

2013

ZONING AND LAND MANAGEMENT ORDINANCE

Town of Allendale,
South Carolina

Prepared by Lower Savannah Council of Governments on
behalf of the Town of Allendale Planning Commission



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ZONING AND LAND MANAGEMENT ORDINANCE TOWN OF ALLENDALE, SOUTH CAROLINA 2013

. June 11, 2013 .

CHAPTER 1 ADOPTION AND INTERPRETATION

Article I Authority

§ 1-100 Ordinance published separately.

An Ordinance of the Town of Allendale, South Carolina, regulating the location and use of buildings, structures and land, the height of buildings and other structures, size of yards, density and distribution of population, and the subdivision of land; this ordinance shall be published in a separate volume, a copy of which shall be filed with the Town clerk.

§ 1-101 Authority and title.

This ordinance is adopted pursuant to authority granted in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code §§ 6-29-310, et seq. (1994 Supp.). This ordinance may be cited as “Town of Allendale Zoning and Land Management Ordinance, 2013.”

§ 1-102 Jurisdiction and purposes.

The provisions of this ordinance shall apply to all land and improvements within the corporate limits of the Town of Allendale, South Carolina. The purposes of this ordinance are to implement the land use element of the comprehensive plan for those purposes set forth in S.C. Code § 6-29-710.

Article II Definitions

§ 1-200 Interpretation.

(a) Words used in this ordinance shall have their customary and ordinary meanings as defined in a standard dictionary, except for specific words and phrases defined in this ordinance.

(b) The present tense includes the past and future tenses. Singular words shall include the plural, and plural words shall include the singular.

(c) The word “person” includes an individual, a firm, association, partnership, trust, company, corporation or any other legal entity.

(d) The word “shall” is mandatory; the word “may” is permissive.

(e) References to NAICS codes shall mean those codes assigned to businesses in the 2012 US North American Industry Classification manual published by the US Census Bureau. NAICS codes are listed in the tables of uses for each district as an aid in interpretation and determination of those specific uses included in a general class of uses.

§ 1-201 Definitions.

1. Accessory. A building or use subordinate to and serving a principal building or use which is subordinate in area, extent or purpose to the principal building or use served; designed for the comfort, convenience or necessity of occupants of the principal use served; located on the same lot as the principal building or use served, except for permitted off-site accessory uses; and which meets all setback requirements for the principal structure. Accessory uses shall include, but not be limited to: barns, sheds, home tennis courts, swimming pools, boat houses, docks, automobile garages, decks, patios, and private recreation areas.

2. Alley. A minor right-of-way used or intended to be used primarily for service access to the rear or side of properties otherwise abutting a street. An alley is not considered to be a street for purposes of this ordinance.

3. Alteration of building. Any change in the supporting members of a building, such as bearing walls, columns, or girders; any addition or reduction to a building.

4. Antenna. Any device for radiating or receiving electromagnetic waves, including, but not limited to, radio, television, telephone, communication, microwave, and satellite dish antennas.

5. Apartment. A portion of a building consisting of a room or rooms intended, designed, or used as a residence by an individual or family.

6. Automobile service station. [See NAIC Code 447110 & 447190.] Use involving the sale of gasoline, lubricating oils, merchandise such as tires, batteries, auto parts, minor repairs, and may include limited sale of groceries or carwashes, but may not include storage of dismantled or wrecked vehicles or parts.

7. Bed and breakfast. An owner occupied dwelling or portion thereof offering five or fewer guest rooms to transient lodgers in return for compensation, with or without meals. If meals are served, they shall be restricted to breakfast only. The use of a dwelling as a Bed and Breakfast Inn shall not be considered as an accessory use or a customary home occupation.

8. Boarding house. [See NAIC Code 721310.] Rooming and boarding houses. A dwelling other than a motel or hotel in which rooms are rented, with or without meals, on a fee basis. A structure in which five (5) or more rooms are rented shall be classified as a hotel or motel.

9. Buildable area. That portion of a lot which may be used or built upon in accordance with zoning district regulations.

10. Building. Any structure 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.

11. Camper. A mobile home, tent, trailer, or other self-contained vehicle, designed for recreational purposes, mounted on two or more wheels, self-propelled or towed, and not used for residential purposes in the Town.

12. Community residential care facility. An institution providing for a period exceeding 24 consecutive hours room, board, some personal assistance in feeding, dressing or other living activities to two or more individuals not related to the operator, including chemical abuse residential treatment facility or half-way house providing inpatient or detoxification services.

13. Conditional use. A use permitted by the district regulations upon compliance with specified conditions without review by the Board of Zoning Appeals.

14. Day care. The care, supervision or guidance of an unrelated person, unaccompanied by the parent, guardian or custodian, on a regular basis for periods of less than 24 hours per day in a place other than the operator's own home.

15. Day care facility. A state licensed facility providing day care, for profit or nonprofit. This definition includes, but is not limited to, day nurseries, nursery schools, kindergartens, day care centers, group day care homes and family day care homes. It does not include education facilities for grades one or above, shopping center or office building temporary care facilities, summer or day camps, or vacation Bible schools.

16. Density. The number of dwelling units per net acre of developed land, excluding land devoted to streets, alleys, parks, playgrounds, schools or other public uses.

17. District. A geographical area assigned a zoning district designation pursuant to the provisions of this ordinance.

18. Drinking place. [See NAIC Code 722410.] Establishment primarily engaged in retail sale of alcoholic drinks for consumption on premises. Sale of food may account for a substantial portion of receipts.

19. Dwelling. A building or portion thereof designed, occupied, or intended for human residential occupancy, not including a hotel, motel, rooming or boarding house.

20. Dwelling, group. A dwelling occupied by several unrelated persons or families, but in which separate cooking facilities are not provided for each group. Group dwellings include rooming houses, apartment hotels, and similar facilities. Hotels, motels and tourist homes are not group dwellings.

21. Dwelling, multi-family. A dwelling containing three or more separate dwelling units in one building. Apartments, tenements, condominiums, cooperatives and similar structures are multi-family dwellings.

22. Dwelling, one-family. A detached dwelling, other than a mobile or manufactured home, designed, occupied or intended for occupancy by a single family unit.

23. Dwelling, two-family. A detached dwelling, other than a mobile or manufactured home, containing two (2) separate dwelling units in one building, commonly known as a duplex.

24. Dwelling unit. A dwelling for occupancy by a single family unit.

25. Family. One or more persons related by blood or marriage, or not more than five unrelated persons, occupying a single dwelling unit. Domestic employees may be housed on the premises.

26. Gross floor area. The total horizontal area of all floors of a building, including exterior balconies and mezzanines, measured from the faces of the exterior walls.

27. Home occupation. A customary occupation, profession, or trade carried on by an occupant of a one-family dwelling unit as a secondary use which is clearly incidental and subordinate to the residential character of the unit, and which does not involve more than 25% of the total floor area of the unit.

28. Hotel. [See NAICS Code 721110.] A building in which lodging for pay is offered to the public, with or without meals, for transient or permanent guests, including motel or tourist court, containing five (5) or more guest rooms.

29. Junk, salvage, scrap, or wrecking yards. [See NAICS Code 423930.] Any use involving storage or processing of inoperable, unused, dismantled, or wrecked vehicles, equipment, or machinery or the storage or processing of scrap metal, waste paper, rags, food processing wastes, construction wastes, industrial wastes, secondhand building materials, or other scrap, salvage, waste, or junk materials.

30. Lane. A narrow public way for vehicular and pedestrian travel which provides the principal means of access to abutting property, but not including an alley.

31. Lot. An area, plot, parcel or tract of land defined by metes and bounds in a deed or plat recorded in the land records of Allendale County.

32. Lot, corner. A lot located at the intersection of two or more streets.

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

34. Lot, double frontage. A lot which has frontage on more than one street, other than an alley. A corner lot is not a double frontage lot unless it has frontage on three or more streets.

35. Lot, interior. A lot other than a corner lot, with only one street frontage.

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

37. Manufactured home. A structure manufactured after June 15, 1976, bearing certification of compliance with HUD standards pursuant to S.C. Code § 40-29-70, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it.

38. Manufactured home park. A lot providing rented parking space for five or more manufactured homes used for dwelling units, including service buildings and facilities. Manufactured home sales or storage lots for unoccupied units are not manufactured home parks.

39. Manufactured home subdivision. A residential subdivision provided and especially designed for occupancy by manufactured homes, in which lots are offered for sale only.

40. Miniwarehouse. [See NAICS Code 531130.] A building or group of buildings on a fenced controlled access lot which contain individual locked compartments for storage of personal property.

41. Mobile home. A structure manufactured prior to June 15, 1976, or manufactured after June 15, 1976 without certification of compliance with HUD standards pursuant to S.C. Code § 40-29-70, which is a movable or portable dwelling unit over thirty (30) feet in length constructed to be towed on its own chassis, without permanent foundation, consisting of a single or two or more connected components. The term does not include prefabricated, modular or unitized dwelling on a permanent foundation, or travel trailer, camper, or similar recreational unit.

42. Modular building. A structure consisting of two or more prefabricated components designed to be transported to a lot and placed on a permanent foundation, and which is certified by the South Carolina Building Codes Council as conforming to Southern Building Code standards for site built units. A mobile home, house trailer, or manufactured home is not a modular building.

43. Motel. [See NAICS Code 721110.] A building or buildings in which lodging, with or without meals, is offered to the public for compensation, including a hotel, tourist court, or inn.

44. 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 are not in compliance with the requirements of this ordinance.

45. Park. A public or private lot or facility for active or passive recreation, exercise, sports or similar activities, enhancement of natural features or beauty, but not including a commercially operated amusement park.

46. Parking lot. A public or private open lot for parking motor vehicles as a principal use or as an accessory to a commercial or industrial use.

47. Parking space. An area on a lot designated for parking a motor vehicle.

48. Permanent building. A structure on a separately constructed permanent foundation intended to remain in one location and last indefinitely.

49. Permitted use. A use permitted outright by district regulations.

50. Principal structure or use. A structure or use which is significant or primary rather than accessory.

51. Recreational Vehicle. A self-propelled or towable vehicle primarily designed, constructed, or modified to provide temporary living quarters or for recreation, camping, or vacation use, and not for commercial purposes or for profit; including, but not limited to, motor homes, travel or camper trailers, pickup campers, boats and boat trailers. This definition does not include mobile or manufactured homes.

52. Residence. A dwelling.

53. Setback. The depth or width of any required yard; the minimum distance between a structure and an adjacent lot or street; the area required to be unobstructed except for fences, flagpoles, clothes lines, bird houses or yard accessories.

54. Sign. Any device designed to inform, advertise or attract attention such as a billboard, poster, painted surface, announcement, display, ribbon, pennant, flag, banner, illustration, or insignia, lighted or unlighted, stationary or moving.

55. Special exception. A use specifically permitted after review and approval by the Board of Zoning Appeals, subject to ordinance standards and additional conditions set by the Board of Zoning Appeals.

56. Street. A public thoroughfare for vehicular and pedestrian travel which provides the principal means of access to abutting property, but not including an alley.

57. Structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground, including buildings, mobile homes, travel trailers, signs, swimming pools, fences, and antennae, but excluding minor landscaping features such as ornamental pools, planters, bird baths, paved surfaces, walkways, driveways, recreational equipment, flagpoles, and mailboxes.

58. Tourist (guest) home. A dwelling in which lodging is provided in not more than three (3) rooms for paid guests, with or without meals. A tourist home shall not be considered an accessory use or customary home occupation.

59. Variance. Relief granted by the Board of Zoning Appeals from the strict application of zoning regulations in an individual case of unnecessary hardship based on factual findings required by law.

60. Yard. A required open space unoccupied and unobstructed by structures except those specifically permitted.

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

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

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

**CHAPTER 2
DISTRICTS AND MAP**

§ 2-100 Establishment of districts.

The following zoning districts are hereby established in the Town of Allendale:

DISTRICT	DESCRIPTION	MINIMUM LOT - Sq. Ft.
RS-1	Single Family Residential District	15,000 -Residential 20,000 -Non-Residential
RS-2	Single Family Residential District	9,000 - Residential 15,000 - Non-Residential
RMH	Manufactured Home Residential District	6,000 - Single unit or manufactured home 2 acres - Manufactured home park
RMF	Multi-Family Residential District	6,000 - Single unit 12,000 - Two units 4,000 - Each additional unit 1.5 acres – Multi-Family project
OI	Office and Institutional District	9,000
CC	Core Commercial District	NONE
NC	Neighborhood Commercial District	6,000
IND	Industrial Development District	Five (5) acres
OSP	Open Space Preservation District	None
AGR	Agricultural District	Two (2) acres
FHD	Flood Hazard Overlay District	None

No amendment shall be initiated which would create a new zoning district with an area of less than two (2) acres. The minimum requirement does not apply to extension of an existing district.

§ 2-101 District purposes.

The zoning districts established in this ordinance are for the purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare, and all of the purposes set forth in S. C. Code § 6-29-710. The following statements of intent shall be used in interpretation and application of the district regulations.

The residential district regulations are designed to encourage a stable and healthy environment for residential purposes and to discourage encroachment by commercial, industrial, or other uses adversely affecting the residential character of the district.

RS-1 and RS-2 - Single Family Residential District. RS-1 and RS-2 districts are intended to be single family residential areas with detached units and low to medium population densities. Use regulations allow limited recreational uses which are compatible with the character of the district. Clustered housing and conversion of existing large houses to multi-family or bed and breakfast uses may be permitted as special exceptions.

RMH – Manufactured Home Residential District. RMH districts are intended to provide a residential environment sufficient to meet the unique needs of those living in manufactured housing and to protect manufactured home parks and subdivisions from encroachment by incompatible uses.

RMF – Multi-Family Residential District. RMF districts are intended to accommodate a wide range of high density dwelling units on small parcels of land, including manufactured homes on individual parcels, group housing, and multi-family units by special exception.

OI - Office and Institutional District. OI district is intended to provide locations for a wide range of professional offices, institutions, selected service uses, and, where appropriate, residential uses. This district is primarily intended for areas whose character is neither exclusively residential nor commercial and whose location is along major roadways. This district is also intended for areas dominated by institutions such as a hospital or college.

CC - Core Commercial District. The intent of the CC district is to accommodate a variety of general commercial and nonresidential uses characterized primarily by retail, wholesale, office and service establishments in the central business area of downtown Allendale. Residential uses are permitted on upper levels of commercial structures. Tourist homes may be permitted by special exception.

NC – Neighborhood Commercial District. The intent of the NC district is to accommodate commercial and service uses oriented towards serving the needs of persons who live or work in nearby areas. RMF residential uses are permitted in the NC district. Commercial uses permitted are intended to be relatively small in size and service area.

IND - Industrial Development District. The IND district is intended for a wide variety of light and heavy industrial and commercial uses which do not create nuisances by noise or

emissions beyond the premises.

OSP – Open Space Preservation District. Open Space Preservation districts are intended to control development in and preserve or enhance the character of certain natural, swamp, or wet areas which have any of the following characteristics:

- a. Are subject to periodic or occasional flooding;
- b. Are utilized for outdoor recreation purposes;
- c. Provide needed open space for the present and future residents of the area;
- d. Possess great natural beauty or are of historical significance;
- e. Serve as wildlife refuges

The provisions of this district are intended to protect these areas from indiscriminate encroachment and loss by residential, commercial, industrial, or other inappropriate development; to allow their appropriate development and enhancement as open space for the benefit and general welfare of the residents of the community; and to prevent flood damage to urban development by prohibiting certain used in areas subject to flooding.

AGR – Agricultural District. It is the intent of the Agricultural District to provide for agricultural, horticultural, forestry, conservation, and buildings incidental to these purposes but excluding any animal husbandry or related activities. The provisions of this district are intended to prevent haphazard development or the establishment of undesirable development patterns in the predominately rural areas of the zoning jurisdiction. Further, it is intended that AGR Districts shall act as holding zones for areas presently undeveloped, but likely to be in the path of future development, in order that their qualities shall not be spoiled by inappropriate development until such time as their most appropriate future uses can be determined and orderly zoning accomplished.

FHD – Flood Hazard Overlay District. The purpose of the Flood Hazard Overlay District is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas.

§ 2-102 District boundaries on map.

The boundaries of the zoning districts established by this ordinance shall be as shown on the Town of Allendale Official Zoning Map.

§ 2-103 Official Zoning Map.

The official copy of the Town of Allendale Zoning Map shall be maintained in the office of the Town Clerk. All zoning district boundaries shall be clearly shown on the Official Zoning Map, and amendments shall be recorded immediately after adoption. The official copies of the Zoning Map shall be dated and attested by the signatures of the Mayor, Council and Town Clerk, and shall be available for public inspection. The Official Zoning Map and any amendments

adopted by Town Council shall constitute the final authority for determination of zoning district boundaries. Such changes made in district boundaries or other matters portrayed on the Official Zoning Map shall be entered and dated by the Town Clerk within five (5) working days after the amendment has been approved by Town Council. It shall be unlawful for any other person to make unauthorized changes to the Official Zoning Map. Any amendment to the Official Zoning Map shall become effective immediately upon action by the Town Council.

§ 2-104 Interpretation of district boundaries.

The Zoning Administrator shall interpret the Official Zoning Map and determine the location of zoning district boundaries, using the following rules of interpretation:

1. District boundaries indicated as approximately following the center lines or right-of-way lines of streets, alleys, railroads, or bodies of water shall be construed to follow those center lines.
2. District boundaries indicated as approximately following platted lot lines or tax map lot lines shall be construed as following those lot lines.
3. District boundaries indicated as approximately following Town limits shall be construed as following Town limits.
4. District boundaries indicated as approximately parallel to or extensions of features indicated in subsections above shall be so construed for the distances indicated on the Official Zoning Map. Distances not specifically indicated shall be determined by scale of the map.

§ 2-105 Lot divided by district boundaries.

No structure or accessory use may be placed, structurally altered, or have a change in use where the structure or use is or would be included within two or more zoning districts unless such structure or use conforms to the requirements of all applicable district regulations.

**CHAPTER 3
GENERAL REGULATIONS**

§ 3-100 Application of regulations.

a. No structure or land shall hereafter be erected, constructed, reconstructed, moved, structurally altered, used or occupied unless in conformity with the regulations in this ordinance applicable to the district in which it is located, except permitted nonconforming uses.

b. District regulations shall apply uniformly to each class of structure or land, and shall be interpreted as minimum requirements adopted for the purposes of zoning. When requirements of this ordinance are at variance with requirements of any other applicable rule, regulation, ordinance or statute, the most restrictive requirements, or those imposing the higher standards shall apply.

§ 3-101 Street access required.

Except as otherwise specifically provided, no building shall be located, used or occupied on a lot without direct vehicular and pedestrian access to a public street.

§ 3-102 Structures required to be on lots of record.

Any new structure erected after the effective date of this ordinance shall be on a lot of record.

§ 3-103 Reduction of lot or yard area prohibited.

No lot or yard existing on the effective date of this ordinance shall be reduced in dimension or area below the applicable district minimum requirements. New lots or yards shall meet the applicable district minimum requirements.

§ 3-104 Annexation.

The zoning district shall be designated for property annexed by ordinance as follows:

a. Town Council, after receiving a recommendation from the Planning Commission, shall specify an interim zoning district classification or classifications in the annexation ordinance. Such classification or classifications shall become effective on the effective date of annexation and permits for permitted uses may be issued.

b. If the zoning district classification recommended by the Planning Commission for the annexed area is different in character and standards from the existing county zoning district of the area, the Planning Commission report shall contain the reasons for the recommendation, and Town Council shall hold a public hearing on the proposed annexation and the proposed interim zoning of the property to be annexed.

c. Notice of the public hearing shall be published in the same manner as required for rezoning.

d. Immediately after the effective date of the annexation, the Zoning Administrator shall initiate zoning amendment procedures to confirm or establish the appropriate zoning classifications for the annexed area.

§ 3-105 Nonconforming structures or uses.

Nonconforming structures or land uses are declared to be incompatible with permitted uses in the districts established by this ordinance. It is the intent of this ordinance to allow nonconformities to continue until they are removed, but not to encourage their survival. The lawful use of any structure or land on the effective date of this ordinance may be continued subject to the following regulations:

1. A nonconforming structure or use shall not be changed to any other nonconforming structure or use.

2. A permitted use in a structure which is on a nonconforming lot or which does not meet minimum yard requirements may be converted to another permitted use without enlargement.

3. A nonconforming structure shall not be repaired, altered or rebuilt except in conformity with this ordinance after sustaining damage or deterioration exceeding fifty (50%) percent of the appraised market value of the structure for tax purposes at the time of application for a permit.

4. A nonconforming structure shall not be removed or demolished and replaced with a nonconforming structure.

5. A nonconforming structure or use shall not be extended, enlarged, or intensified except in conformity with this ordinance; provided, however, a nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but the use shall not be extended outside the building.

6. A nonconforming use shall not be reestablished after vacancy, abandonment, or discontinuance for a period of three (3) consecutive months.

7. Nothing in this section shall prevent work on a structure which is necessary to protect public safety upon the order of the Zoning Administrator.

8. Ordinary repairs to a nonconforming structure, such as repairs to interior non-bearing walls, fixtures, wiring or plumbing to meet building codes may be permitted, provided the cubic content of the structure is not increased.

§ 3-106 Mobile home declared nonconforming structure; removal required.

A mobile home, as defined in § 1-201, manufactured prior to June 15, 1976, or manufactured after June 15, 1976 without certification of compliance with HUD standards, is declared a nonconforming structure. All nonconforming mobile homes shall be removed from the Town limits when they have been vacant for a period of six (6) months. The Board of Zoning Appeals may grant an extension of not more than six (6) months in an individual case upon appeal for a variance and findings of fact that the occupant of the mobile home will suffer an unnecessary hardship by reason of strict application of this section.

§ 3-107 Temporary nonconforming uses.

A temporary use permit may be issued by the Zoning Administrator for appropriate periods of time not to exceed 12 month increments for a nonconforming structure or use incidental to building construction or land development upon the condition that the structure or use be removed upon expiration of the permit.

§ 3-108 Dwellings on nonconforming lots of record.

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record on the effective date of this ordinance, provided setback requirements of the district are met.

CHAPTER 4
DISTRICT REGULATIONS

§ 4-100 District Use Classifications.

General Regulations in Chapter 3, District Regulations in Chapter 4, Supplemental Regulations in Chapter 5, and Additional District Regulations in Chapter 6 are applicable to all following classes of uses:

(a) Permitted uses. Permitted uses listed in the district use tables in this division are permitted outright.

(b) Conditional uses. Conditional uses in the district use tables are permitted by the Zoning Administrator without further review upon compliance with conditions specified in the tables.

(c) Special exceptions. Special exceptions are permitted after review and approval by the Board of Zoning Appeals upon compliance with general conditions in the regulations.

(d) Tables of uses. References to NAICS codes in the following tables of uses shall mean those codes assigned to businesses in the 2012 US North American Industry Classification manual published by the US Census Bureau. NAICS codes are listed in the tables of uses for each district as an aid in interpretation and determination of those specific uses included in a general class of uses.

§ 4-101 RS-1 - Single Family Residential District Uses.

RS-1 DISTRICT PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Single-family dwelling (other than a manufactured home),	814110	Private households	<i>Two (2)</i> for each dwelling unit
2. School, government building or facility (except jails)	611, 921, 922, 921130, 923, 924110, 924120, 925110, 925120, 926110	Public schools; General government and administration; justice, safety & public order, except jails.	<u>School</u> : Two (2) per classroom or office, plus one (1) for each four (4) seats in senior high auditorium. <u>Other</u> : One (1) per 200 sq. ft. of GFA
3. Public park or playground , recreational facilities such as tennis court, ball field, swimming pool or golf course	713	Public and membership recreation services	One (1) per 100 sq. ft. of building area plus five (5) for each golf hole
4. Church, synagogue, temple, or place of worship , including religious education building, parsonage or parish house, off-street parking for members and visitors without pay, recreation facilities, kindergarten or pre-school nursery, in permanent structures	813110	Religious organizations, churches, etc.	One (1) for each four (4) seats in main assembly room
5. Accessory use on same lot with principal use. Accessory uses must be in compliance with Chapter 5 of this ordinance.			

RS-1 DISTRICT CONDITIONAL USES (Approved by Zoning Administrator if all conditions are met)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Public utility substation, water tower, (See Chapter 5 for communication tower), provided all following conditions are met: a. structures enclosed by six (6) foot fence; b. no office, commercial operation, or storage of vehicles or equipment is permitted; c. a landscaped strip at least five (5) feet wide is planted and maintained along all exterior lot lines.	221	Electric, gas, water, sanitary services	One (1) space per 500 sq. ft. of GFA
2. Cemetery, provided all following conditions are met: a. minimum two (2) acre lot; b. no crematorium or dwelling except caretaker; c. front yard setback seventy (70) feet from the centerline of the street or ten (10) feet from the street right-of-way line, whichever is further; d. non-illuminated sign not over thirty (30) square feet in area or ten (10) feet in height.	812220	Cemetery	None
3. Temporary contractor office and equipment shed, provided all following conditions are met: a. used in connection with construction on premises; b. must not cause traffic congestion or nuisance; c. for term up to one (1) year; may be renewed once.	236115, 236118	General contractors, single-family houses	<i>One (1)</i> for each 300 sq. ft. of office area
4. Customary home occupation in single-family dwelling, provided all following conditions are met: a. conducted inside dwelling by resident family members; b. utilizes not more than 25% of total dwelling floor area, c. no change in exterior appearance of dwelling; d. no outside display of products; e. no sale of products except those made on premises or consumables incidental to a service; f. creates no health or safety hazard, noise, offensive emission, traffic hazard, unsightly condition or nuisance; g. activity is not visibly evident outside dwelling, except for a wall-mounted non illuminated nameplate not over four (4) square feet in area.			

RS-1 DISTRICT SPECIAL EXCEPTIONS (Approved by Board of Zoning Appeals after hearing)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Tourist (guest) home, as defined in §1-201			<i>One (1)</i> for each guest room
2. Private kindergarten, pre-school nursery, day care, residential care, and adult day care provided the following conditions are met: a. applicable State regulations are met; b. minimum (20,000) square foot lot; c. minimum (200) square feet of open space per child enclosed by fence at least 5 feet in height; d. structures minimum of (25) feet from residential property; e. conditions imposed for safety, traffic, impact on district; f. the use is compatible with the district.	61110, 624120, 624410, 611699, 624120, 623210, 623312, 623990	Kindergarten (with academic program) Child Day care services Adult day care services Residential care facility	<i>One (1)</i> per employee, plus one off-street, drop-off & pick-up space
3. Clustered single-family development, provided the Board of Zoning Appeals determines: a. detached single-family units on minimum of two (2) acre development parcel; b. maximum density of three (3) dwellings per acre; c. lot requirements per house may be waived; d. zero interior lot line setback may be allowed; e. adequate provisions for access and traffic safety; f. the use is compatible with the district.	814110	Private households	<i>Two(2)</i> for each dwelling unit
4. Conversion of existing dwelling to multi-family, provided the Board of Zoning Appeals determines: a. large dwelling (over 3,000 square feet in total area) existed prior to 1970; has little economic value or usefulness as single-family dwelling or other conforming use; b. minimum (25,000) square foot lot, plus (8,000) square feet for each dwelling unit over (2); c. no enlargement or exterior change to building permitted d. not more than (4) dwelling units are permitted; e. the use is compatible with the district.	N/A		<i>Two (2)</i> for each dwelling unit in rear yard
5. Conversion of dwelling to a bed and breakfast inn, provided the Board of Zoning Appeals determines: a. all conditions for home occupation are met;	721191	Bed and breakfast inn (Includes uses for	Location set by Board; minimum:

<p>b. no common or shared driveways are permitted; c. adequate off street parking is provided as approved; d. maximum of five (5) guest rooms; e. guest rooms restricted to guest stay not exceeding thirty (30) consecutive days; f. the use is compatible with the district.</p>		<p>meetings and social activities)</p>	<p>One (1) for each guest, room plus two (2) for resident innkeeper</p>
<p>6. Conversion of existing dwelling to allow for professional offices, provided the Board of Zoning Appeals determines: a. located on minimum (20,000) square foot lot; b. large dwelling (over 3,000 square feet in total area) existed prior to 1970, has little economic value or usefulness as a single family dwelling or any other conforming use; c. no enlargement or exterior change to building allowed; d. adequate off street parking is provided as approved; and e. the use is compatible with the district.</p>	<p>54110, 541330, 541310, 541211, 541214, 541219</p>	<p>Legal services; Engineering services; Architectural services; Surveying services; Accounting, auditing, bookkeeping services</p>	<p>One (1) per employee, plus one (1) per 500 feet of floor area</p>

§ 4-102 RS-1 Single Family Residential District Regulations.

The following regulations apply to all uses in **RS-1 districts**:

Minimum residential lot area:	15,000 square feet*
Minimum non-residential lot area:	20,000 square feet*
Minimum lot width at building line:	One hundred (100) feet
Minimum front yard setback:	Thirty-five (35) feet from the nearest street right-of-way line: For exceptions to this requirement, See Chapter 5.
Minimum side yard setback:	<u>Residential</u> <u>Principal structure</u> – Ten (10) feet from interior side lot line. <u>Accessory structure</u> – Five (5) feet from interior side lot line. <u>Non-Residential</u> Fifty (50) feet from interior side lot line.
Minimum rear yard setback:	<u>Residential</u> <u>Principal structure</u> – Thirty (30) feet from interior rear lot line. <u>Accessory structure</u> – Five (5) feet from interior rear lot line. <u>Non-Residential</u> Fifty (50) feet from interior rear lot line.
Maximum structure height:	Thirty-five (35) feet to the roof line. For exceptions to height regulations, See Chapter 5.
Visibility requirements:	<u>Corner lot</u> - No obstruction between heights of three (3) and ten (10) feet above finished street level within fifteen (15) feet of intersection of street right-of-way lines. <u>Private drive</u> : - No obstruction over thirty (30) inches high within ten (10) feet of intersection of street line and line of drive.
Off street parking area requirements:	See Chapter 5.
Signs:	See Chapter 5.
Supplemental regulations:	See Chapter 5

* If a lot is served by well and/or septic tanks, SCDHEC regulations shall determine the area of lot(s). However, if SCDHEC regulations allow the area of a lot or lots to be smaller than what is required by this table, then the minimums established by this table shall apply.

§ 4-103 RS-2 Single Family Residential District Uses.

RS-2 DISTRICT PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Single-family dwelling (other than a manufactured home),	814110	Private households	Two (2) for each dwelling unit
2. School, government building or facility (except jails)	611, 921, 922, 921130, 923, 924110, 924120, 925110, 925120, 926110	Public schools; General government and administration; justice, safety & public order, except jails.	<u>School</u> : Two (2) per classroom or office, plus one (1) for each four (4) seats in senior high auditorium. <u>Other</u> : One (1) per 200 sq. ft. GFA
3. Public park or playground , recreational facilities such as tennis court, ball field, swimming pool or golf course.	713	Public and membership recreation services	One (1) per 200 sq. ft. of building area plus four (4) for each golf hole
4. Church, synagogue, temple, or place of worship , including religious education building, parsonage or parish house, off-street parking for members and visitors without pay, recreation facilities, kindergarten or pre-school nursery, in permanent structures	813110	Religious organizations, churches, etc.	One (1) for each four (4) seats in main assembly room
5. Accessory use on same lot with principal use Accessory uses must be in compliance with Chapter 5 of this ordinance.			

RS-2 DISTRICT CONDITIONAL USES (Approved by Zoning Administrator if all conditions are met)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. All Conditional Uses Allowed in RS-1 Zoning District.	See RS-1 Conditional Uses		
2. Multi-section-Manufactured home used as sole residence on a single lot. Provided all the following conditions are met: <ul style="list-style-type: none"> a. Minimum of (1,000) s of enclosed heater floor space. b. On a foundation of brick or cement block. c. Underpinning installed of a type and material approved by the building official d. Anchored appropriately to foundation for wind resistance in accordance with Allendale County regulation. e. All mobile features are removed. f. Owner shall certify in writing that the unit meets HUD standards and will be maintained in compliance with HUD standards. g. A roof of composition shingles having a minimum pitch of 1' in 4' with a minimum overhang at soffits and gable ends of (12) inches. h. Exterior wall covering of masonry, vinyl or metal veneer, or wood siding assuring favorable compatibility with neighboring site dwellings. i. Covered front entry area (porch). j. Failure to bring a unit into compliance with HUD standards within (60) days after notice of deficiencies shall be a violation of these conditions subject to penalties provided by the Town Code. k. Compliance with other requirements as may be set forth by Allendale County. 	N/A	N/A	<i>Two (2) for each dwelling unit</i>

RS-2 DISTRICT SPECIAL EXCEPTIONS (Approved by Board of Zoning Appeals after hearing)	PARKING SPACES REQUIRED
All special exceptions permitted in RS-1 district.	See RS-1

§ 4-104 RS-2 Single Family Residential District Regulations.

The following regulations apply to all uses in **RS-2** districts:

Minimum residential lot area:	9,000 square feet*
Minimum non-residential lot area:	15,000 square feet*
Minimum lot width at building line:	Sixty (60) feet
Minimum front yard setback:	Thirty-five (35) feet from the nearest street right-of-way line: For exceptions to this requirement, See Chapter 5
Minimum side yard setback:	<u>Residential</u> Principal structure - Eight (8) feet from interior side lot line. Accessory structure – Three (3) feet from interior side lot line. <u>Non-Residential</u> Forty (40) feet from interior side lot line.
Minimum rear yard setback:	<u>Residential</u> Principal structure – Twenty-five (25) feet from interior rear lot line. Accessory structure – Three (3) feet from interior rear lot line. <u>Non-Residential</u> Forty (40) feet from interior rear lot line.
Maximum structure height:	Thirty-five (35) feet to the roof line (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae)
Visibility requirements:	<u>Corner lot:</u> no obstruction between heights of three (3) and ten (10) feet above finished street level within fifteen (15) feet of intersection of street right-of-way lines. <u>Private drive:</u> no obstruction over thirty (30) inches high within ten (10) feet of intersection of street line and line of drive.
Off street parking area requirements:	See Chapter 5
Signs:	See Chapter 5
Supplemental regulations:	See Chapter 5

* If a lot is served by well and/or septic tanks, SCDHEC regulations shall determine the minimum area of lot(s). However, if SCDHEC regulations allow the area of a lot or lots to be smaller than what is required by this table, then the minimums established by this table shall apply.

§ 4-105 RMH Manufactured Home Residential District Uses.

RMH DISTRICT PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. All Uses permitted RS-2	See RS-2 Permitted Uses		
2. Manufactured Home (on single lot)	N/A	Private households	Two (2) for each individual dwelling unit.
3. Manufactured Home Park	531190	Private households.	Two (2) for each individual dwelling unit.
4. Recreational facilities and other uses required and intended for the exclusive use of the residents of the particular RMH District within which such uses are located.	N/A	Recreational and other facilities for the exclusive use of residents of the RMH District.	One (1) per 200 sq. ft. of building area; plus one (1) for each 2,000 sq. ft. of recreation area.
5. Social Services , individual and family social assistance services	624190	Individual and family social assistance services.	One (1) per 350 sq. ft. of GFA
6. Accessory use on same lot with principal use. Accessory uses must be in compliance with Chapter 5 of this ordinance.			

RMH DISTRICT CONDITIONAL USES (Approved by Zoning Administrator if all conditions are met)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. All Conditional Uses Allowed in RS-2	See RS-2 Conditional Uses		
2. Single family dwelling for manager/ caretaker, provided all following conditions are met: a. dwelling is located on premises of permitted use; b. head of household is employed in a permitted use as manager or caretaker.	814110	Private household	Two (2) for each dwelling unit.
3. Customary home occupation in single-family dwelling, provided all following conditions are met: a. conducted inside dwelling by resident family members; b. utilizes not more than 25% of total dwelling floor area. c. no change in exterior appearance of dwelling; d. no outside display of products; e. no sale of products except those made on premises or consumables incidental to a service; f. creates no health or safety hazard, noise, offensive emission, traffic hazard, unsightly condition or nuisance; g. activity is not visibly evident outside dwelling, except for a wall-mounted non-illuminated nameplate not over two (2) square feet in area.			

RMH DISTRICT SPECIAL EXCEPTIONS (Approved by Board of Zoning Appeals after hearing)	PARKING SPACES REQUIRED
All special exceptions permitted in RS-2 district.	See RS-2

§ 4-106 RMH - Manufactured Home Residential District Regulations.

The following regulations apply to all uses in **RMH districts**:

Minimum residential lot area:	6,000 square feet*
Minimum residential lot area for manufactured home park:	Three (3) acres*
Minimum non-residential lot area:	12,000 square feet*
Minimum land area per unit:	Manufactured home park - 6,000 square feet*
Maximum dwelling units per acre:	Manufactured home park – Six (6) dwelling units
Minimum lot width	Forty (40) feet – manufactured home park
Minimum front yard depth:	Thirty-five (35) feet from public street right of way.
Minimum side yard setback:	<i>Residential</i> <u>Principal structure</u> - Six (6) feet from interior side lot line. <u>Accessory structure</u> – Three (3) feet from interior side lot line. <i>Non-residential</i> Forty (40) feet from interior side lot line.
Minimum rear yard setback:	<i>Residential</i> <u>Principal structure</u> – Twenty (20) feet from interior rear lot line. <u>Accessory structure</u> – Three (3) feet from interior rear lot line <i>Non-residential</i> Forty (40) feet from interior rear lot line.
Maximum structure height:	Thirty-five (35) feet to roof line (not applicable to church spires, belfries, cupolas, domes, utility and communications towers, chimneys, flag poles, antennae)
Visibility requirements:	<u>Corner lot</u> : no obstruction between heights of three (3) and ten (10) feet above finished street level within fifteen (15) feet of intersection of street right-of-way lines. <u>Private drive</u> : no obstruction over height of thirty (30) inches within ten (10) feet of street
Off street parking area requirements:	See Chapter 5.
Signs:	See supplemental regulations, Chapter 5.
Supplemental regulations:	<ul style="list-style-type: none"> a. Manufactured homes shall be situated on each space so as to provide: <ul style="list-style-type: none"> i. A minimum of twenty (20) feet of side clearance between manufactured homes and any property line bounding the park;

	<p>ii. A minimum of fifteen (15) feet of clearance between only those manufactured homes parked end to end and any building located within the park.</p> <p>b. Each manufactured home park or subdivision shall have a minimum area of (20,000) square feet set aside for common open space. In the event of a manufactured home park or subdivision larger than three (3) acres, or the expansion of a manufactured home park, (500) square feet of common open space shall be set aside for each manufactured home added after the 40th unit for a park and after the 30th unit for a subdivision;</p> <p>c. All manufactured spaces in a manufactured home park shall abut upon a paved driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a street; no direct access to a manufactured home park space from a public street shall be permitted.</p> <p>d. All manufactured home lots in a manufactured home subdivision shall front on a paved public dedicated and maintained street that has at least than fifty (50) feet of right-of-way and is at least thirty (30) feet in width.</p> <p>e. All manufactured homes located in a manufactured home park must be securely attached to a permanent foundation within three (3) months of placement in a space;</p> <p>f. A site plan showing the details of development shall be submitted for approval upon compliance with additional conditions imposed to implement the intent of this ordinance.</p>
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* If a lot is served by well and/or septic tanks, SCDHEC regulations shall determine the minimum area of lot(s). However, if SCDHEC regulations allow the area of a lot or lots to be smaller than what is required by this table, then the minimums established by this table shall apply.

§ 4-107 – Existing Manufactured Home Parks and Subdivisions.

All existing manufactured home parks and subdivisions which do not conform shall be allowed to continue as a manufactured home park or subdivision and treated accordingly.

§ 4-108 – Requirements for All Manufactured Homes.

The following regulations shall apply to all manufactured homes in all zoning districts.

a. Foundation Screening: All manufactured homes, whether on temporary or permanent foundations, shall have adequate visual screening between the walls and the ground surface to conceal all utilities, foundations, wheels, and other items, and to protect children from possible harm under manufactured homes. Such screening may consist of brick, masonry, vinyl, or similar materials compatible with the exterior sheathing, designed and manufactured for outdoor installation, and in compliance with Allendale County building codes.

b. Outdoor Storage Facilities: All manufactured home parks shall provide access to adequate outdoor storage space for the purpose of storing furniture, tools, outdoor equipment, and other items which cannot easily be accommodated inside. Such facilities shall be provided in convenient proximity to all manufactured homes, and may consist of individual buildings or structures which are shared by several units. They shall be of such design and construction as to enhance the appearance of the premises and shall be of durable, weather resistant materials. Where adequate, the enclosed foundation crawl space of individual manufactured homes may be used for this storage.

c. Buffer Areas: Adequate buffers in the form of walls or planting screens shall be provided around all manufactured home parks and subdivisions in order to avoid conflicts with adjacent existing development and to limit possible adverse affects of manufactured home developments on residential areas as well as to protect manufactured home residences from the potential undesirable effects of adjacent commercial or industrial areas. Such buffers shall be provided along all property lines and shall consist of a strip approximately ten (10) feet wide with thickly planted evergreen shrubbery. Walls or screens of durable material may be combined with said planting.

d. Installation: A manufactured home must be properly installed per Manufacturer's Installation Manual. In the event that the Manual is not provided, the home must be installed according to Section 19-425.39, Manufactured Home Minimum Installation, as promulgated by the South Carolina Manufactured Housing Board. Additionally, manufactured homes must be installed by an installer or contractor licensed by the South Carolina Manufactured Housing Board.

§ 4-109 RMF Multi-Family Residential District Uses.

RMF DISTRICT PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. All permitted uses in RS-2 and RMH districts.	See RS-2 and RMH permitted uses.		
2. Multi-family dwelling and two family dwelling (duplex)	814110	Private Households	Two (2) for each dwelling unit
3. Boarding House	721310	Dwelling, other than a motel or hotel, in which rooms are rented	Two (2) for each dwelling unit
4. Hotel and Lodging Houses	721110	Lodging for pay is offered to the public; containing five (5) or more guest rooms	Two (2) for each unit
5. Home Health Care Services	623210	Residential care services	One (1) per 500 sq. ft. of GFA
6. Accessory use on same lot with principal use. Accessory uses must be in compliance with Chapter 5 of this ordinance.			

RMF DISTRICT CONDITIONAL USES (Approved by Zoning Administrator if all conditions are met)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. All Conditional Uses Allowed in RMH Zoning District.	See RMH Conditional Uses		

RMF DISTRICT SPECIAL EXCEPTIONS (Approved by Board of Zoning Appeals after hearing)	PARKING SPACES REQUIRED
All special exceptions permitted in RMH district.	See RMH Special Exceptions

§ 4-110 RMF Multi-Family Residential District Regulations.

The following regulations apply to all uses in **RMF districts**.

Minimum residential lot area:	(5,000) square feet- Single unit* (10,000) square feet – Two units* (4,000) square feet – Each additional unit* Two (2) acres- Multi-Family project*
Minimum non-residential lot area:	(12,000) square feet*
Minimum lot width at building line:	Fifty (50) feet
Minimum front yard setback:	Thirty-five (35) feet from street right-of-way. For exceptions to this requirement, see Chapter 5.
Minimum side yard setback:	<u>Residential</u> <u>Principal structure</u> - Seven (7) feet from interior side lot line. <u>Accessory structure</u> – Three (3) feet from interior side lot line. <u>Non-residential</u> Forty (40) feet from interior side lot line.
Minimum rear yard setback:	<u>Residential</u> <u>Principal structure</u> - Twenty (20) feet from interior side lot line. <u>Accessory structure</u> – Three (3) feet from interior side lot line. <u>Non-residential</u> Forty (40) feet from interior side lot line.
Maximum building height	Forty (40) feet to the roof line [not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae]
Visibility requirements:	<u>Corner lot:</u> no obstruction between heights of (3) and (10) feet above finished street level within (15) feet of intersection of street right-of-way lines. <u>Private drive:</u> no obstruction over (30) inches high within (10) feet of intersection of street line and line of drive.
Off street parking area requirements:	See supplemental regulations, Chapter 5
Signs:	See supplemental regulations, Chapter 5
Supplemental regulations:	See Chapter 5

* If a lot is served by well and/or septic tanks, SCDHEC regulations shall determine the minimum area of lot(s). However, if SCDHEC regulations allow the area of a lot or lots to be smaller than what is required by this table, then the minimums established by this table shall apply.

§ 4-111 OI Office and Institutional District Uses.

OI DISTRICT PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. All permitted uses in RMF district.	See RMF permitted uses.		
2. Telephone, telegraph, radio, television services, (except communications towers)	515, 517	Communications	One (1) per 500 sq. ft. of GFA
3. Public utility including water tower, substation	221	Electric, gas, water, sewer	One (1) per 500 sq. ft. of GFA
4. Finance, insurance, and real estate	521, 522, 523, 524, 525, 531	Depository institutions; Credit institutions; Security dealers, etc.; Insurance carriers; Insurance agents; Real estate agents, etc.; Investment offices.	One (1) per 200 sq. ft. of gross floor area
5. Church, synagogue, temple, or place of worship, including religious education building, parsonage or parish house, off-street parking for members and visitors without pay, and recreation facilities	813110	Religious organizations, churches, etc.	One (1) for each four (4) seats in main assembly room
6. Government building or facility, (except jails)	491110 921, 922, 923, 924, 925, 926	U.S. Postal Service; General government, justice, public order, safety, finance, etc.; Human resources; Housing programs; Economic programs.	One (1) for each 200 sq. ft. of GFA

<p>7. Services to individuals, business and government establishments, recreation, health and professional services</p>	<p>721310, 721191, 518, 561, 561, 611, 812990 339116, 621, 541110, 519120, 623, 624, 813, 712, 561599, 541</p>	<p>Rooming & boarding houses; Bed and Breakfast Inns; Business services; <i>Health services, hospitals;</i> Legal services; Schools & libraries; Social services; Museums & gardens; Membership organization; Engineering, accounting, research & management; Services not classified</p>	<p><u>Rooming and boarding:</u> One (1) for each room. <u>Bed and Breakfast Inns:</u> One (1) for each room. <u>Business services:</u> One (1) per 250 sq. ft. of GFA. <u>Club, library, funeral home:</u> One (1) per 300 sq. ft. of GFA. <u>Hospital:</u> One (1) for each patient bed. <u>Elementary School:</u> Two (2) spaces for each classroom. <u>High School:</u> One (1) for each four (4) seats in auditorium. <u>All Other:</u> One (1) per 250 sq. ft. of GFA.</p>
<p>8. Membership organizations, including business & professional associations; unions & political organizations</p>	<p>813410, 813110, 813910, 813920, 813940, 813930</p>	<p>Civic and social organizations; Religious organizations; Business associations; Professional organizations; Political organizations; Labor unions and similar labor organizations</p>	<p>One (1) for each four (4) seats in assembly room.</p>
<p>9. Accessory use on same lot with principal use. Accessory uses must be in compliance with Chapter 5 of this ordinance.</p>			

OI DISTRICT CONDITIONAL USES (Approved by Zoning Administrator if all conditions are met)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. All Conditional Uses Allowed in RMF Zoning District. (except for manufactured dwellings)	See RMF Conditional Uses		

OI DISTRICT SPECIAL EXCEPTIONS (Approved by Board of Zoning Appeals after hearing)	PARKING SPACES REQUIRED
All special exceptions permitted in RMF district.	See RMF Special Exceptions

§ 4-112 OI Office and Institutional District Regulations.

The following regulations apply to all uses in **OI districts**.

Minimum residential lot area:	9,000 square feet*
Minimum non-residential lot area:	9,000 square feet*
Minimum lot width at building line:	Sixty (60) feet
Minimum front yard setback:	Thirty-five (35) feet from street right-of-way. For exceptions to this requirement, see Chapter 5.
Minimum side yard setback:	<i>Residential</i> <u>Principal structure</u> - Six (6) feet from interior side lot line. <u>Accessory structure</u> – Three (3) feet from interior side lot line. <i>Non-residential</i> Six (6) feet from interior side lot line.
Minimum rear yard setback:	<i>Residential</i> <u>Principal structure</u> - Ten (10) feet from interior side lot line. <u>Accessory structure</u> – Three (3) feet from interior side lot line. <i>Non-residential</i> Ten (10) feet from interior side lot line.
Maximum building height	Thirty-five (35) feet to the roof line (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae).
Visibility requirements:	<u>Corner lot</u> : no obstruction between heights of (3) and (10) feet above finished street level within (15) feet of intersection of street right-of-way lines. <u>Private drive</u> : no obstruction over (30) inches high within (10) feet of intersection of street line and line of drive.
Off street parking area requirements:	See supplemental regulations, Chapter 5
Signs:	See supplemental regulations, Chapter 5
Supplemental regulations:	See Chapter 5

§ 4-113

CC Core Commercial District Uses.

CC PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>1. All permitted uses in OI districts.</p>	<p>See OI permitted uses.</p>		
<p>2. Telephone, telegraph, radio, television services, (except communications towers - see conditional uses)</p>	<p>515, 517</p>	<p>Communications</p>	<p>One (1) per 500 sq. ft. of GFA</p>
<p>3. Public utility including water tower, substation</p>	<p>221111</p>	<p>Electric, gas, water, sewer</p>	<p>One (1) per 500 sq. ft. of GFA</p>
<p>4. Wholesale trade, durable and nondurable goods. Uses which involve the Open yard use for the sale, rental, and/or storage of materials or equipment, shall be permitted under the conditions set forth in § 4-113 Core Commercial District Uses (Conditional Uses). The sale, rental, and or storage of junk or other salvage is prohibited in the CC – Core Commercial District</p>	<p>423, 424 425</p>	<p>Wholesale trade: Durable goods; Nondurable goods.</p>	<p>One (1) per 500 sq. ft. of GFA</p>

<p>5. Retail trade, involving sale of merchandise indoors and on premises. Uses which involve the Open yard use for the sale, rental, and/or storage of materials or equipment, shall be permitted under the conditions set forth in Core Commercial District Uses (Conditional Uses). The sale, rental, and or storage of junk or other salvage is prohibited in the CC – Core Commercial District</p>	<p>4411,4412, 442,443,445,446, 448,451,452,453, 722</p>	<p>Automotive dealers, Auto supply stores, boat dealers, motorcycle dealers, mobile home dealers, Farm equipment dealers; Home furniture, & equip; Electronics and Appliance Stores Food stores & markets; Health & Personal care stores; Clothing & Clothing Accessories Stores; Sporting Goods, Hobby, Book, and Music Stores; General Merchandise, department & variety stores; Miscellaneous retail, including drug stores, liquor stores. Eating & drinking places, including drive-in</p>	<p><u>Eating & drinking places:</u> One (1) per 100 sq. ft. of GFA <u>All other:</u> One (1) per 300 sq. ft. of GFA</p>
<p>6. Finance, insurance, and real estate</p>	<p>521, 522, 523, 524, 525, 531</p>	<p>Depository institutions; Credit institutions; Security dealers, etc.; Insurance carriers; Insurance agents; Real estate agents, etc.; Investment offices.</p>	<p>One (1) per 300 sq. ft. of GFA</p>
<p>7. Church, synagogue, temple, or place of worship, including religious education building, parsonage or parish house, off-street parking for members and visitors without pay, and recreation facilities</p>	<p>813110</p>	<p>Religious organizations, churches, etc.</p>	<p>One (1) for each 4 seats in sanctuary</p>

<p>8. Government building or facility, including jails</p>	<p>491110, 921, 922, 922140, 923,924, 925, 926</p>	<p>U.S. Postal Service; General government, justice, public order, safety, finance, correctional institutions, etc.; Human resources; Housing programs; Economic programs.</p>	<p>One (1) for each 200 sq. ft. of GFA</p>
<p>9. Services to individuals, business and government establishments, amusement, recreation, health and professional services</p>	<p>721110, 721310, 811, 812, 512, 518, 561, 711, 532111, 532112, 238220, 442299, 443, 444, 448, 451110, 532230, 532292, 561, 611, 713, 812990 339116, 621, 541110, 519120, 623, 624, 813, 712, 561599, 541</p>	<p>Hotels, motels, rooming & boarding houses; Personal services; Business services; Motion picture theaters, Video tape rental; Amusement & recreation, including bowling, golf, & coin-operated machines; <i>Health services, hospitals;</i> Legal services; Schools & libraries; Social services; Museums & gardens; Membership organization; Engineering, accounting, research & management; Services not classified</p>	<p><u>Hotel, motel:</u> One (1) for each room. <u>Service, repair:</u> One (1) per 250 sq. ft. of GFA. <u>Club, library, funeral home, theater:</u> One (1) for each 4 seats. <u>Hospital:</u> One (1) for each bed. <u>Elementary School:</u> Two (2) spaces for each classroom. <u>High School:</u> One (1) for each 4 seats in auditorium. <u>All Other:</u> One (1) per 250 sq. ft. of GFA.</p>
<p>10. Membership organizations, including business & professional associations; unions & political organizations</p>	<p>813410, 813110, 813910, 813920, 813940, 813930</p>	<p>Civic and social organizations; Religious organizations; Business associations; Professional organizations; Political organizations; Labor unions and similar labor organizations</p>	<p>One (1) for each four (4) seats in assembly room.</p>

CC CONDITIONAL USES (Approved by Zoning Administrator if all conditions are met)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Communications tower , see Chapter 5, Supplemental Regulations	N/A	Communications	One (1) space
2. Temporary Christmas tree sales , on vacant lot for a period not to exceed thirty-five (35) days	N/A		None
3. Contractor's office & equipment shed , Provided all following conditions are met: a. used in connection with construction on premises; b. must not cause traffic congestion or nuisance; c. for term up to one (1) year; may be renewed once.	N/A		One (1) for each 300 sq. ft. of GFA.
4. Automobile service station; Gasoline stations (Including convenience stores with gasoline stations), Provided all following conditions are met: a. All gas pumps are located at least twenty-five (25) feet from the street right-of-way line; b. Parking and/or service areas are separated from adjoining residential properties or zoning districts by a suitable planting screen, fence, or wall at least six (6) feet in height.	811191 447	Automotive oil change and lubrication shops, Gasoline stations, gasoline stations with convenience stores	<u>Service station:</u> One (1) per 250 sq. ft. of GSA. <u>Gas Station:</u> One (1) per 200 sq. ft. of GSA.
5. Motor Vehicle Repair Services , Provided all following conditions are met: a. All operations shall be conducted within a fully enclosed building b. No open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premises.	811111 81112	General automotive repair, Automotive body, paint, interior, and glass repair, All other automotive repair and maintenance	<u>Service, repair:</u> (1) per 250 sq. ft. of work area.
6. Newspaper Publishing Plant Provided all following conditions are met: a. Parking, loading, & unloading requirements must conform to standards set for industrial buildings, as set forth in Chapter 5 of this ordinance.	5111	Newspaper, periodical, book, and directory publishers	One (1) per 300 sq. ft. of GFA.

<p>7. Automatic Car Wash Provided the following conditions are met: a. No safety hazard or impediment to traffic movement is created by the operation of such an establishment.</p>	811192	Automatic car wash	One (1) per 200 sq. ft. of GFA.
<p>8. Animal hospital and/or boarding facility, Provided all following conditions are met: a. All boarding arrangements are maintained within a building. b. No noise connected with the operation of the facility is perceptible beyond the premises.</p>	54194 81291	Veterinary services, Pet care services	One (1) per 300 sq. ft. of GFA.
<p>9. Open yard use for the sale, rental, and/or storage of materials or equipment, Provided all following conditions are met: a. No open yard use for the sale, rental, and or storage of junk or other salvage. b. Uses must be separated from adjoin residential properties or zoning districts by a suitable planting screen, fence, or wall at least six (6) feet in height above finish grade.</p>	N/A	N/A	One (1) per 200 sq. ft. of GSA.
<p>10. Combination of residential structure with any Permitted Use in the CC Zoning District, Provided the following conditions are met a. Dwelling units must have direct access to the street.</p>	N/A	N/A	Two (2) spaces for each unit.

CC SPECIAL EXCEPTIONS (Approved by Board of Zoning Appeals after hearing)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Transportation terminals for bus and railroad service, provided the Board of Zoning Appeals determines: <ul style="list-style-type: none"> a. adequate maneuvering and parking spaces are set; b. adequate provisions are made for access and traffic safety; c. the area is adequately screened from residential areas; d. the use is compatible with the district. 	482111, 482112, 488210, 488490	Railroad; Terminal for motor vehicle passenger transportation	Set by the Board; minimum: One (1) for each 200 sq. ft. of GFA.
2. Tourist Home (as defined in §1-201)	721199	Tourist homes	One (1) for each guest room.
3. Multi-Family Apartments	531110	Building for rental or leasing	Two (2) for each unit.
4. All special exceptions permitted in OI district.			See OI Special Exceptions

§ 4-114 CC Core Commercial District Regulations.

The following regulations apply to all uses in **CC districts**:

Minimum lot area:	(6,000) square feet*
Minimum lot width at building line:	Fifty (50) feet
Minimum front yard setback:	Fifty (50) feet from a street right of way
Minimum side yard setback:	<u>Residential</u> Principal structure - Ten (10) feet from interior side lot line. Accessory structure – Three (3) feet from interior side lot line. <u>Non-residential</u> Eight (8) feet from interior side lot line.
Minimum rear yard setback:	<u>Residential</u> Principal structure - Ten (10) feet from interior side lot line. Accessory structure – Three (3) feet from interior side lot line. <u>Non-residential</u> Eight (8) feet from interior side lot line.
Maximum structure height:	Forty (40) feet when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae).
Visibility requirements:	<u>Corner lot</u> : no obstruction between heights of (3) and (10) feet above finished street level within (15) feet of intersection of street right-of-way lines. <u>Private drive</u> : no obstruction over (30) inches high within (10) feet of intersection of street line and line of drive.
Off street parking area requirements:	See parking, Chapter 5.
Screening:	See landscaping, Chapter 5. <u>Open sales yards</u> : Yards used for sale, rental or storage of materials or equipment must be screened from adjoining residential property or other zoning districts by a planting screen, fence or wall at least six (6) feet high.
Signs:	See signs, Chapter 5.
Subdivision regulations:	Applicable regulations must be met.

Supplemental regulations:	See Chapter 5.
Maximum curb cuts:	Lot width of (100) feet or less: thirty-five (35) feet of total curb cuts. Lot width of more than (100) feet: (35) feet of total curb cuts with a minimum of (100) feet between the centerlines of curb cuts on same lot.

* If a lot is served by well and/or septic tanks, SCDHEC regulations shall determine the minimum area of lot(s). However, if SCDHEC regulations allow the area of a lot or lots to be smaller than what is required by this table, then the minimums established by this table shall apply.

§ 4-115 NC Neighborhood Commercial District Uses.

NC PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. All permitted uses in CC districts.	See CC permitted uses.		
2. Landscaping Services	561730	Landscape care and maintenance services	One (1) per 500 sq. ft. of GFA.
3. Building construction, general contractors and operative builders	236115, 236116	Construction management; building construction, general contractors	One (1) per 350 sq. ft. of GFA.
4. Transportation and Warehousing	484110,48412, 493110	General freight transportation; general warehousing and storage	One (1) per 500 sq. ft. of GFA. One (1) per 10 storage units.
5. Services, boarding houses, laundry and cleaning, personal care	721310, 812310, 812320,812199	Rooming and Boarding Houses; self-service laundries; dry-cleaning and laundry services (drop-off); massage parlors and spas	One (1) per room. One (1) per 300 sq. ft. of GFA.

NC DISTRICT CONDITIONAL USES (Approved by Zoning Administrator if all conditions are met)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. All Conditional Uses Allowed in CC Zoning District. (except for multi-family apartments)	See CC Conditional Uses		
2. Flea market	453310	Flea markets, used merchandise	Two (2) spaces per stall.

NC SPECIAL EXCEPTIONS (Approved by Board of Zoning Appeals after hearing)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Fuel dealers	454310	Direct selling of fuel	One (1) per 500 sq. ft. of GFA.

§ 4-116 NC Neighborhood Commercial District Regulations.

The following regulations apply to all uses in **NC districts**:

Minimum lot area:	(6,000) square feet*
Minimum lot width at building line:	Fifty (50) feet
Minimum front yard setback:	Thirty-five (35) feet from a street right of way
Minimum side yard setback:	<u>Residential</u> Principal structure - Five (5) feet from interior side lot line. Accessory structure – Three (3) feet from interior side lot line. <u>Non-residential</u> Five (5) feet from interior side lot line.
Minimum rear yard setback:	<u>Residential</u> Principal structure - Ten (10) feet from interior side lot line. Accessory structure – Three (3) feet from interior side lot line. <u>Non-residential</u> Ten (10) feet from interior side lot line.
Maximum structure height:	Thirty-five (35) feet when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae).
Visibility requirements:	<u>Corner lot</u> : no obstruction between heights of (3) and (10) feet above finished street level within (15) feet of intersection of street right-of-way lines. <u>Private drive</u> : no obstruction over (30) inches high within (10) feet of intersection of street line and line of drive.
Off street parking area requirements:	See parking, Chapter 5.
Screening:	See landscaping, Chapter 5. <u>Open sales yards</u> : Yards used for sale, rental or storage of materials or equipment must be screened from adjoining residential property or other zoning districts by a planting screen, fence or wall at least six (6) feet high.
Signs:	See signs, Chapter 5.
Subdivision regulations:	Applicable regulations must be met.

Supplemental regulations:	See Chapter 5.
Maximum curb cuts:	Lot width of (100) feet or less: thirty-five (35) feet of total curb cuts. Lot width of more than (100) feet: (35) feet of total curb cuts with a minimum of (100) feet between the centerlines of curb cuts on same lot.

* If a lot is served by well and/or septic tanks, SCDHEC regulations shall determine the minimum area of lot(s). However, if SCDHEC regulations allow the area of a lot or lots to be smaller than what is required by this table, then the minimums established by this table shall apply.

§ 4-117 IND Industrial Development District Uses.

IND PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. All uses permitted in NC District	See NC District Permitted Uses		
2. Horticultural nursery	111421, 111422	Nursery and Tree Production Floriculture Production	One (1) per 200 sq. ft. of GFA.
3. Manufacturing, processing and packing, limited to the NAICS classes listed: (See special exceptions for other manufacturing)	115111, 311, 312, 313 314, 315, 337110, 511110, 516110, 323, 325, 316, 327, 332215, 238290, 238210, 334515	Textile mill products; Cotton gin; Canned & frozen foods; Bakery products; Candy & confections; Soft drinks; Potato chips & snacks; Ice; Food preparations; Apparel; Wood kitchen cabinets; Newspaper publishing; Commercial printing; Perfumes & cosmetics; Leather products; Pottery, related products; Various fabricated metal products; Machinery and equipment; Electrical equipment; Measuring equipment	One (1) per 500 sq. ft. of GFA.
4. Transportation terminal and storage, including mini-warehouses	482111, 482112, 488210, 488490, 485, 484, 493, 531130	Railroad transportation; Passenger transportation; Trucking & warehousing.	One (1) per 200 sq. ft. of GFA.
5. Telephone, telegraph, radio, television services, (except communications towers - see conditional uses)	515, 517	Communications	One (1) per 300 sq. ft. of GFA.
6. Public utility including water tower,	221	Electric, gas, water, sewer,	One (1) per 300 sq.

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substation, landfill (except hazardous waste disposal)		refuse [except hazardous waste]	ft. of GFA.
7. Wholesale trade , durable and nondurable goods (except scrap metal and petroleum products)	423, 425, 424	Wholesale trade (except scrap metal and petroleum products)	One (1) per 300 sq. ft. of GSA.
8. Finance, insurance, and real estate	522, 523, 524, 525, 531	Depository institutions; Credit institutions; Security dealers, etc.; Insurance carriers; Insurance agents; Real estate agents, etc.; Investment offices.	One (1) per 200 sq. ft. of GFA.
9. Services to individuals, business and government establishments	541940, 811, 238, 443, 487, 339116, 621, 622, 541110, 519120, 611, 623, 624, 541, 541	Pet veterinary services; Auto repair, services, wash, rental & parking; Miscellaneous repair; Amusement & recreation; Health services, hospitals; Legal services; Schools & libraries; Social services; Engineering, accounting, research & management; Services not classified.	<u>Service & repair</u> : One (1) per 250 sq. ft. of GFA. <u>Hospital</u> : Two (2) for each patient bed <u>Elementary School</u> : Four (4) spaces for each classroom. <u>High School</u> : One (1) for each four (4) seats in auditorium. <u>All Other</u> : One (1) per 250 sq. ft. of GFA.
10. Government building or facility , including postal facility	491110, 921, 923, 924, 925, 926	U.S. Postal Service; General government, justice, public order, safety, finance, etc.	One (1) for each 200 sq. ft. of GFA.

IND CONDITIONAL USES (Approved by Zoning Administrator if all conditions are met)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. One-family dwelling for watchman or caretaker, provided all following conditions are met: a. dwelling is located on premises of permitted use; b. head of household is employed in a permitted use as watchman or caretaker.	N/A		One (1) space
2. Communications tower, see Chapter 5, Supplemental Regulations.	N/A		One (1) space
3. Temporary Christmas tree sales, on vacant lot for a period not to exceed thirty-five (35) days.	N/A		None
4. Contractor’s office & equipment shed, provided all following conditions are met: a. used in connection with construction on premises; b. must not cause traffic congestion or nuisance; c. for term up to one (1) year; may be renewed once.	N/A		One (1) for each 300 sq. ft. of GFA.
5. Religious meeting, in tent or temporary structure for a period not to exceed thirty (30) days.	N/A		None
6. Automobile service station; Gasoline stations (Including convenience stores with gasoline stations), Provided all following conditions are met: a. All gas pumps are located at least twenty-five (25) feet from the street right-of-way line; b. Parking and /or service areas are separated from adjoining residential properties or zoning districts by a suitable planting screen, fence, or wall at least six (6) feet in height.	811191 447	Automotive oil change and lubrication shops, Gasoline stations, gasoline stations with convenience stores	<u>Service station:</u> One (1) per 250 sq. ft. of GFA. <u>Gas Station:</u> One (1) per 200 sq. ft. of GSA.

<p>7. Motor Vehicle Repair Services, Provided all following conditions are met: a. All operations shall be conducted within a fully enclosed building b. No open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premises.</p>	<p>81111 81112</p>	<p>General automotive repair, Automotive body, paint, interior, and glass repair, All other automotive repair and maintenance</p>	<p><u>Service, repair:</u> One (1) per 250 sq. ft. of GFA.</p>
<p>8. Private recreation facility, Provided all following conditions are met: a. Facility is incidental to a permitted use and located on the same premises.</p>	<p>N/A</p>		<p>One (1) per 200 sq. ft. of GFA; plus one (1) for each 2,000 square feet of recreation area.</p>
<p>9. Dwelling incidental to a permitted agricultural or horticulture use, Provided all following conditions are met: a. Dwelling is located on premises of permitted use. b. Dwelling is occupied by persons employed directly on the premises.</p>	<p>814110</p>	<p>Private household</p>	<p>Two (2) spaces per dwelling unit.</p>

<p>10. Retail Business Provided all following conditions are met: a. Retail use is incidental to a permitted use b. Retail use is located on the same premises as a permitted use</p>	<p>4411, 4412, 442, 443, 445, 446, 448, 451, 452, 453,</p>	<p>Automotive dealers, Auto supply stores, boat dealers, motorcycle dealers, mobile home dealers, Farm equipment dealers; Home furniture, & equip; Electronics and Appliance Stores Food stores & markets; Health & Personal care stores; Clothing & Clothing Accessories Stores; Sporting Goods, Hobby, Book, and Music Stores; General Merchandise, department & variety stores; Miscellaneous retail, including drug stores, liquor stores</p>	<p><u>Eating & drinking places</u>: one (1) for each four (4) seats. <u>All other</u>: One (1) per 200 sq. ft. of GSA.</p>
<p>11. Truck Terminal, Provided all following conditions are met: a. Paved acceleration and deceleration lanes at least ten(10) feet in width and (100) feet in length, respectively, are furnished and maintained where trucks enter or leave terminal sites located adjacent to major streets.</p>	<p>4884, 4885,</p>	<p>Trucking Terminal</p>	<p>One (1) per 200 sq. ft. of GFA.</p>

<p>12. Open yard use for the sale, rental, and/or storage of new, use or salvaged materials, or equipment, Provided all following conditions are met:</p> <ul style="list-style-type: none"> a. No burning of materials or products is conducted on the premises except by means approved by designated <u>Fire Chief and Building Official</u>. b. For open storage or use of salvage materials and/or salvage equipment a wall of at least six (6) feet height above finished grade will be required along all property lines. 			
<p>13. Wholesale business outlet Provided all following conditions are met:</p> <ul style="list-style-type: none"> a. If there is open storage of junk or salvage materials associated with this use it must be in compliance with § 4-117 <i>Industrial Development District Uses</i>. 	423, 424, 425,	Wholesale trade: Durable goods; Nondurable goods.	One (1) per 300 sq. ft. of GSA.
<p>14. Veterinary hospital and/or boarding facility Provided all following conditions are met:</p> <ul style="list-style-type: none"> a. All boarding arrangements are maintained within a building. b. No noise connected with the operation of the facility is discernible beyond the premises. 	54194, 812910	Veterinary services, Pet Care services	One (1) per 200 sq. ft. of GFA.
<p>15. Adult entertainment, see Chapter 5, Supplemental Regulations</p>	N/A		One (1) per 300 sq. ft. of GFA.

<p align="center">IND SPECIAL EXCEPTIONS (Approved by Board of Zoning Appeals after hearing)</p>	<p align="center">NAICS CODE</p>	<p align="center">NAICS DESCRIPTION</p>	<p align="center">PARKING SPACES REQUIRED</p>
<p>1. Junk and scrap metals, provided the Board of Appeals determines:</p> <ul style="list-style-type: none"> a. the use is compatible with the district; b. the site is at least two (2) acres in size, is located no less than (1,000) feet from any residential use; and that any building or structure thereon is set back no less than fifty (50) feet from any side, rear, or front property line. c. adequate parking for employees & customers is provided; d. adequate provisions are made for access and traffic safety; e. no outside storage of junk or salvage is permitted; f. the entire site is secured with fencing six (6) feet in height; g. no nuisance will be created beyond the premises by noise, vibration, smoke, gas, fumes, odor, dust, etc.; h. conditions are imposed to protect adjacent property from adverse impact; and i. applicable environmental regulations are met. 	<p>423930, 425110, 425120,</p>	<p>Scrap, waste materials</p>	<p>Set by Board</p>
<p>2. Oil and gas bulk sales</p>	<p>424, 425, 454,</p>	<p>Petroleum products</p>	<p>Set by Board</p>
<p>3. Manufacturing, industry, processing, assembly and storage, provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. the use is compatible with the district; b. adequate parking for employees & customers is provided; c. adequate provisions are made for access and traffic safety; d. no outside storage of junk or salvage is permitted; e. no nuisance will be created beyond the premises by noise, vibration, smoke, gas, fumes, odor, dust, etc.; f. conditions are imposed to protect adjacent property from adverse impact; and g. applicable environmental regulations are met. 	<p>N/A</p>		<p>Set by Board</p>

§ 4-118 IND - Industrial Development District Regulations.

The following regulations apply to all uses in **IND districts**:

Minimum lot area:	Five (5) acres
Minimum lot width at building line:	(250) feet.
Minimum front yard setback:	Fifty (50) feet from street right of way line.
Minimum side yard:	(100) feet.
Minimum rear yard:	(100) feet.
Maximum structure height:	Sixty (60) feet as permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae).
Visibility requirements:	<u>Corner lot</u> : no obstruction between heights of three (3) and ten (10) feet above finished street level within fifteen (15) feet of intersection of street right-of-way lines. <u>Private drive</u> : no obstruction over height of thirty (30) inches within ten (10) feet of street.
Off street parking area and loading area requirements:	See parking, supplemental regulations, Chapter 5. <u>Truck terminal</u> : paved acceleration and deceleration lanes at least ten (10) feet wide and (100) feet long are required at entrance and exit of terminal site which must have access to and from a major street.
Screening:	See landscaping, supplemental regulations, Chapter 5. Planting screen, fence or wall at least six (6) feet high is required along all lot lines abutting any residential district and not separated by a street.
Signs:	See signs, supplemental regulations, Chapter 5.
Storage:	No open storage of junk or salvage materials is permitted with any use in the district, except in connection with a permitted special exception granted by the Board of Zoning Appeals.
Subdivision regulations:	Applicable regulations must be met.
Supplemental regulations:	See Chapter 5.

§ 4-119 OSP - Open Space Preservation District Uses.

Due to the precious and irreplaceable nature of these natural areas, all permitted uses are conditional in that they shall be approved by the Zoning Administrator if all conditions are complied with. The following uses may be permitted in any open space preservation zone subject to such safeguards and conditions as the Planning Commission shall see fit to prescribe in accordance with the particular characteristics of the area in question:

OSP CONDITIONAL USES (Approved by Zoning Administrator if all conditions are met)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Publicly owned and/or operated parks, open-space, or recreational facilities and necessary accessory uses and equipment, but not to include uses requiring major structures or generating large volumes of traffic such as stadiums or auditoriums.	712190, 712120, 712130	Historical sites, zoos and botanical gardens, nature parks	N/A
2. Certain privately owned recreational uses of an appropriate nature, such as riding academies, boating facilities, golf driving ranges, nature camps.	713910, 611620, 713930, 713990, 611620		N/A
3. Public utility substations, provided that there is no unduly noxious or offensive emission of odor, smoke, particulate matter, noise, or vibration; that any potentially dangerous facilities shall have adequate security fencing, and that any exterior machinery or equipment such as transformers, pumps, pipes, or tanks shall be visually screened to heights of six (6) feet or more as prescribed.	221		N/A
4. Agricultural farming, dairying, ranching, and forestry; horticultural farming.	111, 112		N/A
5. Wildlife refuges, including any single-family dwelling units of caretakers necessary to maintain and protect the refuge.	712190, 814110		N/A

<p>6. Any use which the Planning Commission considers compatible with the Comprehensive Plan of the Town of Allendale.</p>	<p>N/A</p>		<p>N/A</p>
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<p align="center">OSP PROHIBITED USES</p>
<p>1. Any use which by reason of size or type of structure, nature of use, intensity of activity or traffic, or offensive operating characteristics shall be determined by the Planning Commission to be incompatible with the character and intent of the district.</p>
<p>2. Any signs except those essential to identification of uses for the benefit of the public. Size and character shall be determined by the Planning Commission.</p>

§ 4-120 OSP - Open Space Preservation District Regulations.

The following regulations shall apply to all uses in OSP districts, other provisions in this ordinance to the contrary notwithstanding: lot size, yard requirements, construction characteristics, visual treatment and the like shall be prescribed by the Planning Commission according to the characteristics of the area and use in question. Particular attention shall be paid to excavation, drainage, paving, and clearing of land so as to minimize the disruption to the topography, ecological balance, and other natural characteristics of the site. Care shall be exercised and safeguards prescribed to prevent damage to the natural environment during construction.

§ 4-121 **AGR - Agricultural District Uses.**

AGR PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Agricultural farming, dairying, ranching, and forestry; horticultural farming, including any accessory uses for purposes incidental to the principal use	111, 112		
2. Recreational and amusement uses: ecotourism, golf course, active and passive outdoor recreation	712190, 712120, 712130, 713910		
3. Institutional uses: assembly and worship, college and professional schools, neighborhood and community schools, residential institutional, government offices, public services, and local utilities	813110, 491110, 921-926, 611,		
4. Residential uses: single family detached, manufactured home	814110		Two (2) per unit
5. Public utility substations, provided that there is no unduly noxious or offensive emission of odor, smoke, particulate matter, noise, or vibration; that any potentially dangerous facilities shall have adequate security fencing, and that any exterior machinery or equipment such as transformers, pumps, pipes, or tanks shall be visually screened to heights of six (6) feet or more as prescribed.	221		
6. Wildlife refuges, including any single-family dwelling units of caretakers necessary to maintain and protect the refuge.	712190, 814110		
7. Any use which the Planning Commission considers compatible with the neighborhood use and the Comprehensive Plan of the Town of Allendale.	N/A		

AGR CONDITIONAL USES (Approved by Zoning Administrator if all conditions are met)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Communications tower , see Chapter 5, Supplemental Regulations.	N/A		
2. Temporary Christmas tree sales , on vacant lot for a period not to exceed thirty-five (35) days.	N/A		
3. Bed and Breakfast , permitted as an accessory use only.	721191		
4. Family daycare home , permitted as an accessory use only. Care is provided in a family home during the day for no more than six (6) children including the daycare parents' own children.	624410		
5. Home occupation , permitted as an accessory use only.	N/A		
6. Cemetery , provided all following conditions are met: a. minimum two (2) acre lot; b. no crematorium or dwelling except caretaker; c. front yard setback ten (10) feet from street right-of-way line; d. non-illuminated sign not over 30 (30) square feet in area or ten (10) feet in height.	812220	Cemetery	None

AGR PROHIBITED USES
1. Manufactured Home Park
2. All uses not listed as permitted or conditionally permitted

§ 4-122 AGR - Agricultural District Regulations.

The following regulations apply to all uses in **AGR districts**:

Minimum lot area:	Two (2) Acres.
Minimum lot width at building line:	Twenty (20) feet for a standard lot; Forty (40) feet for a corner lot.
Minimum front yard setback:	Thirty-five (35) feet from street right of way line.
Minimum side yard setback:	<u>Residential</u> 30 (30) feet. <u>Non-residential</u> 50 (50) feet. <u>Accessory structure</u> – Three (3) feet from interior side lot line.
Minimum rear yard setback:	<u>Residential</u> 30 (30) feet. <u>Non-residential</u> 50 (50) feet. <u>Accessory structure</u> – Three (3) feet from interior side lot line.
Maximum structure height:	Thirty-five (35) feet when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae). Silos and other agricultural accessory uses are exempt from the maximum structure height requirement.
Visibility requirements:	<u>Corner lot</u> : no obstruction between heights of three (3) and ten (10) feet above finished street level within fifteen (15) feet of intersection of street right-of-way lines. <u>Private drive</u> : no obstruction over height of thirty (30) inches within ten (10) feet of intersection of street line and line of drive.
Off street parking area and loading area requirements:	See parking, supplemental regulations, Chapter 5.
Screening:	See landscaping, supplemental regulations, Chapter 5.
Signs:	See signs, supplemental regulations, Chapter 5.
Storage:	No open storage of junk or salvage materials is permitted with any use in the district, except in connection with a permitted special

Town of Allendale - Zoning and Land Management Ordinance

	exception granted by the Board of Zoning Appeals.
Subdivision regulations:	Applicable regulations must be met.
Supplemental regulations:	See Chapter 5.

§ 4-123 FHD – Flood Hazard Overlay District.

The Flood Hazard Overlay District has been established to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protection barriers which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

The Flood Hazard District is an “overlay” district. As such, permitted uses are determined by the “underlying” or primary zoned district. These regulations temper and modify the development standards of the primary district to the extent necessary to achieve the objectives of § 4-123, 1-5 above.

The boundaries of the FHD have been determined by scientific and engineering studies prepared by the Federal Insurance Administration and FEMA. The results thereof plotted on flood maps for Allendale County and the Town of Allendale. Boundaries for construction or use restrictions set forth within this chapter shall be determined by scaling distances on the flood maps. Where interpretation is needed in order to allow a surveyor to locate the exact boundaries of the district, as shown on the flood maps, the building official shall initially make the necessary interpretation, based on flood profile information pursuant to the provisions of applicable County Ordinances. However, where there is uncertainty involving his decision, the developer may appeal to the board of appeals. The areas within the FHD are further divided into: (1) Floodway Districts (FWD) and (2) Flood Fringe Districts (FFD). The boundaries of these districts are established on the official flood boundary maps for the Town of Allendale, South Carolina.

**CHAPTER 5
SUPPLEMENTAL REGULATIONS**

**Article I
Purpose**

§ 5-100 Regulated Uses, Buildings and Projects.

The purpose of this chapter is to improve the impact of the siting of certain land uses, buildings and projects whose characteristics could adversely affect the surrounding area and properties, as well as environmental, health and safety conditions. Standards and supplemental regulations with criteria above and beyond those set forth elsewhere by this Ordinance are imposed herein.

The additional requirements of this chapter shall apply to all uses, buildings and projects listed below.

1. Communications Tower and Antenna
2. Townhouse Projects
3. Patio and Zero Lot Line Housing Projects
4. Bed and Breakfast Inns
5. Manufactured Housing
6. Manufactured Home Parks
7. Accessory Apartments
8. Home Occupations
9. Scrap and Waste Material (Junkyards)
10. Refuse Systems
11. Apartments
12. Flood Plain
13. Landscaping
14. Parking
15. Signs
16. Sexually Oriented Businesses

§ 5-101 Communications Tower and Antenna Definitions

- a. “Communications tower” as used in this ordinance shall mean a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes

above ground in a fixed location, free-standing, guyed, or on a building.

- b. “Telecommunications,” as defined in the federal Telecommunications Act of 1996, means the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.
- c. “Antenna” means a device, dish or array used to transmit or receive telecommunications signals.
- d. “Height” of communication tower is distance from base of tower to top of structure.

§ 5-102 Communications Tower and Antenna Permitted as Conditional Use.

A communications tower and/or antenna may be permitted by the Zoning Administrator without further review upon determination that all of the applicable conditions in this ordinance are met.

a. Districts in which conditional uses are permitted; height limitations.

DISTRICTS	PERMITTED HEIGHT - FREE-STANDING OR GUYED TOWER
Residential: RS-1, RS-2, RMH, RMF	Free-standing tower with height not exceeding 100 feet is a permitted conditional use; height exceeding 100 feet requires special exception.
Commercial: OI, CC, NC	Free-standing or guyed tower with height not exceeding 180 feet is a permitted conditional use; height exceeding 180 feet requires special exception.
Industrial: IND Agricultural: AGR	Free-standing or guyed tower with height not exceeding 360 feet is a permitted conditional use; height exceeding 360 feet requires special exception.
Planned Development: PD	Tower with height specified in approved plan is permitted under conditions set forth in plan.
PERMITTED HEIGHT ABOVE STRUCTURE	
All districts	Tower and/or antenna mounted on building, water tank or structure other than a free-standing or guyed communications tower must not extend more than 30 feet above the highest part of the structure.
SPECIAL EXCEPTIONS AND VARIANCES	
OSP	A tower may be permitted only by special exception applying basic district standards as a minimum.

All districts except PD	Free-standing or guyed tower and/or antenna exceeding height limitations may be permitted by the Zoning Board of Appeals as a special exception. See requirements for special exceptions in § 5-103.
All districts	Variances from conditions imposed by this section may not be granted by the Zoning Board of Appeals. Variances from other general district regulations may be granted under standards in SC Code § 6-29-800.

b. Application requirements:

The applicant for a conditional use zoning permit for construction of a communications tower or placement of a commercial telecommunications antenna on an existing structure other than a tower previously permitted must file with the Zoning Administrator an application accompanied by a fee of \$200.00 and the following documents, if applicable:

<p>specifications;</p> <p>site plan;</p> <p>tower location map;</p> <p>antenna capacity; wind load;</p> <p>antenna owners;</p> <p>owner authorization;</p> <p>FCC license;</p> <p>visual impact analysis;</p>	<ol style="list-style-type: none"> 1. One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material. 2. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property; [site plan not required if antenna is to be mounted on an approved existing structure]; 3. A current map, or update for an existing map on file, showing locations of applicant’s antennae, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the Town; 4. A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards. 5. Identification of the owners of all antennae and equipment to be located on the site; 6. Written authorization from the site owner for the application; 7. Evidence that a valid FCC license for the proposed activity has been issued; 8. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts;
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removal agreement;	9. A written agreement to remove the tower and/or antenna within 120 days after cessation of use;
conditions met;	10. Evidence that applicable conditions in subsection c. are met; and
additional information.	11. Additional information required by the Zoning Administrator for determination that all applicable zoning regulations are met.

c. Conditions: Applicant must show that all applicable conditions are met.

location, visual impact;	1. The proposed communications tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant’s technical design requirements.
inability to locate on existing structure;	2. Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant’s technical design requirements without unreasonable modifications on any existing structure or tower under the control of applicant.
necessity for location in residential district;	3. Applicant for a permit in a residential district must show that the area cannot be adequately served by a facility placed in a non-residential district for valid technical reasons.
public property or other private property not suitable;	4. Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and applicant’s technical design requirements.
design for multiple use;	5. Applicant must show that a new tower is designed to accommodate additional antennae equal in number to applicant’s present and future requirements.
safety codes met;	6. Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.
paint; illumination;	7. A communications tower must not be painted or illuminated unless otherwise provided by state or federal regulations.
distance from existing tower;	8. A permit for a proposed tower site within 1,000 feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet applicant’s structural specifications and applicant’s technical design requirements, or that a collocation agreement could not be obtained.

<p>indemnity; claim resolution;</p>	<p>9. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Zoning Administrator a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the municipality, in form approved by the municipal attorney.</p>
<p>application of zoning regulations;</p>	<p>10. Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning district regulations except setback and height, shall apply to the use. Setback and height conditions in this section apply.</p>
<p>minimum setbacks;</p>	<p>11. A tower must be a minimum distance equal to one-half the height of the tower from property designated historic or architecturally significant, and must be set back from all lot lines distances equal to the district setback requirement or 25% of the tower height, whichever is greater.</p>
<p>MASC technical assistance;</p>	<p>12. Prior to issuing a permit, the Zoning Administrator may use technical services of the Municipal Association of South Carolina to determine that the standards in subsections c.2, c.3, c.4, c.5, c.7, and c.8 of § 5-102 of this ordinance are met.</p>

d. Appeal to Board Applicant may appeal to the Zoning Board of Appeals as follows:

<p>time limit for action by zoning administrator on complete application;</p>	<p>1. Failure of the Zoning Administrator to act on an application which is determined to be complete under this section within 45 days, unless extended by agreement, may be considered by applicant to be a denial of a permit which is subject to appeal to the Zoning Board of Appeals.</p>
<p>variance;</p>	<p>2. Applicant may appeal to the Board for a variance from general zoning district regulations and setback requirements in this section, but not from any other conditions in this section. Towers exceeding height limitations may be permitted only by special exception pursuant to § 5-103.</p>
<p>special exception</p>	<p>3. Applicant may apply directly to the Board for a permit for any tower as a special exception pursuant to § 5-103.</p>

§ 5-103 Special Exceptions.

A tower, pole, or antenna may be permitted by special exception granted by the Zoning Board of Appeals after public hearing and findings of fact based on the following criteria:

<p>Special exception criteria:</p> <p>application; conditions</p> <p>height limitations;</p> <p>necessity for additional height;</p> <p>setback requirements; additional conditions;</p> <p>MASC technical assistance required on special exception or appeal from action on conditional use;</p> <p>denial on substantial evidence;</p> <p>variance prohibited</p>	<p>The Zoning Board of Appeals must find and conclude:</p> <ol style="list-style-type: none"> 1. All application requirements and conditions imposed by § 5-101 of this ordinance for conditional uses are met except height limitations and setbacks. 2. If additional tower height is requested, total tower height will not exceed 150% of the maximum height permitted in the district as a conditional use. 3. Applicant has demonstrated that additional height above that permitted by conditional use regulations is necessary for service to occupants of an area within the municipality. 4. Setback requirements and such additional conditions are established by the Board as it deems necessary to remove danger to health and safety, and to protect adjacent property. 5. Prior to approving a permit by special exception or on appeal from action of the Zoning Administrator on an application for a conditional use, the Board shall make use of technical services of the Municipal Association of South Carolina to determine that the standards in subsections c.2, c.3, c.4, c.5, c.7, and c.8 of § 5-101 of this ordinance are met. 6. The Telecommunications Act of 1996 requires that a denial of a permit be supported by substantial evidence. 7. The Board may not grant a variance from the standards imposed for a communications tower or antenna in connection with granting a special exception, except as permitted by § 5-102d.
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Article II
Flood Plain Regulations

§ 5-200 Federal Emergency Management Agency Standards Applicable.

Compliance with applicable Federal Emergency Management Agency standards pursuant to the Town Code shall be a prerequisite to issuance of a zoning permit.

**Article III
Landscaping**

§ 5-300 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 division shall apply to all zoning districts.

§ 5-301 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 PLANTS REQUIRED
A	Multi-family complex, manufactured home park, non-residential use not adjacent to residential district, and all surface parking lots	Along street rights-of-way, except drive-ways & visibility angles.	<u>Minimum buffer width:</u> five (5) feet. <u>Plants required per 100 feet of street frontage:</u> 12 ornamental shrubs, 2 ever-green understory trees, and grass or other ground cover. Shrubs may be clustered.
B	Multi-family complex, manufactured home park, commercial or institutional use adjacent to single-family residential use not separated by street or alley.	Along adjacent residential property lines.	<u>Minimum buffer width:</u> ten (10) feet. <u>Plants required per 100 linear feet:</u> 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.	<u>Minimum buffer width:</u> fifteen (15) feet. <u>Plants required per 100 linear feet:</u> 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 Type C buffer. Fences and walls shall be neat in appearance and have a finished surface facing adjacent property.</p>

§ 5-302 Open Space Landscaping Requirements.

The following open space landscaping requirements shall apply to land uses 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.
Manufactured home park	2,500 square feet for each acre or major fraction of 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.

**Article IV
Parking**

§ 5-401 Off-street Parking.

a. Off-street parking spaces required by district regulations shall be located on the same lot as the principal use, or on a lot within 400 feet of the main entrance to the principal use which under the same ownership as the principal use or has been legally restricted for parking in connection with the principal use, and shall have required buffer and landscaped areas.

b. Required off-street parking for a commercial or industrial use may extend up to 120 feet into a residential zoning district provided: (1) the parking area adjoins the property on which the principal commercial or industrial use is located; (2) the parking area access is to the same street as the principal use; and (3) the parking area has a Type B buffer area along residential lot lines and required landscaping.

c. Combined parking areas serving two or more principal uses shall contain spaces equal in number to the total of spaces required for all principal uses served.

§ 5-402 Parking Space Requirements.

Off-street parking spaces shall meet the following design standards.

Parking space dimensions:	<u>Angle parking</u> : 9 feet by 19 feet; provided, 10% may be 8.5 feet by 18 feet; <u>Parallel parking</u> : 9 feet by 24 feet; <u>Handicapped</u> : 12 feet by 20 feet, or 8 feet by 20 feet, with 8 foot isle.
Minimum isle widths:	<u>90 degree parking</u> - 25 feet; <u>60 degree parking</u> - 18 feet; <u>45 degree parking</u> - 13 feet; <u>parallel parking</u> - 10 feet. Minor street rights-of-way may be considered as isles for adjacent off-street parking.
Paving and marking requirements:	A parking area, including driveways, containing 10 or more parking spaces shall be surfaced with an all weather impervious material, and spaces shall be marked with painted lines.
Lighting requirements:	A parking area open for night use shall have a minimum of one 9000 lumen overhead light for each 25 parking spaces, or major portion thereof.
Parking spaces for handicapped persons:	One parking space for handicapped persons shall be provided for each 25 parking spaces, or fraction thereof, except for dwellings of less than 20 units, meeting federal and State requirements, with access to ramps, walkways, and entrances without moving behind parked vehicles.

§ 5-403 Off-street Loading and Unloading Spaces.

Each lot used for commercial or industrial purposes, or multifamily residences with more than 10 units, shall provide off-street space for loading and unloading as follows.

Access:	Each space shall have access from an alley or public street.																											
Dimensions:	Each space shall be a minimum of 12 feet by 40 feet, clear of obstructions.																											
Spaces required:	<table border="1"> <thead> <tr> <th style="text-align: left;">Use</th> <th style="text-align: center;">Gross Floor Area [square feet] -</th> <th style="text-align: center;">No. of Spaces</th> </tr> </thead> <tbody> <tr> <td>Retail business -</td> <td style="text-align: center;">for each 5,000</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Wholesale, industrial, governmental, institutional, educational, medical, assembly -</td> <td style="text-align: center;">0 - 25,000</td> <td style="text-align: center;">1</td> </tr> <tr> <td></td> <td style="text-align: center;">25,000 - 40,000</td> <td style="text-align: center;">2</td> </tr> <tr> <td></td> <td style="text-align: center;">40,000 - 100,000</td> <td style="text-align: center;">3</td> </tr> <tr> <td></td> <td style="text-align: center;">100,000 - 160,000</td> <td style="text-align: center;">4</td> </tr> <tr> <td></td> <td style="text-align: center;">160,000 - 240,000</td> <td style="text-align: center;">5</td> </tr> <tr> <td></td> <td style="text-align: center;">each additional 100,000 of fraction</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Multifamily residence with 10 or more units -</td> <td></td> <td style="text-align: center;">1</td> </tr> </tbody> </table>	Use	Gross Floor Area [square feet] -	No. of Spaces	Retail business -	for each 5,000	1	Wholesale, industrial, governmental, institutional, educational, medical, assembly -	0 - 25,000	1		25,000 - 40,000	2		40,000 - 100,000	3		100,000 - 160,000	4		160,000 - 240,000	5		each additional 100,000 of fraction	1	Multifamily residence with 10 or more units -		1
Use	Gross Floor Area [square feet] -	No. of Spaces																										
Retail business -	for each 5,000	1																										
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Multifamily residence with 10 or more units -		1																										

§ 5-404 Parking of Unlicensed Vehicles.

In a residential district, any vehicle or trailer subject to State licensing which does not display a current license plate shall be parked or stored within an enclosed building or parked behind the building set-back line and covered with a waterproof tarp or located under a shed roof.

Article V
Signs

§ 5-500 Purpose and Scope

This article is intended to regulate and control signs and their placement within the corporate limits of the Town of Allendale for the following purposes.

- a. To provide a pleasing overall environmental setting and good community appearance, which is deemed vital to the economic development and attractiveness of the town;
- b. To create a more productive, enterprising, professional business atmosphere
- c. To allow signs appropriate to the planned character and development of each zoning district;
- d. To ensure that permitted signs do not become a hazard or nuisance;
- e. To promote traffic safety;
- f. To prevent business and advertising signs from conflicting with public safety signs;
- g. To prevent the overcrowding of land;
- h. To protect and enhance the value of properties; and
- i. To promote the overall general public health, safety, morals, convenience, order, prosperity, and welfare of the Town of Allendale.

§ 5-501 General Provisions

The regulations set forth in this article shall apply and govern in all districts. No sign shall be erected, altered or maintained unless it is in compliance with the regulations of this article.

- a. A permit shall be required for the erection, alteration or reconstruction of any sign unless otherwise noted and shall be issued by zoning officer.
- b. All signs must be constructed of durable materials, maintained in good condition and shall not be permitted to become dilapidated or a hazard to the health, safety or general welfare of the community.
- c. The zoning officer or designated agent shall require the property owner or tenant to remove, replace or repair the sign as is deemed appropriate by the zoning officer.
- d. Any signs, display or device allowed under this article may contain, in lieu of any other copy, an otherwise lawful noncommercial message that does direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, lighting and spacing requirements of this article/
- e. All signs shall comply with exiting state and federal laws.

§ 5-502 Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

Abandoned sign: A sign which was erected on property in conjunction with a particular use which has been discontinued for a period of 60 days or more, or a sign with the content pertaining to a time, event or purpose which no longer applies.

Animated sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Banner: Any sign of light-weight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame or one or more edge. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

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.

Commercial message: Any sign wording, logo, other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

Flag: Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of government, political subdivision or other entity. Each lot is permitted to have one pole either attached or freestanding containing such flag.

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. Portable signs, pole signs and monument signs which fit these criteria are classified as a freestanding sign.

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.

Monument sign: A low-profile, freestanding that may be externally illuminated, erected with its base on the ground, designed to incorporate design and building materials which compliment the architectural theme of the buildings on the site.

Nonconforming sign: Any sign lawfully existing at the adoption or amendment of this ordinance may continue in use and be maintained in a proper manner but may not be changed or enlarged unless it is in conformity of all the requirements of this ordinance.

Pennant: Any light-weight 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.

Person: Any association, company, corporation, firm, organization or partnership, singular or plural, of any kind.

Portable sign: Any sign which usually rests on the ground on wheels or metal legs, and may be temporarily anchored by cables attached to stakes driven into the ground.

Prohibited signs: shall be defined by example as follows:

- (1) No sign displaying intermittent lights resembling the flashing lights customarily used in traffic signals or on police, fire or rescue vehicles is permitted, nor shall any sign use the words "stop", "danger" or any other word, phrase, symbol or character in a manner that might mislead or confuse an automobile or other vehicular driver.
- (2) Except as provided in this article, no signs, whether temporary or permanent, except traffic signs, signals and information signs erected by a public agency, are permitted within any street or highway right-of-way.
- (3) Signs painted on or attached to trees, fences and telephone or other utility poles or signs painted on rocks or other natural features or painted on the roofs of buildings are prohibited.
- (4) Signs which display intermittent or flashing lights or moving parts.
- (5) Portable or mobile signs utilizing any type of illumination or electrical connections, except within the commercial and industrial districts.
- (7) Signs that create a safety hazard by obstructing clear view of pedestrian and vehicular traffic.
- (8) Signs that display a message or graphic representation that is lewd, indecent or otherwise offensive to public morals.
- (9) Abandoned signs.
- (10) Searchlights and beacons.
- (11) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying such sign. (This does not apply to allowed portable signs, lettering on buses, taxis or vehicles operating during the normal course of business.)
- (12) Inflatable signs and tethered balloons.
- (13) Strings of lights not permanently mounted to rigid background, except those exempt under section 32-243.

Projecting sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

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.

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 sign 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 six inches.

Sandwich board and pedestal sign: A freestanding movable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way. (Also known as "A" and "T" stands.)

Sign: Any material, structure or device used or located out-of-doors or on the exterior of any building including the exterior of windows for the purpose of displaying, illustrating or directing attention to an advertisement, announcement, notice or name or emblem for the identification of a person, place, object or product.

Sign area: The area of a sign shall be that area which is contained within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between elements of such sign. It shall include any material or color forming an integral part of the display or used to differentiate such signs from its background, but shall not include supports. Where two sides of a double-faced sign are not more than 24 inches apart at the widest point, the sign area shall be computed by measuring one face only.

Temporary sign: Any sign that is used only temporarily and is not permanently mounted.

Wall sign: Any sign attached parallel to, but within 12 inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window sign: any sign, picture, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window glass panes and is visible from the exterior of the window.

§ 5-503 **Signs Allowed By Right**

1. Any sign required by law or constructed by a governmental agency for traffic or directional purposes.
2. **Official Notices** - any notices by a court, public agency or office.
3. **Political Signs** – Political signs, erected in connection with elections or political campaigns are permissible in all zoning districts provided such signs are no larger than sixteen (16) square feet in area and are removed no later than two (2) weeks following the election.

4. **Real Estate Signs** – One non-illuminated “for sale”, “for rent”, “for lease” or similar sign not exceeding six (6) square feet in area in a residential district, or twenty (20) square feet in a non-residential districts. Real estate signs must be located at least ten (10) feet from a street right-of-way or on the front wall of a building.
5. **Identification Signs** - One (1) non-illuminated professional, business, or residence name plate not exceeding two (2) square feet in area mounted flat against the wall of a building is permitted in all zoning districts.
6. **Holiday Decorations** – Signs or other material temporarily displayed on traditionally accepted civic, patriotic or religious holidays.
7. **Directional Signs** – Signs designating parking area entrances and exits limited to one sign for each entrance and/or exit and not exceeding four (4) square feet in surface area for each exposed face, parking lot directional signs shall not project higher than three (3) feet in height, as measured from the established grade of the parking area.
8. **Temporary Subdivision Signs** – Temporary signs, not exceeding twenty (20) square feet in area announcing a land subdivision development, are permitted on the premises of the land subdivision not less than ten (10) feet from a street right-of-way or subdivision boundary line and spaced not less than three hundred (300) feet apart. Temporary subdivision signs shall be removed when seventy-five percent (75%) of the subdivision lots are conveyed.
9. **Construction Signs** – One non-illuminated sign, not exceeding fifty (50) square feet in area displaying the names of the building, contractors, architects, engineers, owners, and financial, selling and development agencies, is permitted on the premises for work involving construction, alteration, or removal. The sign shall be removed from the site within thirty (30) days after completion of the project.
10. **Special Event Signs** – Signs indicating that a special event such as a fair, carnival, circus, festival, special event, or similar happening is take place on the lot on which the sign is located. Such signs may be erected not sooner than thirty (30) days before the event and must be removed not later than three (3) days after the event.
11. **Noncommercial or Civic Event Signs** – Temporary signs or banners erected for not more than fourteen (14) days announcing a noncommercial and civic or philanthropic event in any district. Such signs shall be limited to one (1) per lot with the written permission of the property owner.
12. **Temporary banners and other temporary professional made signs** – Temporary professionally made signs or banners erected for not more than thirty (30) days announcing a commercial event. Such signs and banners are allowed in the OI, CC and IND zoning districts only. Such signs or banners shall be limited to two (2) per lot and shall be setback a minimum of ten (10) feet from the public right-of-way. The maximum sign area of the sign or banner shall not exceed thirty (30) square feet. The sign and/or banner mat be attached to a building and/or poles on the lot.
13. **Sandwich Board (A-Frame) Signs** – One such sign per business is allowed in the OI, CC and IDD zoning districts provided the signs do not exceed twenty-four (24) inches in width and thirty-six (36) inches in height.

§ 5-504 Signs in the public right-of-way

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

1. Public signs erected by or on behalf of a government body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
2. Informational signs of a public agency or utility regarding its facilities;
3. Emergency signs;
4. Directional signs;
5. Signs of a temporary nature not to exceed 24 hours duration for such events as yard sales, auctions, public gatherings, etc; and
6. Governmental signs

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 sign the full costs of removal and disposal

§ 5-505 Permitted Signs

The following signs require a sign permit to be approved by the designated Zoning Administrator.

Zoning District	RS-1	RS-2	RMF	RMH	CC	OI	NC	IND	AGR	OSP
Permanent Signs										
Free Standing Sign Types										
Monument Signs	P (a)(b)	P (a)(b)	P (a)(b)	P (a)(b)	P	P	P	P	P (a)(b)	P (a)(b)
Ground Signs					P	P	P	P		
Off Premise Signs					P (c)	P (c)	P (c)			
Building Sign Types										
Canopy Signs					P (d)	P (d)		P		
Projecting Signs					P	P	P	P		
Roof Sign					P			P		
Roof Sign - Integral					P	P		P		
Wall Sign	(e)	(e)	(e)	(e)	P (f)	P (f)	P (f)	P	(e)	(e)
Window Sign				P	P (g)	P (g)	P (g)	P		

P=Permit Required

- a. One (1) subdivision, manufactured home park, and multi-family development monument sign per street entrance into such development is allowed in applicable zoning districts provided the sign meets all applicable requirements of the Allendale Zoning Ordinance and a sign permit is approved by the Zoning Administrator.
- b. One (1) monument sign for a church, institutional, public facility or permitted commercial use (not including home occupational uses) are allowed in the applicable zoning districts provided the sign meets all applicable requirements of the Allendale Zoning Ordinance and a sign permit is approved by the Zoning Administrator.
- c. Off Premise signs are permitted in CC zoning districts and along US 278 and US 301 frontage only.
- d. Canopy signs are permitted in CC and OI zoning districts for buildings permitted for commercial uses provided the sign meets all applicable requirements of the Allendale Zoning Ordinance and a sign permit is approved by the Zoning Administrator.
- e. One (1) non-illuminated professional or business name plate not exceeding five (5) square feet in area mounted flat against the wall of a building in which a permitted home occupation or commercial use is conducted. A sign permit is not required for this type of sign.
- f. Wall signs are permitted in CC, OI and NC zoning districts for buildings permitted for commercial uses provided the sign meets all applicable requirements of the Allendale Zoning Ordinance and a sign permit is approved by the Zoning Administrator.
- g. Window signs are permitted in CC, OI and NC zoning districts for buildings permitted for commercial uses provided the sign meets all applicable requirements of the Allendale Zoning Ordinance and a sign permit is approved by the Zoning Administrator

§ 5-506 Permitted Sign Characteristics

Zoning District	RS-1	RS-2	RMF	RMH	CC	OI	NC	IND	AGR	OSP
Sign Characteristics										
Electronic Animated				P (a)	P (a)	P (a)	P (a)	P (a)	P (a)	P (a)
Non-electronic changeable copy	P	P	P	P	P	P	P	P	P	P
Electronic changeable copy				P (b)	P (b)	P (b)	P (b)	P (b)	P (b)	P (b)
Indirect illumination	P	P	P	P	P	P	P	P	P	P
Internal Illumination	P	P	P	P	P	P	P	P	P	P
Exposed bulb illumination										
Signs with physically moving parts										

P=Permit Required

- a. Signs with electronic animation characteristics are permitted on free standing signs only as allowed in applicable zoning districts provided sign graphics and/or text remain static for no less than ten (10) seconds.
- b. Signs with electronic changeable copy characteristics are permitted on free standing signs only in applicable zoning districts provided text remains static for no less than ten (10) seconds.

§ 5-507 Number, Dimension and Location of Permitted Signs

Zoning District	RS-1	RS-2	RMF	RMH	CC	OI	NC	IND	AGR	OSP
Sign Type										
Free Standing Signs (not including Sandwich Board signs)										
Number permitted per lot	(a)	(a)	(a)	(a)	1 per street entrance	(a) (b)	(a)	1 per street entrance	(a) (b)	(a) (b)
Maximum sign area (Sq. Ft.)	24 ft.	24 ft.	24 ft.	24 ft.	75 ft. (c) (d)	50 ft. (c) (d)	50ft. (d)	75ft. (c)(d)	24 ft.	24 ft.
Minimum setback from property line	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Maximum Height	8 ft.	8 ft.	8 ft.	8 ft.	35 ft.	35 ft.	35 ft.	35 ft.	8 ft.	8 ft.
Off Premise Signs										
Number permitted per lot					(d) (e) (f) (g)	(d)(e) (f) (g)	(d)(e) (f) (g)			
Maximum sign area (Sq. Ft.)					300 ft.	250 ft.	250 ft.			
Minimum setback from property line					10 ft.	10 ft.	10 ft.			
Maximum Height					35 ft.	25 ft.	25 ft.			
The maximum allowable sign area for signs with electronic animation and electronic changeable copy characteristics is 25% of the maximum allowable sign for the zoning district of which the sign will be located.										
Building Signs										
Number permitted (per business)	1	1	1	1	NA	NA	NA	NA	1	1
Maximum sign area (Sq. Ft.)	5 ft,	5 ft.	5 ft.	5 ft.	NA	NA	NA	NA	5	5
Maximum sign area (% of wall area)	NA	NA	NA	NA	15 (g) (h)	10 (h)	10 (h)	15 (g) (h)	NA	NA
Maximum Height (Roof Signs)					20 ft. from the base of the roof	10 ft. from the base of the roof	10 ft. from the base of the roof	20 ft. from the base of the roof		

One (1) subdivision, manufactured home park, and multi-family development monument sign per street entrance into such development is allowed in applicable zoning districts provided the sign meets all applicable requirements of the Allendale Zoning Ordinance and a sign permit is approved by the Zoning Administrator.

- a. One (1) monument sign for a church, institutional, public facility or permitted commercial use (not including home occupational uses) are allowed in the applicable zoning districts provided the sign meets all applicable requirements of the Allendale Zoning Ordinance and a sign permit is approved by the Zoning Administrator.
- b. The maximum sign area for multi-tenant signs in CC and OI zoning districts displaying the names of two (2) or more businesses may be increased by fifteen (15) square feet.
- c. The maximum sign area for multi-tenant signs in CC, OI and IND zoning districts displaying the names of two (2) or more businesses may be increased by twenty (20) square feet.
- d. Off Premise signs are only allowed along US 278 and US 301 frontages.
- e. No Off Premise signs shall be located less than one thousand (1,000) feet from another such off-premise sign on the same side of the highway.
- f. No Off Premise signs shall be located less than two hundred (200) feet from any residential zoning districts.
- g. A maximum sign area of 15 % of the total wall area (not including the roof) of the building side facing the primary street frontage is permitted to be displayed on the wall or roof (as permitted by § 5-503 and §5-505) facing the primary street frontage.
- h. A maximum sign area of 10 % of the total wall area for per wall for each remaining side is permitted to be displayed one each of the remaining building walls or roofs (as permitted by § 5-503 and §5-505).
- i. A projecting sign may extend outward from the wall of a building not more than six and one-half (6 ½) feet, but shall not be closer than eighteen (18) inches to the vertical plane at the street curb line.

§ 5-508 Signs in PD Zoning Districts

Signs located in PD districts will be approved in the overall site plan approval process for such a development.

Article VI
Sexually Oriented Businesses

§ 5-600 Purpose and intent.

It is the purpose of this Article to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the Town, 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 Article 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 Article 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 Article to condone or legitimize the distribution of obscene material.

§ 5-601 Definitions.

a. *Adult arcade* means any place to which the public is permitted or invited wherein 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."

b. *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:

(1) Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

(2) 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 an 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."

c. *Adult cabaret* means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) Persons who appear in a state of nudity; or
- (2) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- (3) 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."

d. *Adult motel* means a hotel, motel or similar commercial establishment which:

- (1) 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 of photographic reproductions;
- (2) Offers a sleeping room for rent for a period of time that is less than 10 hours; or
- (3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

e. *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."

f. *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 by "specified sexual activities."

g. *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.

h. *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.

i. *Establishment* means and includes any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

- (3) The additions of any sexually oriented business to any other existing sexually oriented business; or
- (4) The relocation of any sexually oriented business.

j. *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.

k. *Nude model studio* means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

l. *Nudity* or a *state of nudity* means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

m. *Person* means an individual, proprietorship, partnership, corporation, association, or other legal entity.

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

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

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) 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.

p. *Sexually 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.

q. *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.

r. *Specified sexual activities* means and includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (3) Masturbation, actual or simulated; or

(4) Excretory functions as part of or in connection with any of the activities set forth in (a) through c. above.

s. *Substantial enlargement* of a sexually oriented business means the increase in floor area occupied by the business by more than 25 percent, as the floor area existed on January 1, 2000.

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

- (1) The sale, lease, or sublease of the business;
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (3) 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.

§ 5-602 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.

§ 5-603 Permit required.

a. 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.

b. 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 6 inches.

c. 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.

d. If a person who wishes to operate a sexually oriented business is an individual, he 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 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 or as the entity which wishes to operate such a business, each individual having a 10 percent or greater interest in the corporation must sign the application for a permit as applicant.

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

§ 5-604 Issuance of permit and fee.

a. The Town Zoning Administrator shall approve the issuance of a permit to an applicant within 30 days after receipt of an application unless he finds one or more of the following to be true:

- (1) An applicant is under 18 years of age.
- (2) An applicant or an applicant's spouse is overdue in his payment to the Town of taxes, fees, fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.
- (3) 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 applicant form.
- (4) An applicant is residing with a person who has been denied a permit by the Town

to operate a sexually oriented business within the preceding 12 months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding 12 months.

- (5) 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.
 - (6) The permit fee required by the ordinance codified in this section has not been paid.
 - (7) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of the ordinance codified in this section.
 - (8) 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.
- b. The annual fee for a sexually oriented business permit is \$1,000.00.

§ 5-605 Inspection.

An application of permittee shall permit representatives of the police department, health department, fire department, zoning department, or other Town departments or agencies 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.

§ 5-606 Expiration of permit.

a. Each permit shall expire at the end of the calendar year 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.

b. 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.

§ 5-607 Suspension of permit.

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

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

§ 5-608 Revocation of permit.

a. The Zoning Administrator shall revoke a permit if a cause for suspension in § 5-607 occurs and the permit has been suspended within the preceding 12 months for willful and knowing violation of the ordinance codified in this section.

b. The Zoning Administrator shall revoke a permit if he determines that:

- (1) A permittee knowingly gave false or misleading material information in the application submitted to the zoning department during the application process;
- (2) A permittee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- (3) A permittee or an employee has knowingly allowed prostitution on the premises;
- (4) A permittee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;
- (5) A permittee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted premises;
- (6) 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.

c. 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 90 days have elapsed since the date the revocation became effective.

§ 5-609 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.

§ 5-610 Location of sexually oriented businesses; nonconforming uses.

a. A sexually oriented business may be located only within an Industrial district - (IND).

b. A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business outside of a designated IND district.

c. A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business within 1,000 feet of:

- (1) A church;
- (2) A public or private elementary or secondary school;
- (3) A boundary of any residential district;
- (4) A public park adjacent to any residential district;
- (5) The property line of a lot devoted to residential use;
- (6) A day care facility.

d. A person commits a misdemeanor if he causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.

e. A person commits a misdemeanor if he causes or permits 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.

f. For purposes of this Article, measurement shall be made in a straight line, without regard to 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.

g. For purposes of this Article, the distance between any two 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.

h. 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 1,000 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.

§ 5-611 Additional regulations for adult motels.

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

b. 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 subrents a sleeping room to a person and, within ten hours from the time the room is rented, he rents or subrents the same sleeping room again.

c. For purposes of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

§ 5-612 Regulations for exhibition of sexually explicit films or videos.

a. 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 150 square feet of floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(1) 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 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 inches. The Zoning Administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(2) The application shall be sworn to be true and correct by the applicant.

(3) 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.

(4) 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 at all times that any patron is present inside the premises.

(5) 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 stations. The view required in this subsection must be by direct line of sight from the manager's station.

(6) 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 (5) of this section remains unobstructed by any walls, 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 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.

(7) No viewing room may be occupied by more than one person at any time.

(8) 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.

(9) 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.

b. A person having a duty under this section commits a misdemeanor if he knowingly fails to fulfill that duty.

§ 5-613 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:

- (1) By a proprietary school, licensed by the state of South Carolina; a college, junior college, or university supported entirely or partly by taxation;
- (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- (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.

CHAPTER 6
ADDITIONAL DISTRICT REGULATIONS

§ 6-100 Street Access.

Every residential, commercial or industrial building hereafter erected, constructed, moved, or relocated shall be on a lot located on a publicly dedicated, publicly accepted, or publicly maintained street with a right-of-way of not less than thirty (30) feet, in order to provide safe and convenient access for servicing, fire protection, and required off-street parking.

§ 6-101 Corner Lots.

On lots having frontage on more than one street at an intersection, the minimum front yard requirement may be reduced to one half the regulated distance on the portion of the lot fronting on the street or streets of less importance. If the streets are designated on the Zoning Map as being of equal importance, then the property owner can choose the street along which he wishes to reduce his front yard requirement. However, in no case shall the setback be reduced to less than fifteen (15) feet. The minimum front yard for the portion of the lot fronting on the street of greater importance shall be provided in accordance with the provisions established by this Ordinance for the District in which the lot is located.

§ 6-102 Location of Buildings on Lots and Residential Limitations.

Every building or use hereafter erected or established shall be located on a Lot of Record; and every single or multi-family residential structure, except as herein provided, shall be located on an individual Lot of Record. In all cases, the principal buildings on a lot shall be located within the area formed by the building lines at outer boundaries and, in no case, shall such buildings infringe beyond the building lines into the respective front, side, rear yards or other setbacks required for the District in which the lot is located.

§ 6-103 Double Frontage Lots.

On lots having frontage on two streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this Ordinance. On lots having frontage on more than two streets, the minimum front yard shall be provided in accordance with the regulations set forth in this Ordinance on at least two of the street frontages. The minimum front yard on the other frontage or frontages may be reduced along the other streets in accordance with the provisions of § 6-101 above.

§ 6-104 Front and Side Yard Requirements.

The setback requirements of this Ordinance shall not apply to any lot where the average setback on already built upon lots located wholly or in part within two hundred (200) feet on each side of such lot and within the block and zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such a lot may be less than the required setback, but not less than the average of the existing setbacks on the developed lots. However, in no case, shall setbacks be less than fifteen (15) feet.

Where a side yard abuts a street (corner lot), the minimum side yard requirement shall be not less than seventy-five (75) percent of the front yard required on the lot lying to the rear of such corner lot when the rear lot faces the side street. However, if the rear lot faces the opposite street, and constitutes another corner lot, then the side yard setbacks for the District in which the lot is located shall prevail.

§ 6-105 Measurement of Front, Side and Rear Yards: Determination of Buildable Area.

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

§ 6-106 Visibility at Street Intersections.

On corner lots in any Zoning District established by this Ordinance no fence, wall, terrace, sign, shrubbery, planting or other structure or object capable of obstructing driver vision shall be permitted between the heights of two and a half (2 1/2) and ten (10) feet above the finished street level shall be permitted on a corner lot within twenty-five (25) feet of the point formed by the intersection of the street right-of-way lines (or such lines extended in case of a rounded corner) which bound said lot.

§ 6-107 Visibility at Private Drives and Entrances Intersecting with Public Streets.

At the intersection of any private drive or entrance or exit with a public street, no fence, wall, hedge or other planting or sign forming a material impediment to visibility over a height of two and one half (2 1/2) feet shall be erected, planted, placed or maintained.

§ 6-108 Accessory Buildings.

No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five (5) feet of any other building.

§ 6-109 Erection of More Than One Principal Structure on a Lot.

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

§ 6-110 Exceptions to Height Regulations.

The height limitations established by this Ordinance shall not apply to spires, belfries, cupolas, antennas, water tanks, transmission towers, silos, chimneys, smokestacks, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

§ 6-111 Parking and Storage of Certain Vehicles.

Automotive vehicles or trailers of any kind without current license plates shall not be parked or stored on any residentially zoned property other than behind the principal lines of the main structure.

§ 6-112 Accessory Uses.

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

1. Uses Customarily Accessory to Dwellings

- a. Private garage not to exceed the following storage capacities:

single family dwelling -	4 automobiles;
multi-family dwelling -	2 automobiles per dwelling unit;
group dwelling -	1 automobiles per sleeping room.
- b. Open storage space or parking area for motor vehicles provided that such space does not exceed any vehicles registered for resident owned usage.
- c. Shed or tool room for storage of equipment used in grounds or building maintenance.

- d. Private kennel for no more than three (3) dogs or three (3) cats, four (4) months of age or older. May be located in required rear yards only; provided they are no closer than twenty (20) feet from the nearest residential property line.
- e. Private swimming pool and bath house or cabana. May be located in required rear and side yards only; provided said uses shall be located no closer than five (5) feet from the rear property line and three (3) feet from the side property line. No building or other structure exceeding one story or fifteen (15) feet in height or 600 square feet in gross floor area shall occupy any part of a required setback area.
- f. Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.
- g. Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or slat house not over eight (8) feet in height.

2. Uses Customarily Accessory to Church Buildings

- a. Religious education buildings.
- b. Parsonage, pastorium or parish house, together with any use accessory to a dwelling as listed under § 6-112 1 above.
- c. Off-street parking area for the use without charge of members and visitors to the Church.

3. Uses Customarily Accessory to Retail Businesses, Office Use and Commercial Recreation Facilities

- a. Off-street parking or storage area for customers, clients or employee owned vehicles.
- b. Completely enclosed building for the storage of supplies, stock, or merchandise.
- c. Light manufacturing and/or repair facility incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.

§ 6-113 Setback and Other Yard Requirements for Accessory Uses.

In any district, all accessory uses operated in structures above ground level shall observe all setbacks, yard and other requirements set forth for the District within which they are located.

§ 6-114 Home Occupations.

A home occupation shall be permitted in any residential district provided that such occupation:

- a. is conducted by no persons other than members of the family on the premises;
- b. is conducted within the principle building;
- c. utilizes not more than twenty-five (25) percent of the total floor area of the principle building;
- d. produces no alteration or change in the character or exterior appearance of the principle building from that of a dwelling;
- e. involves no sale or offering for sale of any article not produced or assembled by members of the family, or any service not entirely performed by members of the family residing on the premises

CHAPTER 7

Land Development Regulations

§ 7-100 Purpose.

The purpose of this ordinance is to require and provide for harmonious, orderly and progressive land development to promote the public health, safety, economy, good order, appearance, convenience and general welfare of the Town of Allendale through the control and regulation of the subdivision and development of land.

The regulations contained herein are designed to encourage economically sound and stable land development; to coordinate proposed development with existing development and with official county plans for future development; to ensure the provision of adequate facilities for transportation, water, sewage, education, recreation and other public requirements in subdivisions; to ensure the proper surveying, legal description, and monumentation of subdivided land; and to promote the public health, safety, and general welfare of the town.

§ 7-101 Jurisdiction

The regulations contained herein shall hereafter govern all land development and subdivision within the town limits of Allendale, South Carolina.

§ 7-102 Authority

The Town of Allendale hereby exercises the authority granted under South Carolina Local Government Comprehensive Planning Enabling Act of 1994 Code of Laws of South Carolina Title 6, Chapter 29.

§ 7-103 Definitions

As used in these regulations:

For the purpose of these regulations, certain words shall be defined below. Words used in the present tense include the future; the single number includes the plural number; the plural number includes the singular number. The word "shall" is mandatory, not directory. Terms not herein defined shall have their customary dictionary definitions where not inconsistent with the context.

1.1 Building Line - A line establishing the minimum allowable distance between the nearest portion of any building, excluding steps, gutters, and similar features, and the front, side and rear property line when measured perpendicularly there to.

1.2 Density - The quantity of anything per unit of volume or area: e.g., persons, lots, homes per acre, families per acre.

1.3 Group Development - A combination or arrangement of two (2) or more separate buildings, each containing one or more dwelling units, on a

single parcel of land which has not been subdivided into customary streets, lots, and blocks.

- 1.4 Developer - A person, including a governmental agency, who intends to undertake any development and who has a legal or equitable interest in the property to be developed.
- 1.5 Land Development - The changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.
- 1.6 Lot - A portion or parcel of land having its boundaries marked by irons at each change in direction of its boundaries and designated as a part of a legally approved and recorded subdivision plat or as described by metes and bounds, and intended for transfer of ownership or for building development.
- 1.7 Lot, Corner - A lot abutting upon two or more streets at their intersection, or upon two parts of the same street, forming an interior angle of less than 135 degrees. The point of intersection of the property lines or of the property lines as extended in the corner.
- 1.8 Official Maps and Plans - Any maps or plans officially adopted by the Town Council as a guide for the development of the Town.
- 1.9 Planning Commission - The Town of Allendale Planning Commission which was established in 1999 by Resolution of the Town of Allendale Town Council pursuant to the provisions of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (Code of Laws of South Carolina Title 6, Chapter 29).
- 1.10 Street - A dedicated public right-of-way which affords the principal means of access to abutting property and which has been accepted for maintenance by Allendale County or the State Highway Department. For the purpose of these regulations, the term street or streets shall also mean avenues, boulevards, alley, roads, lanes, and other public ways.
- (a) Alley - A vehicular way used primarily for providing service access along the rear or sides of properties which are also served by one of the other types of streets defined herein.
- (b) Collector Street - A public way designed to connect residential service streets with arterial streets or to provide a direct connection between two arterial streets and may be expected to carry a significant volume of traffic, having neither origin nor destination on the street.
- (c) Commercial Service Street - A Street that is predominately used to provide access to abutting commercial or industrial properties.

- (d) Cul-de-sac - A short street having one end permanently or temporarily terminated by a vehicular turn-around.
- (e) Major Thoroughfare - (Arterial Street) - A street or highway which is used primarily to move fast or heavy traffic from one section of the urban area to another.
- (f) Service Street - A street, located parallel to and adjacent to a major thoroughfare; and which provides access to abutting properties and protection from through traffic.
- (g) Residential Street - A street which is used primarily for access to abutting residential properties.
- (h) Non-Dedicated Streets - This term does not apply to streets or roads which are not to be dedicated as a public right of way or intended for public acceptance and/or maintenance.

1.11 Street Right-of-Way - The distance measured perpendicular to the edges of land in common with front lot lines opposite sides of that land dedicated to public use or in public use. Such width shall be not less than that set forth in §7-109, Section 2.14 of these regulations, and may be increased if in the discretion of the Commission the future needs of the community will be better served.

1.12 Frontage - The distance for which property abuts one side of a street, road, highway, or other public way measured along the dividing line between the public and private property.

1.13 Lot Depth - The distance between front and rear lot lines. If these lines are not parallel, the mean dimension shall be deemed to be the lot depth.

1.14 Lot of Record - A parcel of land, the dimensions of which are shown on a map on file with the Clerk of Court for Allendale County, South Carolina. All lots of record shall front on and have ingress and egress by means of a public street or road.

1.15 Structure - Anything constructed or erected, the use of which requires more or less permanent or semi-permanent location on the ground or the attachment to something having a permanent location on the ground. This includes gasoline pumps, signs, trailers, vending machines, etc.

1.16 Building Line - That line which represents the distance a building or structure must be set back from a lot line or a street right-of-way line according to the terms of this resolution.

1.17 Building Line Setback - The distance between the building line and the street line in a lot, tract, or parcel of land.

1.18 Subdivider - This is an individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity (or agent therefore) that undertakes the activities covered by those regulations. The word "subdivider" is intended to include the terms "developer"

and “builder” even though the persons involved in successive stages of the project may vary.

1.19 Subdivision - All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record; however, the following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivisions:

- (a) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority;
- (b) the division of land into parcels of five acres or more where no new street is involved and plats of these exceptions must be received as information by the planning agency which shall indicate the fact on the plats;
- (c) the combination or recombination of entire lots of record where no new street or change in existing streets is involved;
- (d) the division of a tract of land into lots by a single or family owner where the property is sold or given to the children or relatives of the owner, where no new street dedication is involved, provided such lot sizes shall equal or exceed the standards set forth in these regulations and by SC DHEC and provided such resulting lots are directly accessible by means of a public road or by means of a legal and duly recorded ingress-egress easement, a minimum of twenty (20) feet in width, which serves a maximum of two (2) parcels which would constitute a dominant tenement.; if a plat is recorded showing such easement, there must be a deed of conveyance to the children or relatives of the owner that references the easement as shown on the plat in order to qualify as a duly recorded ingress-egress easement;
- (e) the subdivision involving cemetery lots; and
- (f) the partition of land by Court decree.

1.20 Comprehensive Plan - This refers to the various maps, plats, charts, and descriptive and explanatory material and all textual matter approved by the Allendale County Planning Commission for the purpose of guiding and shaping the growth and development of any portion of Allendale County, South Carolina.

§ 7-104 General Provisions

Section 1 Official Recording

Upon enactment of this Ordinance by the Allendale Town Council, a copy of this resolution shall be filed in the Office of the Allendale County Clerk of Court. After that time no subdivision plat or land development plan within the jurisdiction of Allendale may be filed or recorded in the office of the county where deeds are required to be recorded, and no building permit may be issued until the plat or plan bears the stamp of approval and is properly signed by the designated authority. The submission for filing or the recording of a subdivision plat or other land development plan without proper approval as required by this resolution is declared a misdemeanor and, upon conviction, is punishable as provided by law (S.C. Code 6-29-1140).

Section 2 Application of Regulations

No street or other public way or land shall be accepted or maintained; nor shall any water lines, sewer, street lighting or similar improvements be extended or connected; nor shall any permits be issued by any department of the county for construction of a building or other improvement in any subdivisions established hereafter which do not meet the requirements set forth in this ordinance.

Section 3 Effect of Plat Approval and Dedications

The approval of a land development plan or subdivision plat may not be deemed to automatically constitute or effect an acceptance by the county or the public of the dedication of any street, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the Planning Commission customary to such transactions.

Section 4 Violation and Penalty

The county official whose duty it is to accept and record real estate deeds and plats may not accept, file, or record a land development plan or subdivision plat involving a land area subject to these land development regulations unless the development plan or subdivision plat has been properly approved. If a public official violates the provisions of this section, he/she is, in each instance, subject to the penalty provided in this article and the affected governing body, private individual, or corporation has rights and remedies as to enforcement or collection as are provided, and may enjoin any violations of them.

Furthermore, the owner or agent of the owner of any property being developed within the Town may not transfer title to any lots or parts of the development unless the land development plan or subdivision has been approved by the

Planning Commission or designated authority and an approved plan or plat recorded in the office of the county charged with the responsibility of recording deeds, plats, and other property records. A transfer of title in violation of this provision is a misdemeanor and, upon conviction, must be punished in the discretion of the court. A description by metes and bounds in the instrument of transfer or other document used in the process of transfer does not exempt the transaction from these penalties. The county may enjoin the transfer by appropriate action.

Section 5 Filing Fees

At the time of submission of the Final Plat, the developer shall pay to the Town of Allendale Planning Administrator a fee to be determined by the following to defray administrative costs:

(1) Residential Lots: Twenty-five dollars (\$25.00) minimum, plus twenty-five dollars (\$25.00) per lot.

(2) Non-residential Lots: Thirty-five dollars (\$35.00) minimum, plus thirty-five dollars (\$35.00) per parcel.

Section 6 Interpretation of Subdivision Jurisdiction

Where uncertainty exists with respect to the boundary of the development jurisdiction of Allendale, the location of such boundary shall be determined by scaling the distance on the official copy of the map.

Section 7 Land Subject to Flooding

Land subject to flooding and land deemed by the Planning Commission to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation.

When there is question as to whether or not land is subject to flooding, the plat shall be referred to the U.S. Army Corps of Engineers (District Office in Charleston) for recommendations.

Section 8 Survey Accuracy

The error of linear closure at the boundaries of the tract to be subdivided shall not exceed one (1) foot per five thousand (5,000) feet of perimeter of land (1:5,000). The error of linear closure for lots shall be no greater than 1:2,500. Such error of closure shall be indicated on the final plat. In the event that the required scale causes difficulty in complying with required paper size, an exception can be made by the Planning Commission to submit an alternative scale.

Section 9 Vested Right

9.1 Definitions

- (a) Except as hereinafter set forth, the words, terms and phrases when used in this chapter shall have the meaning as set forth in §6-29-1520 of the Code of Laws of South Carolina, 1976 as amended.
- (b) Site specific development plan means those documents that comprise a complete application for a zoning permit, certification of zoning compliance, variance, special exception, planned unit development, sketch plat or plan, or other similar approval that authorizes the developer or landowner to proceed with investment in grading, installation of utilities, streets, and other infrastructure, and to undertake other significant expenditures necessary to prepare for application for a building permit.

9.2 Establishment and conditions of vested right

- (a) A vested right is triggered only upon the approval or conditional approval of a site specific development plan.
- (b) Except as hereinafter set forth, a vested right established by this division is subject to the conditions and limitations as proscribed by §6-29-1540 and 1550 of the Code of Laws of South Carolina, 1976 as amended.
- (c) No vested rights are established for phased development plans, including phased development plans applicable to real property proposed for annexation.
- (d) A vested right for a site specific development plan expires after two (2) years after vesting. No extensions of the vested right are authorized. Any requests for an extension of a vested right shall be denied.
- (e) A vested site specific development plan may be amended if the amendment conforms to, or does not cause greater nonconformity with, the current provisions of this chapter. Approval or conditional approval of an amendment does not reset the expiration period of a vested right.

9.3 Conflicting provisions

- (a) Wherever the provisions of this chapter establish more restrictive time frames upon a landowner than those which are authorized within this subsection, the time frames of this subsection shall prevail.

§ 7-105 Plat Requirements

Section 1 The Sketch Plan

Prior to filing an application for Preliminary Plat approval, the developer or his representative may submit a Sketch Plan of the proposed development to the Allendale Planning Commission. This plan shall be submitted at a regular meeting of the Planning Commission. At the meeting the developer or his representative should present the plan for the new development and seek the advice and assistance of the Planning Commission.

1.1 Information to be Shown on Sketch Plan

- (a) The Sketch Plan shall be drawn at a scale of one (1) inch equals one hundred (100) feet, or one (1) inch equals fifty (50) feet.
- (b) Total acreage in the tract to be developed.
- (c) Tentative street and lot arrangement.
- (d) Approximate right-of-ways, easements, and lot lines.
- (e) Average lot area and approximate number of lots.
- (f) Existing and proposed uses of land throughout the development.
- (g) Zoning classification, if any.
- (h) A location map which shows the relationship between the proposed development and the surrounding area.

§ 7-106 Procedure for Tentative Approval

Section 1 Application for Preliminary Plat Approval

Following the pre-application review of a proposed development, the developer shall submit to the Planning Commission, at least fifteen (15) days prior to the next regular meeting of the Planning Commission, the following:

- A. A letter requesting review and approval of a preliminary plat and giving the name and address of a person to whom the notice of the hearing by the Planning Commission on the preliminary plat shall be sent.
- B. Five (5) copies of the preliminary plat as specified in §7-107; to provide a review and record copy for the Planning Commission, developer, county engineer, or street department, building inspector, and the county health department.
- C. A preliminary plat filing fee of Fifty Dollars (\$50.00).

Section 2 Review of Preliminary Plat

The Planning Administrator shall check the plat for conformance to the rules and regulations of this resolution, and report his finding and recommendations to the Planning Commission, which shall afford a hearing on the preliminary plat, notice of the time and place of which shall be sent by the Planning Administrator by registered or certified mail to the person designated by the developer in the letter requesting preliminary plat review and approval, not less than five (5) days prior to the date of the hearing.

Before taking final action on the Preliminary Plat, the Planning Commission shall refer copies of the plat and attachments to those public officials and agencies which are concerned with new developments, including the Directors of the Street, Water, and Sanitary Sewer Departments, the Building Inspector, the Allendale County Health Department, and the District Engineer of the South Carolina Department of Transportation, for their review and recommendations.

Section 3 Time Limit, Record, Appeal

Review and approval or disapproval by the Planning Commission or staff if authorized, must be accomplished within thirty (30) days of the date of submission of sketch plans, preliminary plans and final plans. Failure of the designated authority to act within thirty (30) days of receipt of development plans or subdivision plats with all documentation required by these regulations is deemed to constitute approval and the developer must be issued a letter of approval and authorization to proceed based on the plans or plats and supporting documentation presented. The thirty-day time limit may be extended by mutual agreement.

A record of all actions on all land development plans and subdivision plats with the grounds for approval or disapproval and any conditions attached to the action will be maintained as a public record. In addition, the developer must be notified in writing of the actions taken.

If the Preliminary Plat is found to conform to all of the requirements of this ordinance, preliminary approval shall be given by the Planning Commission. Approval shall be noted on at least two (2) copies of the Preliminary Plat by the Chairman and two (2) other members of the Commission; another shall be given to the developer.

Upon approval of the Preliminary Plat, the developer may proceed with the installation of or arrangements for required improvements in accordance with the Preliminary Plat and proceed with the preparation of a Final Plat. Approval of the Preliminary Plat constitutes final approval only of the required improvements unless unforeseen problems arise.

Section 4 **Disapproval or Conditional Approval**

If the Preliminary Plat is disapproved or approved conditionally, the reasons for such actions shall be stated in writing and signed by the Chairman of the Planning Commission. The reasons for disapproval shall refer specifically to those parts of the General Plan or resolution or regulations with which the plat does not conform. One (1) copy of the reasons shall be retained in the records of the Commission; another shall be given to the developer. In all cases of conditional approval, the developer shall resubmit, for the Planning Commission's review, the Preliminary Plat with all recommended changes before the Commission gives approval of the Plat.

§ 7-107 **Preliminary Plat Specifications**
(See Appendix B)

Section 1 **Contents of the Preliminary Plat**

The Preliminary Plat shall be prepared by a registered surveyor or engineer on page(s) not larger than 18 inches by 26 inches. The plat shall be drawn to scale of one (1) inch equals one hundred (100) feet or one (1) inch equals fifty (50) feet, and shall contain or be accompanied by the following information.

Section 2 **General Information**

- A. Names and locations of adjoining development, subdivisions, streets and the location and ownership of adjoining undeveloped property.
- B. Boundaries of the tract to be developed with all bearings and distance indicated.
- C. Existing zoning classification of the tract.

Section 3 **Existing Site Data**

- A. City limits lines; property lines; rights-of-ways; easements; streets; railroads; utility transmission lines; storm sewers, ditches, and culverts; sanitary sewers; water mains; bridges; and buildings.
- B. Wooded areas, marshes, water courses, ponds, and any other similar conditions affecting the site.
- C. Contours showing the topography of the site at a vertical interval of five (5) feet, or as required by the Planning Commission.
- D. Areas subject to flooding, accompanied by high water elevation, if available.

Section 4 Proposed Site Data

- A. Street right-of-way, pavement widths, grades, street names, street profiles and roadway sections shall be provided.
- B. Preliminary plans prepared by an engineer for sanitary sewers, storm sewers and water lines showing connections to existing systems or proposals for developing new water supply, storm drainage, and sewage disposal systems (storm and sanitary sewer profiles, and sizes shall be provided).
- C. Specify the type of all materials to be used in items listed above.
- D. Other easements and rights-of-way including location, dimensions, and purpose.
- E. Contour changes to be made by grading.
- F. Lot lines, lot dimensions, lot and block numbers, and minimum building setback lines along street right-of-way and rear and side property lines.
- G. Parks, school sites, and other public areas, if any.
- H. Areas to be used for purposes other than residential and public, if any, with the purpose, location, and dimensions of each indicated.

Section 5 Other Information

- A. Name of development and surveyor or engineer.
- B. Name and address of owner or owners.
- C. Date of survey and plat preparation, north point, graphic scale.
- D. Surveyor's certificate of accuracy, certifying that the error of closure of the boundary is no greater than 1:5000.
- E. Site data: Total acreage in tract; acreage in public or other land usage; each lot size; total number of lots; linear feet in streets.
- F. Other supplemental material; any deed restrictions proposed for the development and any other information considered by either the developer or the Planning Commission to be pertinent to the review of the Preliminary Plat.

§ 7-108 Final Plat Procedure
(See Appendix C)

Section 1 The Final Plat

The developer shall submit one (1) Final Plat to the Planning Administrator at least fifteen (15) days prior to the regularly scheduled meeting of the Planning Commission at which the plat is to be considered for final approval. At the same time, there shall be submitted one (1) set of the plans and specifications for all improvements and the proposed deed restrictions. The filing fee for a final plat application is Twenty-five Dollars (\$25.00), plus Twenty-five Dollars (\$25.00) per lot for residential lots, and Thirty-five dollars (\$35.00) minimum, plus thirty-five dollars (\$35.00) per parcel for non-residential lots.

Developments which do not involve the platting, construction or opening of new streets, water or sewer facilities, or improvement to existing streets shall be accepted by the Planning Commission in the form of a Final Plat. Such developments shall comply with all requirements of these regulations.

1.1 Improvements - Before submitting the Final Plat for review, the developer shall have installed all required improvements or shall have filed a bond in accordance with the provisions of these regulations.

1.2 Time of Submission - The Final Plat of the proposed development shall be submitted to the Planning Commission for final approval within one (1) year of the date on which the Preliminary Plat was approved. If not submitted for final approval within such time, the Preliminary Plat shall be considered as having been disapproved, unless the Commission agrees to an extension of time.

1.3 Content of the Final Plat - The Final Plat shall conform substantially to the Preliminary Plat as it was approved and shall be considered an "as built" plat. The Final Plat shall be prepared by a registered surveyor or engineer and shall be drawn to a scale of one (1) inch equals one hundred (100) feet or one (1) inch equals fifty (50) feet on page(s) not larger than 18 inches by 26 inches. It shall contain or be accompanied by the following information:

1.3.1 Survey Data

(a) Exact boundary of the tract to be subdivided, the error of closure shall be no greater than 1:5000.

(b) The error of linear closure for lots shall be no greater than 1:3000.

(c) Names and locations of adjoining developments, subdivisions and streets and the location and ownership of adjoining undeveloped property.

- (d) Accurate location and description of all monuments, markers, and control points.
- (e) Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, right-of-way line, easement line, and setback line, including linear dimensions, bearings or deflection angles, tangents, radii, arcs, chords, and central angles. (All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest minute.)

1.3.2 Site Data

- (a) All right-of-way, easements, and areas to be dedicated to public use with the purpose of each stated.
- (b) Areas to be used for purposes other than residential and public, if any, with the purpose, location, and dimensions of each indicated.
- (c) Lot and block numbers; street names.
- (d) Roadway sections and profiles of street.
- (e) Plans for water mains, sanitary sewers, and storm sewers, showing sizes and profiles.

1.3.3 Other Information

- (a) Name of development, owner, surveyor and/or engineer.
- (b) Date of survey and plat preparation and revision dates, north arrow; graphic scale.
- (c) Deed restrictions proposed for the subdivision, if any.
- (d) Any other information considered by either the developer or the Planning Commission to be pertinent to the review of the Final Plat.

Section 2 Certificates

The following signed certificates shall be shown on the original and all copies of the Final Plat submitted to the Planning Commission (See Appendix A):

- A. Certificate of surveying and mapping.
- B. Certificate of approval of the design and installation.
- C. Certificate of ownership and intent.

- D. Certificate of approval of water supply and sewage disposal systems.
- E. Certificate of approval of street names by the Postmaster and the Allendale County Emergency Management Office.
- F. Certificate of approval of the Final Plat by the Planning Commission.

Section 3 Planning Commission Action

The Planning Commission shall approve or disapprove the Final Plat within thirty (30) days after it has been submitted for final approval. Approval and the date thereof shall be shown on the plat over the signature of the Planning Commission Chairman and two (2) other members of the Commission. If no action is taken by the Commission at the end of thirty (30) days after submission, the plat shall be deemed to have been approved.

If the Final Plat is disapproved by the Planning Commission, the grounds for such action shall be stated in writing. The reasons for disapproval shall refer specifically to those parts of the General Plan or ordinance or regulations with which the plat does not conform. One (1) copy of the reasons for disapproval shall be retained in the records of the Planning Commission, and another shall be given to the developer.

After final approval, the developer shall file the original approved Final Plat with certificates with the Allendale County Clerk of Court and obtain a receipt that the Final Plat was filed. A duplicate receipt shall be provided to the Planning Administrator for verification and record at the Town.

Section 4 Recording of Final Plat

No subdivision plat in the Town of Allendale shall be recorded with the Allendale County Clerk of Court unless and until it bears the endorsement of the Allendale Planning Commission. Final Plats shall be recorded within seven (7) business days of approval or the action of the Commission shall be null and void, unless an extension of time is granted in writing by the Commission upon written request of the subdivider.

§ 7-109 Minimum Design Standards

The following design standards shall be considered minimum requirements; however, higher standards are to be encouraged in design. Land development design should carry out the purpose of the Comprehensive Plan and these regulations but not be limited to the minimum requirements.

Section 1 General Standards

1.1 Conform to Plan - All proposed land development must conform to the approved comprehensive plan, map, and other regulations and resolutions of the town.

1.2 Municipal Water and Sewer System Preferred - New development of land will be approved for individual water supply and/or sewage system disposal unless within a reasonable period of time, but no later than at first occupancy, it is possible for the town or the county to supply water mains and sanitary sewer trunks within 200 feet of the property under consideration for development.

If the development under consideration involves no more than one single family residential structure, "on-site" facilities will be allowed, provided the lot is of sufficient size to accommodate the required (DHEC) septic drainage field which can be constructed in an area no closer than twenty (20) feet to a boundary line of any adjacent property.

1.3 Underground Installation - All sanitary sewers, storm drains, water lines, and gas must be placed underground and must be installed before new streets and alleys are paved with water and sewer connections provided for each lot to a distance two (2) feet back of the curb line. All sanitary and storm sewers will be of sufficient size to provide for future extensions to serve all tributary areas. When the roadway of an existing street or road is cut to provide connections to existing sewer, water and other systems, the developer will replace roadway surface with identical material or such other material that meets the minimum standards for the service.

Section 2 Streets

2.1 Conformity to Existing Maps or Plans - The location and width of all proposed streets shall be in conformity with official plans and maps of Allendale and with existing or amended plans of the Planning Commission. Additional requirements for the naming of streets can be found in § 7-110 of this ordinance.

2.2 Public Streets - All streets which are to be dedicated shall be public streets and shall be opened to the exterior property lines of the development unless permanently terminated by a vehicular turnaround or an intersection with another street.

- 2.3 Continuation of Adjoining Streets - Proposed streets shall be coordinated with the street system in the surrounding area and provide for the continuation of principal streets.
- 2.4 Reserve Strips - Reserve Strips controlling access to streets shall be prohibited except where their control is placed with the town under conditions approved by the Planning Commission.
- 2.5 Residential - Residential streets shall be laid out so their use by through traffic will be discouraged in that 3-way intersections ("T" intersections) shall be used as much as possible.
- 2.6 Service Streets with Major Thoroughfares - Where a subdivision abuts or contains an existing or proposed major thoroughfare, the Planning Commission may require service streets, reverse frontage with screen planting line, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- 2.7 Service Streets with Highways and Railways - Where land to be subdivided borders or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a service street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- 2.8 Street Jogs - Street jogs with centerline offsets of less than two hundred (200) feet shall be avoided.
- 2.9 Tangents - A tangent of at least one hundred (100) feet on minor streets; one hundred and fifty (150) feet on collector streets; and as determined by the South Carolina Department of Transportation on major thoroughfares shall be introduced between reverse curves.
- 2.10 Intersections - The center lines of no more than two (2) streets shall intersect at any one point. Streets shall be laid out to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than sixty (60) degrees.
- The maximum grade approaching intersections shall not exceed five (5%) percent for a distance of not less than one hundred (100) feet from the center line of said intersection. The radius of edge of pavement or face of curb shall be not less than thirty-two (32) feet at the intersection of collector streets and major thoroughfares.
- 2.11 Property Lines at Intersections - Property lines at street intersections shall be rounded with a radius of twenty (20) feet.

2.12 Horizontal Curves and Vertical Curves - All horizontal and vertical curves shall be in compliance with the regulations and standards established by the South Carolina Department of Transportation.

2.13 Grade - Unless necessitated by unusual topographic conditions and approved by the Planning Commission, the minimum grade on any street shall be one (1%) percent. The maximum grade shall not exceed ten (10%) percent.

2.14 Right-Of-Way - Street right-of-way shall be not less than the following:

Alley	20 feet
Collector Street.....	50 feet
Commercial Service Street... ..	50 feet
Cul-de-sac.....	100 feet (dia.)
Major Thoroughfare... ..	80 feet
Residential Service Street	50 feet
Residential Street.....	50 feet

2.15 Pavement Widths - Pavement widths shall be not less than the following:

Alley	20 feet
Collector Street.....	36 feet
Commercial Service Street... ..	36 feet
Cul-de-sac.....	80 feet (dia.)
Major Thoroughfare... ..	52 feet
Residential Service Street	27 feet
Residential Street.....	27 feet

2.16 Cul-de-sac - Dead end streets designed to be permanently terminated shall not exceed six hundred (600) feet in length, except where no other access is practical due to topographic reasons. Such streets shall be provided at the end with a circular turnaround. A minimum turnaround shall have a radius of not less than fifty (50) feet at the property line and not less than forty (40) feet at the curb line.

2.17 Temporary Dead End Streets - Temporary dead end streets which extend for a greater distance than three hundred (300) feet shall be provided with a temporary turnaround having a diameter of eighty (80) feet, or other suitable turnaround.

2.18 Half Streets - Half streets are prohibited. Whenever a street is planned adjacent to the boundary of the proposed development, the entire street right-of-way shall be platted within the proposed development.

2.19 Street Names - No street names shall be used which will duplicate or be confused with existing streets. Street names shall be subject to the approval of the Planning Commission. A street name certificate must accompany all Final Plats for approval. Refer to § 7-111 for further guidance on the naming of streets.

2.20 Additional Right-Of-Way - Where streets in existing subdivisions do not meet the standard for maintenance of the South Carolina Department of Transportation, and residents wish to dedicate said streets for public maintenance and/or acceptance, property owners abutting on said streets shall provide a minimum of one-half (1/2), measured from the center line of the existing right-of-way, of the total right-of-way required by these regulations.

Section 3 Alleys

3.1 Residential Areas - Alleys are not required for residential areas, but when provided shall not be less than twenty (20) feet in width and fully paved.

3.2 Intersections - Alley intersections and sharp changes in alignment should be avoided, but where necessary, the curve radius shall permit safe vehicular movement.

3.3 Dead-Ends - Dead-end alleys should be avoided, but where necessary shall be provided with adequate turnaround facilities at the dead-end, as determined by the Planning Commission.

Section 4 Easements

Easements not less than ten (10) feet wide centered on side or rear lot lines shall be provided where necessary for use by public or private utilities.

Where a proposed development is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way course, and of sufficient width to carry off storm water.

4.1 Water Flow Right-Of-Way - Where proposed land development will materially alter the natural drainage pattern within and/or increase the rate of discharge of drainage water from its own borders, and will thereby materially affect the discharge of drainage water onto properties lying below and beyond its own borders, the developer will secure from the owner or owners of affected properties an adequate drainage easement in favor of the town through and across properties to a point where drainage water passing along such right-of-way is discharged into a natural drainage way adequate to handle the drainage without effect upon other properties.

The developer will make improvements within the right-of-way areas as may be required to properly cause the drainage water to flow along and within the limits of the right-of-way. The nature and extent of the right-of-way and improvements necessary to properly handle the drainage water to be discharged along the right-of-way will be certified by a registered engineer.

Section 5 Blocks

5.1 Length - The lengths, widths, and shapes of blocks shall be determined with due regard for the following:

- (a) Provision of adequate building sites available to the special needs of the type of use contemplated.
- (b) Needs for convenient access, circulating control and safety of street traffic.
- (c) Limitations and opportunities of topography.

Blocks for residential use shall not be longer than one thousand (1,000) feet in length, and shall not be less than four hundred (400) feet in length, measured along the road centerline of the block.

5.2 Pedestrian Crosswalks - Pedestrian crosswalks, not less than ten (10) feet wide, may be required in blocks longer than six hundred (600) feet to provide reasonable circulation or access to schools, playground, shopping centers, transportation, other community facilities, or where deemed necessary.

5.3 Width - Blocks should be of sufficient width to allow for two (2) tiers of lots of appropriate depth.

Section 6 Undeveloped Open Space

Design of the development shall take into consideration all existing local and regional plans for the surrounding community. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features.

The following specific areas shall be preserved as undeveloped and unplatted open space, to the extent consistent with the reasonable utilization of land, and in accordance with applicable federal, state or local regulations:

- (a) Wetlands, except as permitted by applicable regulations and as delineated by the U.S. Army Corps of Engineers.
- (b) Steep slopes in excess of twenty (20%) percent unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken.
- (c) Lands in the floodplain, except as permitted by applicable regulations and as delineated by the Federal Emergency Management Agency.
- (d) Streams, creeks and other naturally existing water courses.

Section 7 Area Subject to Flooding

A plat of a proposed development submitted to the Planning Commission for approval which contains lands subject to flooding shall have such areas delineated as being subject to flooding. Federal Emergency Management Agency 100-year Floodplain Maps should be referred to for floodplain delineation. The building located on such land must be set back a minimum of twenty-five (25) feet on all sides from the high water mark for that particular lot, unless in the opinion of the Planning Commission such use is deemed to endanger health, life or property, or aggravate the flood hazard.

§ 7-110 **Required Improvements**

Final plat approval shall not begin until the developer has installed the required improvements or has guaranteed to the satisfaction of the governing body that such improvements will be installed. One set of as-built plans and specifications certified by a registered engineer shall be filed with the Planning Administrator prior to acceptance by the governing body of any improvement installed by the subdivider.

Section 1 Monuments and Markers

All lot corners, street corners, and points of change of direction in exterior boundaries of the subdivision shall be marked with an iron pipe or concrete marker at least twenty-four (24) inches long and driven to within four (4) inches of the finishing grade or flush as conditions may require.

Section 2 Performance Guarantee

If all improvements as required by the Planning Commission in granting tentative approval of the preliminary plat are not properly installed and constructed in accordance with the required standards prior to the submission of a final plat application, the developer may be permitted to post a surety bond, certified check, or other instrument readily convertible to cash. The surety must be in an amount equal to at least one hundred twenty-five (125%) percent of the cost of the improvements. This surety must be in favor of the Town of Allendale to ensure that, in the event of default by the developer, funds will be used to install the required improvements at the expense of the developer.

The performance guarantee must be approved by the Town Council and the Town Attorney, and must include a specific, reasonable and satisfactory date for the completion of the necessary improvements. In no case shall the performance guarantee be valid for more than two (2) years.

2.1 Return of Guarantee - When the improvements have been completed and approved for conformity with these regulations, the guarantee shall be released and returned. When any portion of the required improvements has been completed and approved, a portion of the guarantee commensurate with the cost of these completed improvements may be released and returned.

- 2.2 Default of Guarantee - In the event the developer fails to install or construct the required improvements during the specific time allotted and in conformity with these regulations, the performance guarantee is forfeited to the Town to be used for the completion of the improvements.

Section 3 Streets and Alleys

Except as otherwise provided by section 3.3 below, these regulations require that streets in all developments in Allendale be paved. In cases where paving is to be provided, such paving shall be accomplished in accordance with existing state and local standards. In such cases where paving is not to be provided by the developer, appropriate notation shall be shown on final plat prior to recording.

Streets that are to be paved, improved, or surfaced will meet the following specifications:

- 3.1 Grading - All streets should be cleared and/or graded to their full pavement widths plus a minimum of ten (10) feet beyond the backs of curbs. Grading shall meet the specifications of the South Carolina State Department of Transportation. Under no circumstances shall standards less than the applicable standards of Allendale be allowed.
- 3.2 Paving - The developer shall be responsible for the cost and installation of the street foundation and surface that meets the requirements of this ordinance and other town, county and/or state specifications. Grading and paving shall meet the requirements set forth in Standard Specifications for Highway Construction, South Carolina State Department of Transportation. Design specifications should be reviewed on an individual basis and approved in writing by the Allendale County Department of Public Works. Under no circumstances shall standards less than the applicable standards of Allendale County be allowed.
- 3.3 Unpaved roads - In subdivisions in rural and predominately agricultural locations, the Planning Commission may recommend that streets and roads be left unpaved. In making such recommendations, the Planning Commission must consider the following (See Appendix D):

- 1) Density and lot size.
- 2) Soils and topography of development.
- 3) Drainage and erosion control.

In all instances where provisions for unpaved roads are to be requested, a Planning Commission recommendation shall be forwarded to the Town Council during the preliminary plat stage of review. The Planning Commission shall be prohibited from granting such preliminary plat approval until such time as assurances have been received from the Town Council that such roads may be approved but may not be accepted into the road system.

Section 4 Curbs and Gutters

In residential subdivisions with lots smaller than one (1) acre in size, curbs and gutters shall be required. While concrete curbs and gutters shall be required in “high-traffic” areas, asphalt curbs and gutters may be permitted in areas of less intensive activity and traffic when installed according to previously approved plans and profiles. When curb and gutters are required, they shall be constructed in accordance with methods described in the current manual of standard specifications for road construction of the South Carolina State Department of Transportation. Under no circumstances shall standards less than the applicable standards of Allendale be allowed.

The Planning Commission may also require the installation of curb and gutters in developments and subdivisions devoted to commercial or industrial use, if it is determined that such installation is necessary for public safety and convenience.

Section 5 Water Lines

The water distribution system will be designed to the standards of SCDHEC and the local jurisdiction providing water to the proposed development. An adequate supply of water for domestic and fire purposes will be provided with sufficient pressure in the mains to meet minimum standards for fire purposes at all times, in accordance with underwriter’s standards. When a water distribution system is installed in the development, the developer will provide an approved water connection to each lot, parcel or unit to be served.

The water mains in the development will:

- A. be of sufficient size to provide at least one standard fire hydrant within five hundred (500) feet (to be measured along right-of-way of streets or public ways) of each residence or other structures and at locations designated by the Fire Department with jurisdiction for serving the area;
- B. provide circulation in the system; and
- C. comply with all rules and standards of the Town of Allendale, County and SCDHEC.

5.1 Connection to a Public System - Where an existing public water main, in the opinion of the Commission, is reasonably accessible, and for the purpose of this section “reasonably accessible” is considered one-thousand five hundred (1,500) feet from the property proposed to be developed, the developer will connect with the water main and provide the required connection for domestic and fire purposes.

5.2 Separate System - Where a public water main is not reasonably accessible, or planned, the developer may provide a central water system, according to standards and specifications of the local provider and must receive approval of the SCDHEC and must comply with all provisions established in these regulations for water for domestic and fire purposes.

- 5.3 Regulations May Be Waived - Where the lot is one-half acre or more in size, this regulation may be waived, provided the SCDHEC concurs that the source of individual water supply is adequate and safe for human consumption.

Section 6 Sanitary Sewers

- 6.1 Connection to Public System - Where an existing public sanitary sewer is reasonably accessible and for the purpose of this section “reasonably accessible” is considered one-thousand five hundred (1,500) feet from the property proposed to be developed; the developer will connect with the sanitary sewer and provide an adequate connection for each lot. The design, grade, and capacity will be approved by the public system operator.

- 6.2 Temporary Separate System - Where a public sanitary sewer is not reasonably accessible, but where the plans for a sanitary sewer system have been prepared and installation shall occur within six months or less, the developer will install sewers in conformity with the plans, although a connection with an existing main may not be immediately practicable.

In such cases, and until the connection is made with the planned sewer system, the subdivider will provide for the disposal of sanitary sewage by a system approved by the SCDHEC.

- 6.3 Separate System - Where sanitary sewers are not available or planned, and if the proposed development is to be on open type septic tanks, which are designed and installed according to standards of the SCDHEC, will be permitted, provided no lot is less than one-half acre.

- 6.4 Design Capacity - All sanitary sewers will be designed to be compliant with minimum peak flow requirements of SCDHEC.

Section 7 Storm Sewers and Drainage

An adequate storm drainage system designed to protect proposed development from flooding shall be installed and certified by a registered engineer. The system shall be adequate to carry all storm water in its drainage area that is expected to occur during a five (5) year period and shall complement systems on adjacent properties. Where a public storm sewer is reasonably accessible, as determined by the Planning Commission, the developer shall connect with such drainage systems.

Section 8 Culverts and Bridges

All culverts and bridges will be constructed to the standards and requirements set forth by the South Carolina State Department of Transportation.

Section 9 Street Signs

The developer shall place street name signs and stop signs which meet Town specifications at all street intersections within the development. In addition, the developer shall place other directional and warning signs at all locations within the subdivision as may be determined, by the Planning Commission, to be in the best interest of public safety and in compliance with SCDOT standards.

Section 10 Oversized Improvements

Whenever a development contains streets, water mains, or sewer mains that are larger than those required to serve the future occupants of the development, the developer shall be required to pay only that portion of the cost of the improvement that would equal the cost of an improvement required to serve only the subdivision, as determined by the Town Council. The balance of the cost will be borne by the unit of government concerned.

§ 7-111 **Approval of Street Names**

The Planning Commission shall, by proper certificate and following consultation with and the concurrence of the Allendale County E-911 Office, approve and authorize the name of a street or road laid out within the jurisdiction of the Town.

Section 1 Violation A Misdemeanor

It is unlawful for a person in laying out a new street or road to name the street or road on a plat, by a marking or in a deed or instrument without first getting the approval of the Planning Commission. Any person violating this provision is guilty of a misdemeanor and, upon conviction, must be punished in the discretion of the court.

Section 2 Changing Street Name

The Planning Commission may, after consultation with the Allendale County E-911 Office and reasonable notice through a newspaper having general circulation in Allendale, change the name of a street or road within the area of its jurisdiction:

- A. when there is duplication of names or other conditions which tend to confuse the traveling public, public safety efforts or the delivery of mail, orders, or messages;
- B. when it is found that a change may simplify making or giving of directions to persons seeking to locate an address; or
- C. upon any other good and just reason that may appear to the Commission.

Section 3 Recording

On the name being changed, after reasonable opportunity for a public hearing, the Planning Commission shall issue its certificate designating the change, which must be recorded in the office of the register of mesne conveyances or clerk of court, and the name changed and certified and is the legal name of the street or road.

§ 7-112 Administration and Amendment

Section 1 Variance

Whenever the tract to be developed is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or inequity, the Planning Commission may vary or modify, except as otherwise indicated, requirements of design, but not of procedure or improvements, so that the developer may develop said property in a reasonable manner, but so, at the same time, the public welfare is protected and the general intent and spirit of these regulations is preserved. Also, the developer shall be required to make his intentions for variance known by public notice; this notice is required to be published one time in the local newspaper ten (10) days prior to submission of request for the variance. Such modification may be granted upon written request of the developer stating the reasons for each modification and by an affirmative vote of at least two thirds (2/3) of the membership of the Planning Commission.

Section 2 Conditions

In granting variances and modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Section 3 Amendment

This ordinance may be amended from time to time by the Allendale Town Council after a public hearing on the proposed amendment, following at least thirty (30) day notice of the time and place by publication in a newspaper of general circulation in the Town. However, no amendment shall become effective unless it shall have been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days within which to submit its report.

If the Planning Commission fails to submit a report within the specified time, it shall be deemed to have approved the proposed amendment.

Section 4 Validity

If any section, clause, paragraph, provision, or portion of this resolution shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this resolution.

Section 5 Conflict With Other Regulations

All ordinances or regulations or parts of ordinances in conflict herewith are hereby repealed.

**CHAPTER 8
ADMINISTRATION**

§ 8-100 Zoning Administrator.

This ordinance shall be administered and enforced by the duly appointed Zoning Administrator who shall have all powers and duties authorized by statute or ordinance to enforce the provisions set forth in this Ordinance. The duties of the Zoning Administrator shall include:

1. Interpretation of the terms and provisions of this Ordinance;
2. Administration of this Ordinance by the issuance of permits and certificates, including the collection of authorized fees;
3. Processing applications for appeals to the Board of Zoning Appeals from decisions of the Zoning Administrator, variances and special exceptions;
4. Preparation of the record for appeal to circuit court from decisions of the Board of Zoning Appeals;
5. Maintenance of a current zoning map, amendments to the zoning ordinance, and all public records related to zoning and planning;
6. Enforcement of the zoning ordinance, investigation and resolution of zoning complaints;
7. Administrative assistance to the Board of Zoning Appeals and Planning Commission as required; and
8. Such other duties as may be authorized.

§ 8-101 Zoning Permits.

a. Permits required. No building, sign or structure shall be erected, moved, enlarged, altered or demolished without a zoning permit issued by the Zoning Administrator. No zoning permit shall be issued by the Zoning Administrator except for a use which is in conformity with the provisions of this ordinance or for a use authorized by order of the Planning Commission or Board of Zoning Appeals.

b. Fees for permits. A fee established by regulation of Town Council shall be paid for each zoning permit or certificate of zoning compliance issued by the Zoning Administrator.

c. Applications for permits. Applications for zoning permits shall be accompanied by plans in duplicate drawn to scale showing the actual dimensions and shape of the lot to be used, the sizes and locations of existing structures on the lot, the location and dimensions of a proposed structure or alteration. The application shall include such other information as may be required by the Zoning Administrator to determine conformance with this ordinance, including existing or proposed buildings or alterations, existing or proposed uses of buildings and land, number of families, housekeeping units, rental units, existing conditions on adjacent property. One copy of the plans shall be returned to the applicant with the signed approval or disapproval of the Zoning Administrator noted on the copy within a reasonable time.

d. Expiration of permits. If the work described in a zoning permit has not begun within six (6) months from the date of the permit, or within the time specified in a special exception, the permit shall expire and be void upon written notice by the Zoning Administrator.

§ 8-102 Building and Sign Permits.

No building, structure or sign requiring a permit or any part thereof shall be erected, added to or structurally altered, nor shall any excavation be commenced until a required Building or Sign Permit has been issued.

a. Application for a Building Permit. Each application for a permit for a building or structure other than a sign shall be accompanied by plans in duplicate drawn to scale showing the actual dimensions and shape of the lot to be used, the sizes and locations of existing structures on the lot, the location and dimensions of a proposed structure or alteration. The application shall include such other information as may be required by the Zoning Administrator to determine conformance with this ordinance, including existing or proposed buildings or alterations, existing or proposed uses of buildings and land, number of families, housekeeping units, rental units, existing conditions on adjacent property. One copy of the plans shall be returned to the applicant with the signed approval or disapproval of the Zoning Administrator noted on the copy within a reasonable time.

b. Application for a Sign Permit. Each application to erect a sign, where a sign permit is required by this Ordinance, shall be accompanied by identification of ownership and/or leaseholder of property on which sign is to be erected, including street address; name and address of the owner of the sign; site plan sketch with dimensions showing the location of sign with respect to the property and right-of-way lines, building and setback lines, and any buildings, parking areas, existing free-standing signs, and buffer areas; correct size, shape, configuration, face area, height, nature, number and type of sign; value of the sign and sign structure. Any of the above requirements may be waived by the Zoning Administrator if deemed unnecessary in order to process an application.

§ 8-103 Certificates of Zoning Compliance.

a. Certificates required. It shall be unlawful for any person to use occupy or permit the use or occupancy of any building or property hereafter created, erected, changed, converted, altered or enlarged, in whole or in part, until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the proposed use conforms to the requirements of this ordinance.

b. Nonconforming uses or structures. Uses or structures made nonconforming by this ordinance may not continue without a certificate of zoning compliance issued by the Zoning Administrator which shall state that the use or structure was in existence at the time of adoption or amendment of this ordinance. The certificate of zoning compliance shall specify the features which are nonconforming, and may be used to establish a vested interest in continuation of the nonconformity.

c. Temporary uses. Certificates of zoning compliance may be issued and renewed by the Zoning Administrator for permitted temporary uses for the times permitted by zoning district regulations.

§ 8-104 Violations.

a. Misdemeanor; penalties. It shall be unlawful for any person to use property, or to construct, alter, enlarge or demolish any structure without a permit or permits required by this ordinance. Conviction for violation of this ordinance is punishable as a misdemeanor under the general penalty provisions of the Town Code.

b. Withholding permits. The Zoning Administrator shall deny a zoning permit for any use or work which fails to comply with this ordinance. The Zoning Administrator or other appropriate official shall withhold all other Town permits for work which violates this ordinance.

c. Complaints. A written complaint specifying facts showing a violation of this ordinance filed by any person shall be investigated by the Zoning Administrator. Upon determination that a violation has occurred, the Zoning Administrator shall take appropriate enforcement action authorized by this ordinance.

d. Stop work orders. The Zoning Administrator is authorized to issue a stop work order pursuant to S.C. Code § 6-29-950(A) requiring work to cease until specified code violations are corrected. Failure to comply with a stop work order of the Zoning Administrator is a misdemeanor punishable under the general penalty provisions of the Town Code. Issuance of a stop work order may be appealed to the Board of Zoning Appeals.

e. Ordinance summons. The Zoning Administrator is authorized to issue an ordinance summons pursuant to Town Code provisions for violations of this ordinance.

f. Arrest warrant. The Zoning Administrator, with concurrence of the Town

Attorney, is authorized to request the issuance of an arrest warrant for violations of this ordinance.

g. Injunction. The Zoning Administrator shall submit a request to the Town Attorney for institution of a civil action seeking an injunction prohibiting violation of this ordinance when appropriate.

CHAPTER 9 APPEALS

§ 9-100 **Board of Zoning Appeals.**

a. Board established. A Board of Zoning Appeals is hereby established which shall consist of three (3) members appointed by Town Council for staggered terms of four (4) years. A vacancy shall be filled for the unexpired term in the same manner as the original appointment. Members of the Board may be removed by Council for cause.

b. Officers. The Board shall elect or reelect one of its members as chairperson for a term on one year. The board may elect other officers as provided by its rules of procedure. The Board shall appoint a secretary who may be an officer of the Town approved by the Town Administrator or a member of the Board.

c. Rules of Procedure. The Board shall adopt rules of procedure for the conduct of its meetings and hearings. A majority of the Board shall constitute a quorum. Meetings of the Board shall be held at the Allendale Town Hall at the call of the chairperson or at such times as the Board may determine. Public notice of all hearings shall be published in a newspaper of general circulation in the Town and shall be posted on the bulletin board at Town Hall. Notice of hearings on appeals for variances or special exceptions shall also be posted on or adjacent to property affected, with at least one notice visible from each public street abutting the property. The chairperson may administer oaths and compel attendance of witnesses by subpoena. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote by reason of conflict, and shall keep records of its examinations and other official actions filed in the office of the secretary of the Board as public records.

§ 9-101 **Powers and Duties of Board of Zoning Appeals.**

The Board of Zoning Appeals has the following powers:

1. Appeal from Zoning Administrator. Any person aggrieved by a decision of the Zoning Administrator may appeal that decision to the Board of Zoning Appeals in writing on a form provided by the Zoning Administrator within fifteen (15) days after actual notice of the decision. An appeal stays the implementation of the decision of the Zoning Administrator unless he certifies to the Board that a stay would cause imminent peril to life or property. The Board may affirm or reverse, wholly or in part, or may modify the decision by a written order separately stating findings of fact and conclusions of law.

2. Variances. An owner or authorized agent may appeal to the Board on a form provided by the Zoning Administrator for a variance from the requirements of the zoning ordinance when the strict application of regulations would result in unnecessary hardship. A variance may be granted if the Board makes all of the following findings and conclusions in a written order:

(a) There are extraordinary and exceptional conditions pertaining to the particular piece of property;

(b) These conditions do not generally apply to other property in the vicinity;

(c) because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

(d) The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance;

(e) The effect of the variance would not allow the establishment of a use not otherwise permitted in the zoning district; would not extend physically a nonconforming use of the land; and would not change the zoning district boundaries shown on the official zoning map.

The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance. In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare. Failure to begin or complete an action for which a variance is granted within the time limit specified as a condition of the variance shall void the variance.

3. Special exceptions. An owner or authorized agent may appeal to the Board on a form provided by the Zoning Administrator for a special exception for a use permitted by district regulations as a special exception after review, subject to applicable criteria. The Board shall consider the following factors in determining whether a special exception should be granted, in addition to specific criteria in district regulations: (1) traffic impact; (2) vehicle and pedestrian safety; (3) potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property; (4) adverse impact of proposed use on aesthetic character of the area; and (5) orientation and spacing of improvements or structures. The Board may prescribe appropriate conditions and safeguards to relieve or reduce adverse impact of a special exception and to protect the character of the area.

§ 9-102 Fees for appeals to Board.

A fee of \$150.00 shall be paid for each appeal to the Board of Zoning Appeals from a decision of the Zoning Administrator, for a variance or special exception.

§ 9-103 Appeal to Circuit Court.

A person having a substantial interest in a decision of the Board of Zoning Appeals, or an officer of the Town authorized by Town Council, may appeal to circuit court by petition for review on grounds that the decision is contrary to law, filed with the clerk of court and secretary of the board within thirty (30) days after the decision of the Board is mailed. Within thirty (30) days after receipt of notice of filing a petition, the Zoning Administrator or secretary of the Board, with assistance of the Town Attorney, shall file with the clerk of court a certified copy of the Board proceedings, including a transcript of evidence and findings and conclusions of the Board.

**CHAPTER 10
AMENDMENT**

§ 10-100 Initiation of Amendment.

a. An amendment to the Zoning Ordinance text or Official Zoning Map may be initiated by adopted motion of Town Council, adopted motion of the Planning Commission, or the Zoning Administrator. An amendment to the zoning map for changing a zoning district designation of property may be initiated by the owner of the property affected or by an agent authorized by the owner in writing.

b. An identical amendment to the district designation of the same or a portion of the same property for which a rezoning has been denied shall not be initiated more often than once in each twelve (12) month period after denial unless the planning commission determines either (1) there has been a substantial change in the character of the area, or (2) evidence or factors exist which were not considered in previous deliberations which might substantially alter the basis for the Planning Commission recommendation.

c. A zoning map amendment shall be initiated by an owner or agent on an application form provided by the Zoning Administrator, accompanied by required documents and information, and a filing fee established by resolution of Town Council.

d. A complete application for amendment must be received at least two (2) weeks prior to a Planning Commission meeting in order to be considered at the meeting.

§ 10-101 Minimum district size.

No amendment shall be initiated which would create a new zoning district with an area of less than two (2) acres; provided, the minimum area for a PD (Planned Development) district shall be three (3) acres. The minimum requirement does not apply to extension of an existing residential district, or addition of CC district.

§ 10-102 Amendment Procedure.

The following procedural steps are required for adoption of a text or map amendment:

1. Amendment shall be initiated pursuant to § 10-100.
2. Amendment ordinance shall be prepared in written form required by Town Code.
3. Proposed amendment shall be referred to Planning Commission for review and

recommendation. The Planning Commission shall not conduct a public hearing, but the property owner may be allowed to present oral or written comments. If oral or written comments are taken, the Commission shall give other interested members of the public ten (10) days' notice and allow them to comment in the same fashion. Review shall include a determination of whether the proposed amendment is in conformity with the Comprehensive Plan. The Planning Commission shall file with Town Council its report and recommendation on the proposed amendment within thirty (30) days after receipt.

4. Newspaper notice of public hearing before Town Council shall be published at least fifteen (15) days prior to hearing. The public hearing shall be scheduled for a date after the Planning Commission recommendation is due.

5. Notices of public hearing shall be posted on or adjacent to property to be rezoned, with one notice visible from each street bordering the property. Posted notices shall contain letters not less than one (1) inch in height.

6. Notices of public hearing shall be mailed to all adjacent landowners and to groups which have filed a written request for notices.

7. Town Council may introduce amendment ordinance for first reading and hold public hearing on the same date. Planning Commission recommendation shall be reviewed and considered, but it shall not be binding on Town Council.

8. Town Council may adopt or reject the amended ordinance on second reading at least six (6) days after first reading. Map amendments may be adopted or rejected for all or any portion of the property; however, a zoning district designation which was not included in the public notices shall not be adopted. An amendment may be withdrawn in writing by the initiator at any time prior to final action by Town Council. A withdrawn amendment is not subject to the twelve (12) month limitation in § 10-100.

9. All amendments shall be noted and placed in the copy of the Zoning Ordinance maintained by the Zoning Administrator and in the official copy of the Town Code maintained by the Municipal Clerk. Map amendments shall be reflected on the Official Zoning Map.

APPENDIX A
CERTIFICATION

An Engineer's or Surveyor's Certification, directly on the final plat as follows:

"It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown hereon actually exist or are marked as 'Future' and their location, size, type and material are correctly shown; and that all engineering requirements of the land development regulations of Allendale, South Carolina, have been complied with.

By _____ Registered C.E. No. _____
_____ Registered South Carolina Surveyor No. _____."

* * * * *

Certification of Approval of Water supply and Sewage Disposal Systems, as follows:

"I hereby certify that the water supply and sewage disposal systems installed, or proposed for installation in _____ Subdivision fully meet all Public Health requirements, and are hereby approved as show:

Date

County Health Officer
Or Authorized Representative"

An Owner's Certification, directly on the final plat, as follows:

"Owner's Certification:

State of South Carolina, Town of Allendale

The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that his plat was made from an actual survey, that all state and county taxes or other assessments now due on this land have been paid.

Agent _____ Owner _____

Date _____ Date _____"

* * * * *

Certificate of Ownership and Dedication

"I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of development with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I dedicate all water and sewer lines to Allendale or other such entity as may be directed.

Owner _____ Date _____"

* * * * *

A Certificate of Approval of the Final Plat by the Planning Commission:

"Pursuant to the land development regulations of Allendale, South Carolina, all the requirements of approval having been fulfilled, this final plat was given approval by the Town of Allendale Planning Commission on _____, 20__."

Date _____ Chairman _____

Member

Member

APPENDIX B

PRELIMINARY PLAT CHECKLIST

Date Submitted _____ Public hearing date _____
Name of Development _____ First published on _____
Current zoning _____ Amount of fee _____
Name and address of applicant _____

Checked by: Clerk Deeds Engineer Planner

1. Size of tract _____
2. Number of lots _____
3. Average lot size _____
4. Width of utility easements _____
5. Width of ROW _____
6. Size of plat sheets _____
7. Number of copies _____

Proposed variances:
1. _____
2. _____
3. _____
4. _____
5. _____

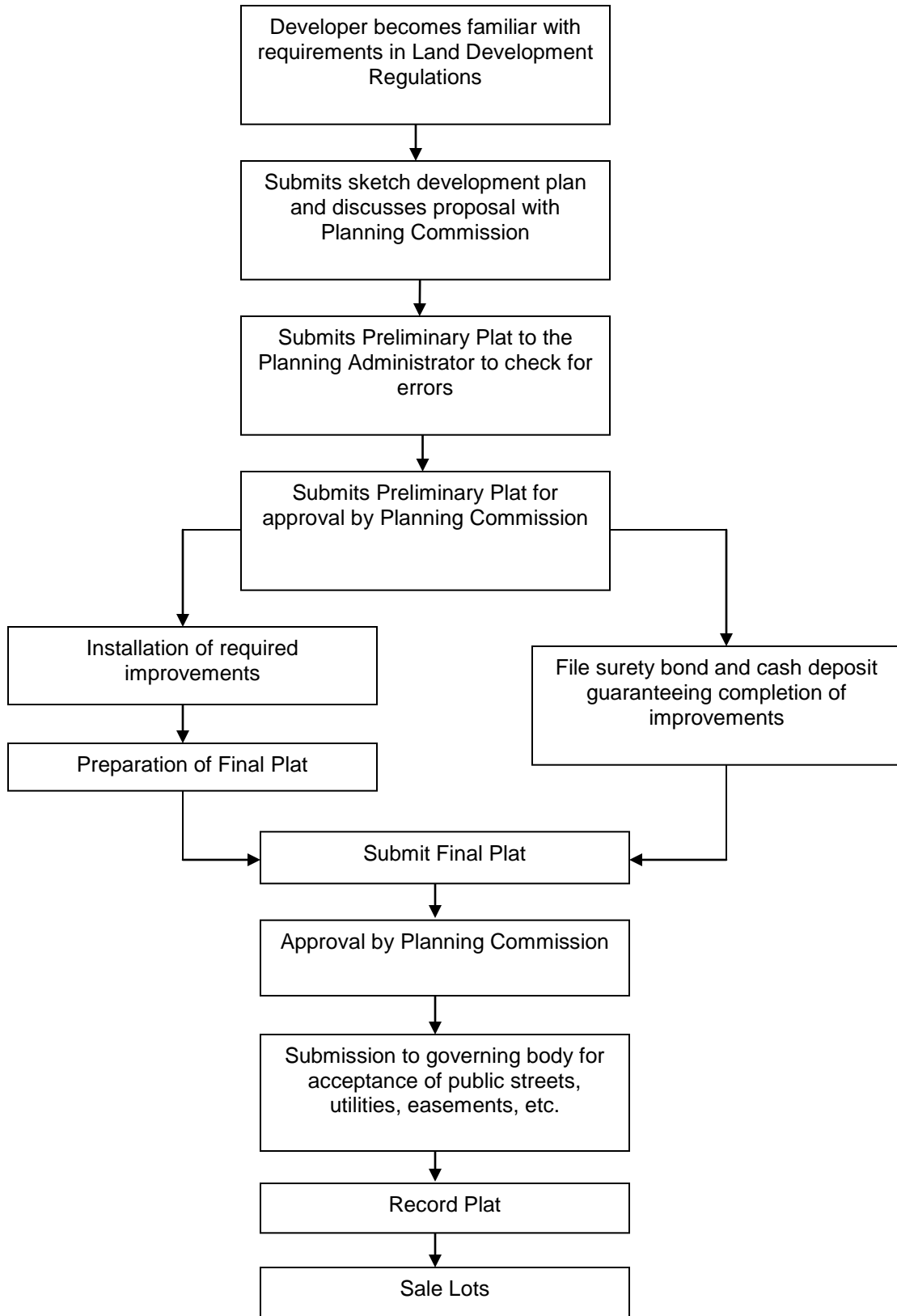
CHECK IF SATISFACTORY:

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Scale | <input type="checkbox"/> Legend | <input type="checkbox"/> North point | <input type="checkbox"/> Legal description |
| <input type="checkbox"/> Title & deed check | <input type="checkbox"/> Water retention | <input type="checkbox"/> Table for lot data | <input type="checkbox"/> Name & seal of surveyor |
| <input type="checkbox"/> Lot sizes | <input type="checkbox"/> Street names | <input type="checkbox"/> Percolation tests | <input type="checkbox"/> Lot numbers/addresses |
| <input type="checkbox"/> Water feasibility study | <input type="checkbox"/> Floodplain | <input type="checkbox"/> Certificate of elevation | <input type="checkbox"/> Existing features shown |
| <input type="checkbox"/> Adjacent roads shown | <input type="checkbox"/> Internal road ROW | <input type="checkbox"/> Utility easements | <input type="checkbox"/> Adjacent tract owners shown |
| <input type="checkbox"/> Utility connection points | <input type="checkbox"/> Drainage features/easements | <input type="checkbox"/> Setbacks, yards & lot entrances | |
| <input type="checkbox"/> Connecting roads to other developments | <input type="checkbox"/> Portions subdivided or phased | <input type="checkbox"/> Copy of proposed covenants | |

Planning Commission review notes:

Mandatory changes:

Appendix C. PLAT APPROVAL PROCEDURE



APPENDIX D
UNPAVED ROADS

In subdivisions in predominately rural and country environments, the Planning Commission may recommend that streets and roads be left unpaved. In making such recommendations, the Planning Commission must consider the following:

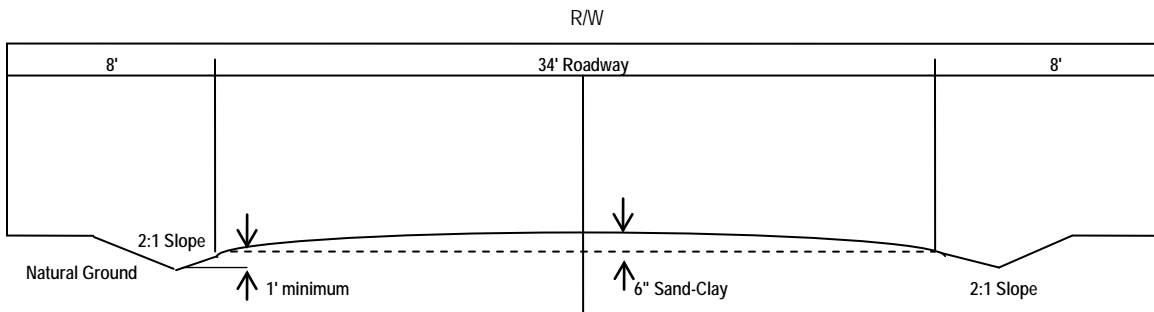
1. Density and lot size.
2. Soils and topography of subdivision.
3. Drainage and erosion control.

In all instances where provisions for unpaved roads are to be requested, a Planning Commission recommendation shall be forwarded to the Town Council during the preliminary plat stages. The Planning Commission shall be prohibited from granting such preliminary plat approval until such time as assurances have been received from the Town Council that such roads may be approved but may not be accepted into the county road system.

New unpaved subdivision streets:

- (a) Generally: This specification is intended to establish minimum requirements for dirt roads constructed and dedicated to the public under the provisions and procedures of the Allendale Land Development Regulations. The specifications presume proper preparation of a subgrade including clearing, grubbing and removal of unstable or unsuitable material.

(b) Required minimum section:



- (c) Roadway: The roadway will be a minimum of thirty-four (34) feet in width with the top six (6) inches composed of a sand-clay material, described below. Other stable roadway materials or designs which exceed this requirement may be submitted for approval. Such submittals will be at the time preliminary approval is sought.

(d) Sand-clay: Sand-clay roadway material shall conform to the following requirements:

Town of Allendale - Zoning and Land Management Ordinance

	Minimum	Maximum
Passing 1 ½ sieve, % by weight	100	-
Passing No. 10 sieve, retained on No. 60 sieve, % by weight	20	-
Silt, % by weight	-	15
Clay, % by weight	10	25
Material passing No. 40 sieve:		
Liquid limit	-	35
Plasticity index	5	12

(e) Maximum grade: Maximum grade permissible shall be five (5%) percent.

(f) Culverts: All dirt roads will be constructed in accordance with the typical section which will provide either a culvert or outfall naturally across a natural slope. In cases where a culvert is constructed parallel to the roadway outfall easements will be provided as specified below:

Road/Culvert grade (%)	Minimum distance between outfall easements (feet)
5	80
4	150
3	500
2	800
1	1,000

Where outfall easements as described above are undesirable or otherwise cannot be provided, drainage shall be provided by means of subsurface pipes with full consideration given erosion at outfall points.