copy of its decisions on parties in interest by certified mail and keep a copy as a permanent public record.

(2) **Appeal of Council**

There is no provision for an appeal from any administrative officer or the Board of Architectural Review action to the Town Council.

(3) **Appeal to Circuit Court**

- a. **Petition.** A person having substantial interest may make an appeal from a Board decision to circuit court. The person must file a written petition with the clerk of court stating why the decision is contrary to law. Although not required, the party should serve the petition on the Board. The clerk of court is required to give immediate notice of the appeal to the Board secretary. The filing of an appeal does not act as supersedes, but the circuit judge may grant a supersedes upon reasonable terms. *S.C. Code 6-29-900.*
- b. **Transcript.** Within 30 days after notice from the clerk of court, the Board must file with the clerk of court a certified copy of the Board proceedings, a transcript of testimony, evidence, and the Board decision including findings of fact and conclusions. *S.C. Code 6-29-920.* There is no requirement for the Board to serve the certified record on parties in interest; however, the attorney should file a return to the petition and send it with a certified record to the counsel for appealing party.
- c. **Standard of Review.** The Board's findings of fact are final and conclusive on review. The court may not take additional evidence. The court must determine only whether the Board decision is correct as a matter of law. The court must allow the Board decision to stand if there is any evidence in the record to support it. If the record is insufficient for review, the circuit court judge must send it back to the Board for rehearing. *S.C. Code 6-29-930.* See *Wells v. Finley*, 260 S.C. 291, 195 S.E. 2d 623 (1973).

(4) **Appeal to Supreme Court**

A party may appeal a circuit court decision to the Supreme Court in the same manner as other circuit court judgments. *S.C. Code 6-29-940.* A party must serve a notice of appeal to the Supreme Court within 30 days after receiving written notice of entry of the order of the circuit court.

ARTICLE 13

LEGAL STATUS

13-1 INTERPRETATION AND VALIDITY

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.

13-2 REPEAL OF PREVIOUS ZONING ORDINANCE

The Zoning Ordinance of the Town of Winnsboro, South Carolina adopted February 16, 1982, together with all subsequent amendments thereto, is hereby repealed as of the effective date of this Ordinance.

13-3 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after November 5, 2012.