

ARTICLE 4 – SUPPLEMENTAL USE REGULATIONS

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4.1 PURPOSE AND APPLICABILITY

4.1.1 Purpose

This Article provides additional and general provisions regulating uses and structures in specific circumstances.

4.1.2 Applicability

The provisions of this Article apply to uses and structures in all districts unless specified otherwise in this Chapter.

4.2 ACCESSORY STRUCTURES AND USES

4.2.1 Applicability

This section applies to any subordinate use of a building or other structure, or use of land which is:

- a. Conducted on the same lot as the principal use to which it is related, and
- b. Clearly incidental to, and customarily found in connection with, such principal use.

4.2.2 General

Accessory buildings and uses may be located in required yards, under the following conditions set forth in Table 4-1, Accessory Uses or Accessory Structures. No accessory use shall be located in any required buffer yard unless otherwise permitted herein. Any reference to an accessory use in this section refers to any accessory use, accessory building, or accessory structure, unless otherwise provided herein.

4.2.3 Establishment

Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has commenced or the primary use is established. In no instance shall an accessory building or use be established on a vacant lot. Accessory buildings shall not be used for dwelling purposes, except where permitted in the Use Matrix, Table 3-2, or in the TND or PD districts.

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**TABLE 4-1 ACCESSORY USES AND ACCESSORY STRUCTURES
(REV. 12-1-14, ORD. 2014-16)**

	A	B	C	D	E
	Accessory Uses	Permissible Location	Setback or Building Separation	Maximum Height	Additional Standards
1	Accessory Structures and Buildings. Buildings and structures including detached garages, tennis courts, sheds, accessory dwelling units, and similar uses.	Side or rear yard.	3 feet in residential districts. However, for accessory structures that exceed 800 square feet of ground floor area, the setback shall be 5 feet. In commercial districts the setback shall be the same as permitted for primary structures. Accessory structures shall be separated from all primary structures and any other accessory structures by no less than 3 feet unless attached to a primary structure by a covered breezeway or hallway.	Shall not exceed the height of the principal building.	Shall not exceed 800 square feet in gross floor area or 50% of the floor area of the principal structure or principal use, whichever is greater. The total ground floor area of all accessory structures and buildings shall occupy no more than 30% of the required side and rear yards.
2	Fences and Walls (See §4.3)				
3	Kennels, Pens, Dog Runs, Horse Stables, and any other structure that may be used to house animals.	Rear yard only	20 feet. Horse stables shall be no closer than 100 feet to any adjoining residential property line.	See 1, above	No more than a total of 3 dogs or cats, 4 months of age or older, may be kept on any residential premises. No more than 2 horses may be kept on any residential property. All horses shall be provided with a stable. No other livestock shall be allowed within any residential zone.
4	Off-Street Parking	Side or rear yard only in residential districts and, may not be located in any required front yard except for necessary driveways. See Article 14 for commercial districts.	No specific setback requirements in residential districts. See Article 12 for commercial districts.	See 1, above	

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	A	B	C	D	E
	Accessory Uses	Permissible Location	Setback or Building Separation	Maximum Height	Additional Standards
5.	Satellite Dish and Home TV Antennas	Rear yard only in residential districts. Side and rear yards in commercial districts.	10 feet	See 1, above	Digital television satellite dishes may be located on roofs and side or rear exterior walls in all districts.
6.	Signs	See Article 13	See Article 13	See Article 13	See Article 13
7.	Storage of equipment for use in activities associated with the principal use only, and not for sale, resale or any commercial use in another location.	Indoors or in rear yard only	See 1, above	See 1, above	Outdoor storage areas shall be screened from view from the front property line by a minimum Class A buffer or the principal building.
8.	Swimming pools	Side and rear yards.	5 feet from rear and side lot lines; 3 feet from structures.	See 1, above	All lighting shall be shielded or directed away from adjoining residences.

4.3 FENCES AND WALLS

4.3.1 Purpose

This section establishes standards for walls and fences that are erected where desirable for privacy, screening, separation, security, erosion control, or to serve other necessary and reasonable functions. The standards are designed to ensure that the design and materials used are functional and compatible with existing and proposed site architecture. The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.

4.3.2 Applicability

This section applies to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material constructed in a required setback anywhere in the city. Walls or fences that are not located in required building setbacks may be constructed to the height of the principal structure at the eaves shall be constructed of a material that is similar to or consistent with the architectural design of the building or structure and approved by the Director.

4.3.3 Location

Any required yard.

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4.3.4 Setbacks

No setback is required in side and rear yards adjacent to another property. In front yards and side yards adjacent to a street a fence or wall may be constructed at the back of the sidewalk provided it is not located within any right of way. Where no sidewalk exists, a wall or fence must be set back not less than eighteen (18) inches from the public right of way.

4.3.5 Maximum Height

- a. Fences up to four (4) feet high are allowed in required front yard setbacks, in areas of the lot between the front elevation of the building or structure and the street and in side yards adjacent to a street between the front and rear walls of the building or structure.
- b. Fences up to eight (8) feet high are allowed in side or rear yard setbacks adjacent to another property.
- c. In the IND, Industrial, District there is no limitation as to fence height except for parcels or portions of parcels fronting or adjacent to a residential or commercial district. In no event shall a fence or wall be constructed where it will obstruct a sight triangle or site distance at any driveway, street or alley intersection.

4.3.6 Architectural Design

4.3.6.1 Finished Side – The finished side of a fence shall face outward toward the right of way or adjacent property.

4.3.6.2 Architectural Details – No fence or wall, or portion thereof, adjacent to a street or right of way shall exceed one-hundred (100) horizontal feet in length unless one of the following architectural features visible from the paved surface of the street is provided as part of the fence:

- a. A column or pillar; or
- b. Articulation of the surface plane wall by incorporating plane projections or recesses having a depth of at least one (1) foot and extending a horizontal distance not less than three (3) or more than twenty (20) feet.

4.3.6.3 Solids and Voids – The provisions of §4.3.6.2 shall not apply to a fence or wall constructed of brick, masonry, or iron rail which consists of at least fifty percent (50%) open voids.

4.4 ACCESSORY DWELLING UNITS

4.4.1 Applicability

This section applies to any building or portion of a building, including the principal building, used as a dwelling unit and which is additional to the use of a principal building. Accessory dwelling units may be rented as residential units.

4.4.2 Standards

- a. Not more than one (1) accessory dwelling unit may be established on a lot, where permitted by the Use Matrix, Table 3-2.
- b. One (1) detached accessory unit in addition to other permitted detached accessory structures may be permitted on the same lot. Accessory units may be created as a second story within another permitted detached accessory structure provided that the height does not exceed the height of the principal structure.

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- c. An accessory dwelling shall not exceed two (2) stories or the height of the principal dwelling unit.
- d. Accessory dwelling units shall not exceed a gross floor area of one thousand (1,000) square feet or more than fifty percent (50%) of the principal structure's floor area, whichever is less, and shall include no more than two (2) bedrooms.
- e. At least one (1) parking space shall be provided per accessory dwelling unit. Parking spaces shall be located on the side or rear and behind the face of the principal building.
- f. A detached accessory dwelling shall include at least one (1) of the following design elements: a pitched roof; a dormer located above each window; or windows oriented so that the length of the vertical side is at least two (2), and not more than three (3) times, the horizontal length.
- g. The latest edition of the International Residential Code shall be used to determine the minimum room sizes required in each accessory unit.
- h. Accessory units are exempt from building coverage restrictions and maximum density calculations or unit counts.

4.5 ADULT USES

4.5.1 Applicability

Adult businesses are defined for the purposes of this provision as any business activity, establishment, store, club, or other use that allows or involves:

- a. Persons appearing live before the public or audience in a state of semi-nudity for any form of compensation or consideration.
- b. Live performances characterized by specified sexual activities.
- c. Sale or rental in any form of film, motion pictures, video cassettes, slides, or other photographic reproductions characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- d. Coin-operated or slug operated or electrically, electronically, or mechanically controlled still or motion picture machines, projectors, or other image-producing device 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 specified sexual activities or specified anatomical areas.

4.5.2 Definitions

The interpretation of certain terms associated with adult business shall have the following meanings:

- a. "Adult Business" – see §4.5.1.
- b. "Semi-nudity" means a state of dress in which clothing covers no more than the genitals, pubic region, and aureole of the female breasts, as well as portions of the body covered by supporting straps or devices.
- c. "Specified anatomical areas" means the male genitals or the vulva or other parts of the female genitals.
- d. "Specified sexual activities" means any of the following:
 - 1. Fondling or other erotic touching of the 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; and

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4. Excretory functions as part of or in connection with any of the activities set forth in (1.) through (3.) above.

4.5.3 Permitted Locations

Adult businesses may be established in the IND, Industrial District. Adult businesses shall not be established in any other zoning district. In addition, an adult business shall not be located:

- a. On any lot or parcel within fifteen hundred (1,500) feet of any zoning district within which residential uses are permitted by right or of any lot or parcel on which a residential use exists;
- b. On any lot or parcel within fifteen hundred (1,500) feet of any lot or parcel on which a church, or other house of worship, or any religious use is located;
- c. On any lot or parcel within fifteen hundred (1,500) feet of any lot or parcel on which a private or public school or educational use is located;
- d. On any lot or parcel within fifteen hundred (1,500) feet of any lot or parcel on which a public playground, public swimming pool, public recreation area, public park or similar use is located; or
- e. On any lot or parcel within fifteen hundred (1,500) feet of any lot or parcel on which an adult business is located.

4.6 AUTOMOBILE SERVICE AND REPAIR

All service and repair operations shall be conducted not less than fifty (50) feet from any residential property line. There shall be no opening toward adjoining residential districts. No junk or salvaged vehicles shall be kept on the premises.

4.7 BED AND BREAKFAST (REV.1-6-2019, ORD. 2019-20)

Bed and Breakfast Inns located in any zoning district where permitted by the Use Matrix, Table 3-2, may include the following related activities where indicated by a “P” in Table 4-2 below. Bed and Breakfast Inns located in any zoning district where allowed as a Special Exception by the Use Matrix, Table 3-2, may be subject to additional conditions where indicated by a “C” in Table 4-2 below:

TABLE 4-2 BED AND BREAKFAST RELATED ACTIVITIES

	A	B	C	D	E
	Accessory Use	D, GC, TC Districts	NC Districts	Home Occupation	Residential Districts
1.	Restaurant	P	P	--	C
2.	Bar	P	C	--	C
3.	Stage entertainment	P	--	--	C
4.	Dance floor	P	--	--	C
5.	Health club	P	C	--	--
6.	Gift shop	P	P	--	C
7.	Related activities	P	C	--	C

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The Board of Zoning Appeals may approve conditional activities and additional “related activities,” as shown above, upon a determination that the activities will not create traffic hazards or congestion, create parking problems, create a public nuisance, or adversely affect surrounding properties.

In a residential zoning district, a Bed and Breakfast with up to six bedrooms for registered overnight guests shall be subject to the following:

- 1) Shall only be allowed as a Special Exception.
- 2) The minimum site size shall be 1 acre.
- 3) The minimum house size shall be 3000 gross square feet.
- 4) The use shall not create noise, light, traffic, or other conditions detrimental to neighboring residents.
- 5) The owner shall comply with all tax, business license, and revenue collection ordinances of the City and State.
- 6) Must have an approved site plan that shows, at a minimum:
 - a) Any provided off-street and overflow parking. Parking must comply with Article 10 and 12 and associated Development Code standards.
 - b) Locations of outdoor facilities including tents, stages or other structures and facilities that may be used for any temporary or permanent events.
 - c) Buffering between this property and any other residential use to the standards of a Type B Buffer in Article 10.
 - d) Any other items as determined by the Director of Planning and Development or Engineering.
- 7) The structure used for the Bed and Breakfast must be existing and may be modified only as necessary to meet building codes or assure the safety of any structure on site for the purpose of accommodating allowed uses.
- 8) The structure shall be and remain single-family residential in character.
- 9) Retail sales are limited to postcards, shirts, and other small gift items directly associated with the Bed and Breakfast only. Items for sale should not be visible from the right-of-way.
- 10) Signage may not exceed the requirements of Article 13 unless a variance or waiver is issued as allowed in the code.
- 11) Accessory buildings may be used for “related activities” as approved on the site plan or determined by the Director.

4.8 COMMUNICATIONS TOWERS AND ANTENNAE

4.8.1 Purpose

These regulations permit the placement of communications towers and antennae in locations that allow telecommunications services to be rendered in conformity with the authority in the Federal Telecommunications Act of 1996 and the goals of the Comprehensive Plan and this Chapter to serve and protect the public health, safety, convenience, order, appearance, prosperity, and general welfare.

4.8.2 Applicability

4.8.2.1 A communications tower and/or antenna may be permitted by the Director without further review upon a determination that all of the applicable conditions within §4.8 are met. Uses defined below that do not meet the criteria of this section are considered

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prohibited uses for purposes of S.C. Code §6-29-800, and use variances may be granted only pursuant to §4.8.2.6. (Rev. 12-1-08; Ord. 2008-18)

4.8.2.2 This §4.8 shall not apply to radio antennae erected in residential or commercial districts solely for use by a licensed amateur radio operator provided such antenna is no taller than seventy (70) feet.

4.8.2.3 Districts in Which Communications Towers and Antennae Are Permitted; Height Limitations –

- a. Residential, Overlay, Critical Areas, Downtown Mixed Use, Neighborhood Commercial, Public and Traditional Neighborhood Development districts: Towers and antennae are considered special exception uses in all residentially zoned districts, all overlay districts and the Critical Areas, Downtown Mixed Use, Neighborhood Commercial, Public and TND districts and shall comply with Article 18, Administration, §18.4. If allowed, a free-standing or guyed tower shall not exceed one hundred (100) feet in height and shall be camouflaged as a tree or other feature approved by the Board of Zoning Appeals. (Rev. 12-1-08; Ord. 2008-18)
- b. Commercial districts including Office Commercial, General Commercial, and Thoroughfare Commercial: Free-standing or guyed towers not exceeding one hundred eighty (180) feet in height are permitted as conditional uses in Office Commercial and General Commercial districts and shall comply with §5.5, Conditional Use Permits. Conditions may include camouflage. Free-standing or guyed towers exceeding one hundred eighty (180) feet in height are considered special exception uses and shall comply with Article 18, Administration, §18.4. (Rev. 12-1-08; Ord. 2008-18)
- c. Industrial District: Free-standing or guyed towers not exceeding three hundred sixty feet (360) feet in height are permitted. Free-standing or guyed towers exceeding three hundred sixty (360) feet in height are considered special exception uses and shall comply with Article 18, Administration §18.4.
- d. Planned Development District: Towers and antennae may be approved in conjunction with a PD General Development Plan. Any application for a tower or antenna in a PD District after the approval of a general development shall be considered a minor modification to the General Development Plan and shall be processed accordingly.

4.8.2.4 Permitted Height above Structure in all Districts – Towers or antennae mounted on buildings, water tanks, or structures other than a free-standing or guyed communications tower shall not extend more than thirty (30) feet above the highest part of the structure.

4.8.2.5 Special Exceptions and Conditional Uses – Prior to approving a special exception or conditional use for a communication tower or antenna, the Board of Zoning Appeals or Director may make use of professional technical services to determine that the standards in this section and §4.8.2.7 are met. The cost of such professional technical services shall be borne by the applicant.

In addition to the standards established in §18.4, a special exception may be granted for towers or antennae only where the applicant demonstrates that the tower, antenna, or additional height is needed to avoid a gap in service coverage and complies with the following criteria:

- a. All application requirements and conditions imposed by §4.8 are met except for height limitations and setbacks in the case of additional height pursuant to a conditional use request;

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- b. If additional tower height is requested, total tower height will not exceed one hundred fifty percent (150%) of the maximum height permitted in the district;
- c. The applicant has demonstrated that the location or the additional height above that permitted is necessary to provide service to occupants of an area within the municipality; and
- d. Setback requirements and such additional conditions are established by the Board of Zoning Appeals as it deems necessary to remove danger to health and safety and to protect adjacent property.

4.8.2.6 Variances and Appeals – Communications towers that do not conform to the conditions imposed by this section are considered prohibited uses. Accordingly, pursuant to S.C. Code §6-29-800 the Board of Zoning Appeals may not grant a variance from these conditions, but may grant a variance from the base zoning district regulations. An applicant may appeal to the Board of Zoning Appeals as follows:

- a. Failure of the Director to act on an application which is determined to be complete under this section within forty-five (45) days, unless extended by agreement, may be considered by the applicant to be a denial of a permit which is subject to appeal to the Board of Zoning Appeals.
- b. The applicant may appeal to the Board of Zoning Appeals 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 §18.4.

4.8.2.7 Application Requirements – The applicant for a permit for construction of a communications tower or placement of a commercial telecommunication antenna on an existing structure other than a tower previously permitted must file with the Director an application accompanied by a fee of \$500.00 and the following documents, if applicable:

- a. Specifications: One (1) copy of typical specifications for proposed structures and antennae, including a description of design characteristics and material.
- b. Site Plan and Details: A minor site plan that meets the requirements of Article 5, Approval Procedures, drawn to scale showing property boundaries, tower location, tower heights, guy wires and anchors, existing structures, and setbacks from property lines; photographs or elevation drawings depicting the typical design of proposed structures, parking, landscaping, and fencing; and a plan showing existing land uses on adjacent property. A site plan and details are not required if the tower or antenna is to be mounted on an approved existing structure except to the extent that additional ground level equipment or structures will be installed.
- c. Tower Location Map: A current map, or update for an existing map on file, showing the locations of the applicant's existing and planned antennae, facilities, towers serving or planned to serve any property within the city.
- d. Antenna Capacity; Wind Load: 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.
- e. Antenna Owners: Identification of the owners of all antennae and equipment to be located on the proposed site.
- f. Owner Authorization: Written authorization from the owner of the site property for the application.
- g. Federal Communications Commission (FCC) License: Evidence that a valid FCC license for the proposed activity has been issued.

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- h. Visual Impact Analysis: A line of sight analysis showing visual and aesthetic impacts on adjacent residential districts.
- i. Removal Agreement: A written agreement to remove the tower and/or antenna within one hundred eighty (180) days after cessation of use.
- j. Condition Met: Evidence that applicable conditions in §4.8 are met.
- k. Additional Information: Any additional information necessary to determine that all applicable zoning regulations are met.

4.8.2.8 Application Conditions – The applicant must show that all of the following conditions are met:

- a. Location and Visual Impact: 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.
- b. Inability to Locate on Existing Structure: The applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and the applicant's technical design requirements without unreasonable modifications on any existing structure or tower under the control of applicant.
- c. Necessity for Location in a Residential, Overlay, Critical Areas, Downtown or Traditional Neighborhood Development District: An applicant for a permit in a Residential, Overlay, Critical Areas, Downtown or Traditional Neighborhood Development district must show that the area cannot be adequately served by a facility placed in a another district for valid technical reasons.
- d. Public Property or Other Private Property Not Suitable: Prior to consideration of a permit for location on private property which must be acquired, the 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 the applicant's technical design requirements.
- e. Design for Multiple Use: The applicant must show that a new tower is designed to accommodate additional antennae equal to the applicant's present and future requirements.
- f. Safety Codes: The applicant must show that all applicable health, nuisance, noise, fire, building, and life safety code requirements are met.
- g. Paint and Illumination: A communications tower must not be painted or illuminated unless otherwise required by state or federal regulations.
- h. Distance from Existing Tower: A permit for a proposed tower site within one thousand (1,000) feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet the applicant's structural specifications and design requirements, or that a co-location agreement could not be obtained.
- i. Indemnity and Claim Resolution: The 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 Director 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 a form approved by the City Attorney.
- j. Application of Zoning Regulations: Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage and all other general regulations except setback and height, apply to the use. Setback and height conditions in this section apply.

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- k. Minimum Setbacks: A tower must be set back from all lot lines distances equal to the district setback requirements or fifty percent (50%) of the tower height whichever is greater.

4.8.2.9 Technical Assistance – Prior to issuing a permit, the Director may make use of professional technical services to determine that the standards in §4.8.2.7 are met. The cost of such professional technical services, if deemed necessary by the Director, shall be borne by the applicant.

4.9 CHURCHES

- a. Churches or similar places of worship shall be setback thirty (30) feet from internal side and rear property lines adjacent to residential property located in the R-14, R-10 and R-7 districts. Corner side yards shall comply with the provisions of §3.5.8. Surface parking may be located within the required thirty (30) foot setback.
- b. Churches or similar places of worship may use a pervious pavement parking surface for up to seventy percent (70%) of required parking areas. Such surfaces shall meet the specifications and requirements of Article 12, Parking.

4.10 DAY CARE FACILITIES

The following requirements apply to registered family homes, group day care homes, nursery schools, and day care centers.

- a. License and registration: All group daycare homes, nursery schools, and day care centers shall have a current license, registration or certification issued by the State of South Carolina. Registered family homes shall maintain a current registration with the State of South Carolina.
- b. Standards within Residential Districts: Day care facilities located in residential districts shall comply with the Home Occupation requirements of §4.14 and outdoor play space shall not be permitted within the front yard area.
- c. Outdoor recreation or play space for day care centers, group day care homes, and nurseries which abut or are located within a residential zoning district shall be enclosed by a six (6) foot solid (opaque) fence.

4.11 ENTERTAINMENT ESTABLISHMENTS (ADOPT. 8-27-09; ORD. 2009-07)

4.11.1 Applicability

The requirements and conditions specified in this section apply to entertainment establishments including, but not limited to, lounges, discos, nightclubs, private clubs, and music and dance establishments. The requirements and conditions also apply to temporary uses sponsored by a private organization that may utilize community centers, meeting halls, reception halls, conference facilities, convention facilities, recreation halls and facilities, private and non-profit clubs, parks, outdoor recreation areas or other structures or facilities. Both a site plan and a conditional use permit must be approved and issued pursuant to §5.5. Temporary entertainment uses sponsored by a church, civic club or government are exempt from the requirements of this section.

4.11.2 Conditions

The applicant must show that all of the following conditions are met:

- a. Location relative to existing uses: Entertainment establishments may not be located closer than three hundred (300) feet, measured in a straight line, from the property lines to an existing residential, park, school or church use or residential zoning district.

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- b. Licenses and registration: All entertainment establishments that serve or plan to serve alcoholic beverages or food or both shall submit a copy of the current South Carolina Department of Revenue issued alcoholic beverage license or the South Carolina Department of Health and Environmental Control restaurant license or both as applicable prior to the issuance of a conditional use permit.
- c. Security: Private security shall be provided by a qualified and licensed security service approved by the Department of Public Safety. Security personnel shall be provided at a ratio of one security officer to one hundred occupants based on the maximum occupant load. The number of required security personnel may be reduced based on the type of entertainment offered as determined by the Director of Public Safety.
- d. Outdoor area management: Parking areas shall be managed to minimize and control crowds, loitering, exterior gathering and partying. Waiting lines to enter the facility will be managed to maintain order and prevent disruption.
- e. Hours of operation: Hours of operation shall generally be limited to the period from 8:00 a.m. to 2:00 a.m. but may be reduced depending on location and type of entertainment.
- f. Noise: Noise generated by the entertainment establishment shall be limited so that the level of noise at the property line does not exceed the level of normal human conversation.

4.11.3 Additional Conditions

Additional conditions may be imposed pursuant to §5.5.4.5.

4.11.4 Revocation

A conditional use permit issued for an entertainment establishment pursuant to this section may be revoked pursuant to the provisions of §5.1.6 and SC Code §6-29-950. (See also §§5.5.3 and 5.11 of this Chapter)

4.11.5 Enforcement for Public Safety

The Department of Public Safety is specifically authorized to enforce the provisions of this section pursuant to SC Code §6-29-950(B). If a Public Safety Officer identifies conditions that violate the conditions of approval of an entertainment establishment use or are determined by the Public Safety Officer to be in violation of South Carolina or North Augusta law, the Public Safety Officer may issue a stop order requiring the entertainment establishment to cease operations until the unsafe conditions and violations are corrected.

4.12 NONDEPOSITORY PERSONAL CREDIT INSTITUTIONS (ADOPT. 8-16-10; ORD. 2010-12)

4.12.1 Applicability

This section applies to business establishments which engage in the business of loaning or providing money to customers on a temporary basis, wherein such loans are secured by a post-dated check, paycheck, automobile title or similar collateral. This section applies, but is not limited, to check cashing stores, deferred presentment lenders, payday loan stores, car title loan stores, and title pawn stores. This section does not apply to state or federally chartered banks, savings associations or credit unions. Further, this section is not applicable to rental-purchase (rent-to-own) companies, or to retail sellers primarily engaged in the business of selling consumer goods, including consumables, where the

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cashing of checks and money orders, or the issuing of money orders for a flat fee as a service to its customers, is incidental to the main purpose of the business.

4.12.2 Separation

No nondepository personal credit institution is permitted within three thousand (3,000) feet of another nondepository personal credit institution. Additionally, no nondepository personal credit institution may be located within three hundred (300) feet of an existing residential use, residential district, school, public park or religious institution. All distances shall be measured in a straight line from building to building.

4.12.3 Minimum Structure Size

A nondepository personal credit institution shall be located within either a multi-tenant commercial structure of a minimum of thirty thousand (30,000) square feet of gross ground floor are, or totally within (without a separate public access) a grocery store or other large retail establishment of a minimum of thirty thousand (30,000) square feet of gross ground floor area.

4.12.4 Variances and Planned Developments

The Board of Zoning Appeals shall not grant a variance from any of the provisions of this section and the provisions of this section shall not be varied by any provisions of a Planned Development District General Development Plan.

4.13 NON-EXEMPT GROUP HOMES

4.13.1 Applicability

This section applies to Non-Exempt Group Homes.

4.13.2 Standards

Non-Exempt Group Homes shall be licensed by the South Carolina Department of Health and Environmental Control (SCDHEC) as a Community Residential Care Facility as defined in South Carolina Code of Laws 1976, as amended, Regulation 61-84.

4.13.3 Lot Area and Setbacks

The minimum lot area and setback requirements for a non-exempt group home shall be the requirements specified in Table 3-3, Dimensional Standards, for the district in which is it located. (Rev. 12-1-08; Ord. 2008-18)

4.13.4 Signage

Signage shall conform to the requirements for signage in a residential zoning district (see Article 13, Signs).

4.13.5 Design

All group homes shall be similar in appearance to other residential structures in the area.

4.13.6 Separation

In order to prevent an over-concentration of group homes and the creation of a social service district, and to avoid adversely impacting the social structure of the residential area, no group home is permitted within three hundred (300) feet of another group home unless:

- a. The facilities are under common ownership, and

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- b. A conditional use permit is approved by the Director pursuant to §5.5 of this Chapter.

4.14 HOME OCCUPATIONS

4.14.1 Applicability

This section applies to any occupation, profession, activity or use carried on by any member of the immediate family residing on the premises, that is clearly incidental, and a secondary use of a residential dwelling unit which does not alter the exterior of the property or affect the residential character of the neighborhood, and has the following characteristics:

- a. Is conducted entirely on the premises of the subject's home;
- b. Displays no products from the street and may not involve retail trade on the premises; except that non-durable articles (consumable products) that are incidental to a service, which service shall be the principal use in the home occupation, may be sold on the premises;
- c. Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazards, unhealthy or unsightly conditions; and
- d. Is not visibly evident from outside the structure except for an identification sign which shall conform to the requirements for signage in a residential zoning district (see Article 13, Signs).

4.14.2 Standards

Home occupations are permitted in any dwelling unit subject to the following provisions:

- a. The appearance of the dwelling unit shall not be altered.
- b. The home occupation shall not affect the residential character of the neighborhood and shall not be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, increased traffic or the emission of odors, sounds, or vibrations.
- c. No outdoor display of goods or outdoor storage of equipment or materials used in the home occupation shall be permitted.
- d. The home occupation shall not involve the use of advertising signs on the premises or an any other advertising medium which calls attention to the fact that the dwelling unit is being used for a home occupation except for an identification sign which shall conform to the requirements for signage in a residential zoning district permitted pursuant to Article 13, Signs.
- e. The home occupation shall be conducted solely by resident occupants of the dwelling unit and one (1) additional employee or volunteer.
- f. The home occupation shall be conducted entirely within the dwelling unit or within in an accessory structure located on the same parcel as the dwelling unit except for those necessary outdoor activities related to the care of children. No more than twenty five percent (25%) of the gross area of the dwelling unit shall be used for the home occupation.
- g. A home occupation which utilizes an accessory building, whether attached or detached, shall not occupy a floor space greater than five hundred (500) square feet.
- h. The use of electrical or mechanical equipment that would change the fire rating of the dwelling or create visible or audible interference in radio or television receivers or cause fluctuations in line voltage outside the dwelling unit is prohibited.
- i. The home occupation shall not involve the use of commercial vehicles for delivery of materials to and from the premises.

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- j. The home occupation does not generate additional traffic in excess of ten (10) vehicle trips per day or otherwise increase traffic or on street parking that would be inconsistent with a residential area.
- k. No direct on premises selling of retail goods shall be allowed except that non-durable articles (consumable products) that are incidental to a service, which service shall be the principal activity in the home occupation, may be sold on the premises. Telephone solicitation is permitted.
- l. The preparation of ready for consumption meals or specialty foods, specifically prepared for fresh delivery or catering or consumption at another location, provided that any and all required state health and restaurant approvals and licenses have been obtained and are maintained as required for “Cottage Kitchens” as defined by state health agencies. (Adopt Sept. 21,2020, Ord.2020-19)

4.14.3 Prohibited Uses

The following uses are prohibited as home occupations:

- a. Vehicle painting, service or repair;
- b. Animal hospitals, kennels, stables, hospitals, or obedience/training schools;
- c. Restaurants;
- d. Automobile and/or body and fender repair;
- e. (deleted, Ord. 20-19)
- f. Repair, manufacturing, and processing uses; however, this shall not exclude the home occupation of small scale skilled trades including a dressmaker, tailor gunsmith, jeweler, watchmaker, etc, where goods are not manufactured for stock, sale or distribution;
- g. Construction trades where activities or the storage of materials or equipment associated with the conduct on the business are conducted on the premises; and
- h. Service trades where automobile or truck fleets are customary to the conduct of the business.

4.14.4 Conditional Home Occupation Uses

The Director may apply conditions to any certificate of zoning compliance for a home occupation where necessary to comply with the standards specified in §4.14.2. The following uses shall be considered conditional home occupation uses:

- a. Barber and beauty shops provided that only one (1) customer is serviced at any one (1) time.
- b. The teaching of music, art, dance, or exercise classes provided that classes contain no more than two (2) students at any one (1) time.
- c. Construction contractor business offices provided that no construction material or equipment is stored on the property at any time either indoors or outdoors. No vehicles larger than a pickup truck and no trailers may be parked on the street.
- d. Bed and Breakfast Inns provided that:
 - 1. Rooms are rented on a nightly basis only;
 - 2. The home provides no more than three (3) rooms for rent;
 - 3. Only one (1) room may be provided in an accessory structure;
 - 4. Only one (1) meal per day, breakfast, may be served to guests and the price of the meal shall be included in the price of the room;
 - 5. One (1) parking space per room is provided;
 - 6. The required parking spaces are located on the side or rear and behind the face of the principal building;
 - 7. All driveways and parking areas will conform to the minimum dimensional standards of Article 12, Parking, and shall be paved;

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8. Curb and gutter is not required in parking areas or driveways; and
 9. Exterior lighting shall not exceed the level of lighting normally provided a single family residence.
- e. Day Care Facilities as provided for in §4.10.

4.14.5 Permitting

A certificate of zoning compliance and business license are required prior to the initiation of a home occupation. No certificate of occupancy is required for a home occupation.

4.15 TO 4.21 RESERVED

4.22 MANUFACTURED HOMES, MODULAR HOMES AND MODULAR BUILDING UNITS ON TEMPORARY BASIS

See §4.35.4

4.23 MINIWAREHOUSES

Miniwarehouses and self storage units may be permitted in the zoning districts designated in the Use Matrix, Table 3-2, subject to the following limitations, conditions, and restrictions:

4.23.1 Site Plan

A site plan in accordance with the requirements of §5.6 of the proposed use and development shall be submitted to the Director and shall additionally indicate the location of buildings, number of storage units, type and size of storage units, all signage proposed, and the location and type of visual screening and landscaping proposed.

4.23.2 Authorized Uses

The development shall be exclusively limited to storage and those activities necessary for the operation, safety, and maintenance of the development, in addition to those uses authorized in the applicable districts.

4.23.3 Conditional Use

Within the authorized zoning districts, the development shall be permitted by right on sites not exceeding two (2) acres unless the site is zoned IND, Industrial. On sites exceeding two (2) acres, a conditional use permit is required.

4.23.4 Screening Required

Screening shall be provided to adequately to protect adjacent properties from the environmental impacts of the miniwarehouse use including visual blight, parking lot and roadway illumination, headlights, noise, dust, litter, and debris.

4.23.5 Signs

No advertising signs are permitted on the property other than signs identifying the business and use. All signage shall comply with Article 13, Signs.

4.23.6 Accessory Dwelling

One (1) dwelling is permitted as an accessory use. The dwelling unit shall be occupied by an on-site manager.

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4.24 MIXED USE BUILDINGS AND LIVE-WORK UNITS

4.24.1 Criteria

Mixed-use buildings or live-work units shall be subject to the following criteria:

TABLE 4-3 STANDARDS FOR MIXED-USE BUILDINGS AND LIVE-WORK UNITS

	A	B	C
	Development Standards	Mixed-Use Building	Live-Work Units
1.	Location Criteria	Where permitted by the Use Matrix (§3.4) or corridor district regulations (§3.8), or in any PD or TND district	Where permitted by the Use Matrix (§3.4) or corridor district regulations (§3.8), or in any PD or TND district
2.	Types of land uses allowed	Residential, Commercial Retail including Personal Service, Office, Industrial	Residential, Commercial Retail including Personal Service, Office
3.	Permitted density or intensity	No density restrictions apply. The building is subject to the setback and dimensional requirements of the Dimensional Standards, Table 3-5.	See section (b), below. The building is subject to the setback and dimensional requirements of the Dimensional Standards, Table 3-5.
4.	Distribution of uses	By floor (see below)	By floor (see below)
a.	Uses permitted on first floor	Commercial Retail including Personal Service, Office, Industrial	Commercial Retail including Personal Service, Office, Residential
b.	Uses permitted on second floor	Commercial Retail including Personal Service, Office, Industrial, Residential	Residential only
c.	Uses permitted above second floor	Residential, Commercial Office	Residential only

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4.24.2 Density

The density of mixed-use buildings or live-work units shall not exceed the following, at locations where the building is listed as a permitted use in the Use Matrix, Table 3-2:

TABLE 4-4 DENSITY FOR MIXED-USE BUILDINGS AND LIVE-WORK UNITS

	A	B	C
	Maximum Density (dwelling units per gross acre)	Ratio of Residential Floor Space to Non-Residential Floor Space (square footage)	Zoning Districts
1.	6	1:1	NC
2.	20	2:1	OC, GC, TC, Corridor Overlay
3.	24	4:1	D, IND

4.25 TO 4.31 RESERVED

4.32 OUTDOOR CAFES

Revocable encroachment permits for commercial sales may be permitted on public and private sidewalks between the curb and storefront as a conditional accessory use under the following conditions:

4.32.1 Location

Sidewalk cafes and outdoor seating areas may be permitted between a storefront and the curb as an accessory use to an existing restaurant, delicatessen, or food store provided vehicular and pedestrian circulation is not unreasonably restricted, the sidewalk area is maintained in a clean, orderly, and sanitary condition, and the cafe tables and chairs are not readily moveable and do not unreasonably obscure adjacent storefronts and businesses. For the purposes of this section unrestricted pedestrian circulation will generally require an unobstructed travel way of five (5) feet.

4.32.2 Supplemental Sales

Limited outside sidewalk sales of perishable and consumable items (produce, ice cream, newspapers, magazines, soft drinks, etc.) may be permitted in conjunction with an outdoor café provided that the outdoor display and sale is approved pursuant to §4.33.

4.32.3 Encroachment Permit, Site Plan, Conditional Use Permit

Revocable encroachment permits for sidewalk sales and cafes may be approved by the Director and City Engineer as a conditional accessory use. No outdoor cafe or sales activities subject to this section shall be undertaken unless and until a site plan has been submitted, reviewed, and a conditional use permit has been approved.

4.32.4 Revocation

If a sidewalk sale or sidewalk cafe does not consistently comply with all conditions listed in this section and the revocable encroachment permit or if the use becomes a nuisance for any reason as determined by the Planning Commission after a hearing on the matter the encroachment permit may be revoked.

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4.33 OUTDOOR DISPLAY AND SALE OF MERCHANDISE

4.33.1 Applicability

This section applies to any activity involving the display or sale of goods outside the place of business on or immediately adjacent to property under the control of the business including a public sidewalk. Revocable encroachment permits for outdoor display and sale on street right of way may be approved by the Director and City Engineer. No outdoor sales activities subject to this section shall be undertaken unless and until a site plan has been submitted, reviewed, and a conditional accessory use permit has been approved.

4.33.2 Types of Merchandise

- a. Outdoor displays and sales may include farmers' markets that are not directly associated with the store or business.
- b. Outdoor displays and sales may include items offered for sale by or incidental to the store or business on the sidewalk directly in front of the store or business.
- c. Outdoor display and sale of automobiles, motorcycles, boats, campers, trailers, recreational vehicles, and other vehicles or mobile equipment shall be located on paved areas and may not occupy required parking spaces. No display of any kind is permitted on any public right of way.
- d. The sale of garden materials by hardware and building supply stores, nurseries, and other businesses that routinely offer such merchandise for sale. Garden materials include gardening supplies, plant material, soil, fertilizer and garden furniture. Garden materials may be stored and displayed in parking areas provided they do not occupy required parking spaces and they are located on an area designated on the site plan for that purpose. Garden material sales areas may be located in required parking areas for a period not to exceed three (3) months and are limited to once a year. Such areas must be shown on the site plan.

4.33.3 Additional Conditions

- a. Sales displays shall be arranged to leave at least five (5) feet of clear walkway for pedestrian circulation.
- b. The merchandise displays shall be on racks or display counters that are of similar quality to those used in the store or business.
- c. All displays shall be removed from the outdoor location or adequately secured when the store or business is closed.
- d. No signage other than normal price markers the same size and design as those used on the interior shall be permitted.
- e. All outdoor display and sales activity must be sponsored by the owner of the business or, in the case of a shopping center, approved by the owner, manager or operator of the center.
- f. All sales must be located entirely under an approved building overhang, awning or canopy except for vehicles and garden materials as provided for in §§4.33.2.c. and 4.33.2.d.

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4.34 TATTOO FACILITIES (ADOPT. 3-15-10; ORD. 2010-05)

4.34.1 State License Required

Tattoo facilities licensed by the state of South Carolina may be permitted as conditional uses in the TC, Thoroughfare Commercial, district as provided in Table 3-2, Use Matrix.

4.34.2 Limit on Facility Location

No tattoo facility shall be initially located within one thousand (1,000) feet, as defined by state law, of any school, church, playground, park or day care facility.

4.34.3 Home Occupation Use Not Allowed

A tattoo facility shall not be permitted as a home occupation as defined in Section 4.14.

4.34.4 Other Conditions

Approval to operate a tattoo facility may be subject to other conditions as provided for in §5.5.4.5 and in conjunction with an administrative conditional use hearing.

4.35 CONDITIONAL TEMPORARY USES

4.35.1 General

The Director may authorize the conditional temporary use of a structure or property for a purpose that is not specifically permitted by the regulations prescribed for the zoning district in which the property is located, provided that such use does not involve the erection of a substantial structure or substantial alteration of the premises and is in accordance with the regulations specified below. The Director may require that traffic control and/or parking plans be approved by the departments with applicable jurisdiction as a prerequisite for approving any temporary use. A conditional use permit for a temporary use may be granted for the period of time indicated, subject to such conditions as will safeguard the public health, safety, convenience and welfare. All temporary uses shall comply with the noise limitations set out in Chapter 12, Article 21 of the City Code. When required by Chapter 15, Article 1 of the City Code, all temporary uses shall obtain a business license. (Rev. 12-1-08; Ord. 2008-18)

4.35.2 Promotional Circuses and Carnivals (Rev. 3-15-10; Ord. 2010-05)

Circuses, Carnivals and similar uses may be permitted in the OC, GC, D, TC, PD or IND districts in accordance with the following criteria:

- a. No structure, tent, equipment, or mechanical ride shall be located within two hundred (200) feet of property used for residential purposes;
- b. The site shall be a minimum of one (1) acre in size;
- c. The maximum permitted time period shall be two (2) weeks; and
- d. The hours of operation shall be limited from 9:00 a.m. to 10:00 p.m.
- e. Special events including fairs, carnivals, circuses and similar uses sponsored by the city or approved by the city and held on publicly owned property are exempt from the provisions of this section.

4.35.3 Christmas Tree Sales

Christmas tree sales are permitted within nonresidential zoning districts for a period not to exceed forty five (45) days. A sketch site plan shall be submitted to the Director to ensure that setbacks and clear vision area requirements are met.

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4.35.4 Real Estate Sales and Construction Offices and Equipment Sheds (Rev. 12-1-14; Ord. 2014-16)

- a. Manufactured homes, modular homes and modular building units may be permitted as temporary construction offices, real estate sales and leasing offices and equipment buildings in any zoning district incidental to a construction project. The office or shed shall not contain sleeping or cooking accommodations and shall be removed within ten (10) days after completion of the construction project, final sale or issuance of the final certificate of occupancy, or two (2) years from final subdivision approval, whichever is earlier.
- b. A new dwelling unit or lease space constructed separately or as a portion of a larger structure may be used as a real estate sales office or as a sales model, or both. Units of different styles and floor plans may be used as additional sales models.
- c. All structures used temporarily as real estate sales or leasing offices, models, construction offices or equipment sheds must be permitted, constructed or installed and approved for occupancy as required by the International Building Code.

4.35.5 Tents

Tents used for special events may be permitted for a period not to exceed two (2) weeks, and shall not be permitted on the same property for a period of six (6) months thereafter.

4.35.6 Oversized Vehicles

The parking of oversized vehicles within nonresidential districts may be permitted for a maximum of fifteen (15) days in conjunction with conventions, trade shows, or other similar events sponsored by organized groups with the prior written approval of the Director. Oversized vehicles shall not be parked on public rights of way, discharge any litter, sewage effluent, or other matter except into sanitary facilities designed to dispose of such materials.

4.35.7 WAREHOUSES AND FLEX SPACE

Where warehouses or flex spaces are permitted as an accessory use in the Use Matrix, Table 3-2, their floor area shall be restricted to the following:

TABLE 4-5 WAREHOUSE AND FLEX SPACE FLOOR AREA

	A	B
	Zoning District	Floor Area
1.	OC, Office Commercial	5% of principal use or site, whichever is less, up to a maximum of 10,000 square feet for warehouse space or flex space
2.	GC, General Commercial	10% of principal use or site, whichever is less, up to a maximum of 20,000 square feet for warehouse space or 30,000 square feet for flex space
3.	TC, Thoroughfare Commercial and IND, Industrial	No restrictions

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4.35.8 Farmers and Produce Markets (Adopt. 12-1-08; Ord. 2008-18) (Rev. 6-20-16; Ord. 2016-12)

Farmers markets that sell fresh produce including vegetables, cut flowers, grains, nuts (including pecans and boiled peanuts), and eggs, cheeses, jams, jellies, preserves, salad dressings, and similar homemade or homegrown food items may be permitted in any zoning district for a period not exceeding a total of one hundred twenty (120) days in any calendar year. Farmers markets must be located on and accessed from an arterial or collector roadway. Produce sold may be grown on the property where the farmers market is located or may be trucked in from area farms. All permitted farmers markets shall comply with the following criteria:

- a. No temporary structure, tent, equipment, or tractor trailer vehicle shall be located or parked within fifty (50) feet of property used for residential purposes.
- b. The site shall be a minimum of one half (1/2) acre in size in residentially zoned districts. No minimum area shall be required for sites in commercially zoned districts.
- c. An adequate temporary parking area shall be provided. The parking area need not be paved but must be maintained to control dust and mud and to minimize the transfer of mud or gravel onto the paved roadway. Necessary and adequate sediment and erosion control measures shall be provided and maintained.
- d. The hours of operation shall be limited from 7:00 a.m. to 9:00 p.m.
- e. Any lighting provided for the site area shall be designated and installed to be directed away from any neighboring residential uses.
- f. Signage shall be permitted in accordance with the provisions of §13.6, Temporary Signs, provided, however, that the duration of the signage may coincide with the temporary duration of the use. One freestanding sign may be permitted, the maximum size of which shall not exceed thirty-two (32) square feet, and wall signage may be permitted up to a maximum of fifty (50) square feet.
- g. A sketch site plan shall be submitted to the Director to ensure that the conditions contained in this section, adequate setbacks, parking and clear vision area requirements are satisfied.

4.35.9 Mobile Food Vendors (Adopt. 6-20-16; Ord. 2016-12)

This section establishes standards for mobile food vending in designated areas of the City to provide additional dining options to supplement traditional brick and mortar food services. These standards are designed to ensure that the location and operation of mobile food vending is safe, functional and compatible with existing and proposed development. Approved mobile food vendors may operate for a period not to exceed a total of one hundred fifty-six (156) days in any calendar year per approved location.

4.35.9.1 Food Trucks – Food trucks shall comply with the following standards:

- a. Health and Safety:
 1. Food truck owners/operators must obtain and maintain any and all required state health and restaurant approvals and licenses as they relate to food trucks.
 2. Each food truck owner/operator must obtain a Certificate of Zoning Compliance, conditional use permit, a Certificate of Occupancy, if applicable, and a North Augusta business license prior to opening for business.
 3. Required approvals and licenses shall be kept on file in the food truck.
- b. Maximum Number of Trucks per Property:
 1. For commercially zoned parcels less than ¼ acre, up to two food trucks are permitted on the property at the same time.
 2. Commercially zoned properties between ¼ and ½ acre in size are permitted up to three food trucks at the same time.

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3. For commercially zoned parcels over ½ acre in size, a maximum of four food trucks is permitted on the property at the same time, except for City-sponsored special events.
 4. For public spaces, the number of food trucks shall be determined by the Department of Parks, Recreation and Tourism in consultation with the Director.
 5. Temporary outdoor seating and set up associated with a food truck is only permitted within twenty (20) feet of the food truck or in locations determined by the Director.
- c. Food Truck Locations, Minimum Separation:
1. Permitted on commercially and industrially zoned properties only.
 2. One hundred (100) feet from any customer entrance of any brick and mortar restaurant and/or outdoor dining area, unless annual written permission is obtained from the restaurant owner. Such written permission must be displayed or readily available in the food truck at all time.
 3. Fifteen (15) feet from any fire hydrant, driveway, utility box or vault, handicap ramp, and building entrance or exit.
 4. Fifty (50) feet from any residential zoning district.
 5. Must comply with all dimensional standards (setbacks) for the zoning district.
- d. Parking of Food Trucks:
1. The proposed location for food truck parking and any associated outdoor seating must be shown on a sketch plan that is subject to review and approval by the Director.
 2. Food Trucks may not be parked in an approved location after the hours of operation specified in this section.
- e. Hours of Operation:
1. 7:00 a.m. to 10:00 p.m. for food trucks in commercially and industrially zoned properties.
 2. In public spaces, hours are to be determined by the Department of Parks, Recreation and Tourism in consultation with the Director.
- f. Operational Standards:
1. No audio amplification.
 2. City trash receptacles may not be used to dispose of trash or waste. Adjacent dumpsters may be utilized with written permission of the property owner.
 3. All areas within the approved property must be kept clean by the food truck vendor.
 4. Grease and liquid waste shall not be disposed in tree pits, storm drains, the sanitary sewer system or public streets.
 5. Food trucks are subject to the City noise ordinance. Sound absorbing devices may be used to contain or deflect noise from external generators.
- g. Public Spaces – City Owned Property
- Food trucks:
1. Must have written permission from the Department of Parks, Recreation and Tourism to locate on City-owned properties.
 2. Must locate at least one hundred (100) feet from the entrance to any park.
 3. Shall not occupy any handicap accessible parking space(s).
 4. Shall not otherwise interfere with the movement of motor vehicles in a parking lot.
 5. Shall be positioned such that the truck does not block drive aisles, other access to loading/service areas or emergency access or fire lanes.
 6. The food truck must be located at least fifteen (15) feet from fire hydrants, any fire department connections, driveway entrances, alleys, handicap parking spaces and trees.

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- h. Private Property:
 - Food trucks:
 1. Are permitted on commercially and industrially zoned properties.
 2. Must be located at least one hundred (100) feet from any customer entrance of any brick and mortar restaurant or outdoor dining area, unless annual written permission is obtained from the restaurant owner. Such written permission must be displayed or readily available in the food truck at all times.
 3. Shall not occupy any handicap accessible parking space(s).
 4. Shall not otherwise interfere with the movement of motor vehicles in a parking lot.
 5. Shall be positioned such that the truck does not block drive aisles, other access to loading/service areas or emergency access or fire lanes.
 6. Must be located at least fifteen (15) feet from fire hydrants, any fire department connections, driveway entrances, alleys, handicap parking spaces, and trees.
 - i. Special Events – Nothing in this section should be read to prohibit the City from conducting special events that feature food trucks. Food truck vendors may operate as part of special events if approved by the City.
 1. Food trucks and mobile vending are prohibited from operating on any street, sidewalk, alley, trail or other right of way unless approved by the City as part of a permitted special event or contracted with the Department of Parks, Recreation and Tourism within the assigned dates and times.

4.35.9.1.1 Suspension and Revocation –

- a. The City business license for any food truck may be revoked if the vendor violates the provisions contained in Section 4.45.9 or if the food truck vendor's SCDHEC permit to operate as a mobile food truck is suspended or revoked.
- b. The Director may halt an approved food truck's operation if it is determined that the food truck operations are causing parking, traffic congestion or litter problems, either on or off the property where the use is located, or that such use otherwise threatens public health or safety.

4.35.9.2 Mobile Food Units – A mobile food unit is a temporary food service vehicle that is movable and has no fixed location. Examples include, but are not limited to, ice cream trucks, beverage or hot dog carts on wheels, and pre-packaged snack item vendors. Mobile food vendors, as defined, are considered “peddlers” and are subject to the requirements of Article IV of the Municipal Code. Mobile Food Vendors are required to hold a North Augusta business license.