

2013

# ZONING ORDINANCE

Town of Williston,  
South Carolina

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



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**ZONING ORDINANCE  
TOWN OF WILLISTON, SOUTH CAROLINA  
2013**

November 11, 2013

**CHAPTER 1  
ADOPTION AND INTERPRETATION**

**Article I  
Authority**

**§ 1-100 Zoning ordinance published separately.**

The zoning 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 zoning 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 Williston Zoning 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 Williston, South Carolina. The purposes of the zoning 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 2007 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 7231310.] - 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 zoning 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. Residence. A dwelling.
52. 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.
53. 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.
54. 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.
55. Street. A public thoroughfare for vehicular and pedestrian travel which provides the principal means of access to abutting property, but not including an alley.
56. 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.
57. 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.
58. 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.
59. Yard. A required open space unoccupied and unobstructed by structures except those specifically permitted.
60. Yard, front. A yard situated between the front building line and the front lot line extending the full width of the lot.
61. Yard, rear. A yard situated between the rear building line and the rear lot line and extending the full width of the lot.
62. 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 Williston:

	<b>DESCRIPTION</b>	<b>MINIMUM LOT - Sq. Ft.</b>
<b>R-15</b>	Single Family Residential District	15,000
<b>R-12</b>	Single Family Residential District	12,000
<b>R-7</b>	Single Family Residential District	7,500
<b>R-5</b>	Multi-Family Residential District	5,000
<b>PD</b>	Planned Development	2 acres
<b>CC</b>	Core Commercial	None
<b>HC</b>	Highway Commercial	None
<b>NC</b>	Neighborhood Commercial	None
<b>I</b>	Industrial	None
<b>OSP</b>	Open Space Preservation District	None
<b>AGR</b>	Agricultural District	2 acres
<b>H</b>	Historic Overlay	

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 or addition of a residential district adjacent to an existing residential district, or addition of NC or I districts to HC or CC districts.

**§ 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.

R-15 and R-12 - Single Family Residential District. R-15 and R-12 districts are intended to be single family residential areas with detached units and low 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.

R-7 - Single Family Residential District. R-7 districts are intended primarily for one and two family detached units and low to medium population density, as well as manufactured housing on individual parcels (not including manufactured home parks). Special exceptions which may be permitted after review by the Board of Zoning Appeals include kindergartens, day care, clustered dwellings.

R-5 – Multi-Family Residential District. R-5 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.

PD – Planned Development District. This district designates an area for which an approved development plan constitutes the district regulations. It is intended to utilize the factors of efficiency, economy, flexibility, creative site design, improved appearance, compatibility of mixed uses, maximum benefits from open space, safe and efficient vehicular and pedestrian access for a development characterized by a unified site design for mixed uses. A planned development district may be predominately residential or predominately commercial, and may be proposed for any area.

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

HC – Highway Commercial District. This district is intended for uses compatible with areas along major highways. Permitted uses include many found in the CC and uses serving the traveling public. Aesthetic concerns have a bearing on permitted uses.

NC – Neighborhood Commercial District. This district is intended for commercial and service uses oriented primarily to serving the needs of persons who live or work in nearby areas. Within this district, R-5 residential uses are permitted. Commercial use permitted are intended to be relatively small in size and service area.

I - Industrial District. This 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.

H – Historic Overlay. This overlay designation is appended to a basic district classification (for example R-1-H) by zoning map amendment for encouragement of protection and preservation of sites and structures which are historic or architecturally significant.

**§ 2-102 District boundaries on map.**

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

**§ 2-103 Official Zoning Map.**

The official copy of the Town of Williston Zoning Map shall be maintained in the office of the Town Administrator. All zoning district boundaries shall be clearly shown on the Zoning Map, and amendments shall be recorded immediately after adoption. The official copies of the Zoning Map shall be dated and attested by the Town Administrator, 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. It shall be unlawful for any person to make unauthorized changes to the Zoning Map.

**§ 2-104 Interpretation of district boundaries.**

The Zoning Administrator shall interpret the 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 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 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 six (6) 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 twelve (12) 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.

The Zoning Administrator is authorized to issue a temporary use permit for a manufactured home on any residential lot with or without a conventional residential structure to provide temporary housing for a period not to exceed six (6) months under circumstances of hardship resulting from medical, health, aging or other circumstances necessitating temporary residential accommodations. The temporary use permit can be renewed for a successive six (6) month period by the Zoning Administrator if he finds the circumstance necessitating temporary residential accommodations still exist at the end of a permit period. The manufactured home must be removed or otherwise brought into compliance with all provisions of the zoning ordinance once the temporary use permit expires.

**§ 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, and Supplemental Regulations in Chapter 5 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 2007 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 R-15 - Single Family Residential District Uses.**

<b>R-15 PERMITTED USES</b>	<b>NAICS CODE</b>	<b>NAICS DESCRIPTION</b>	<b>PARKING SPACES REQUIRED</b>
<b>1. Single-family dwelling</b> (other than a manufactured home)	814110	Private households	<i>Two (2)</i> for each dwelling unit
<b>2. School, government building or facility</b> [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. gross area
<b>3. Public park or playground,</b> 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
<b>4. Church, synagogue, temple, or place of worship,</b> 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
<b>5. Accessory use on same lot with principal use.</b> Accessory uses must be in compliance with Chapter 5 of this ordinance.			

<b>R-15 CONDITIONAL USES</b> [approved by Zoning Administrator if all conditions are met]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<b>1. Public utility substation, water tower,</b> [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	<i>One (1) space</i>
<b>2. Cemetery,</b> 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
<b>3. Temporary contractor office and equipment shed,</b> 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) for each 300 square feet of office area.</i>
<b>4. Customary home occupation in single-family dwelling,</b> 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.			

<p align="center"><b>R-15 SPECIAL EXCEPTIONS</b> [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><b>1. Tourist (guest) home,</b> as defined in §1-201</p>			<p><i>One (1)</i> for each guest room</p>
<p><b>2. Private kindergarten, pre-school nursery, day care, residential care, and adult day care</b> provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>a. applicable State regulations are met;</li> <li>b. minimum (20,000) square foot lot;</li> <li>c. minimum (200) square feet of open space per child enclosed by fence at least 5 (5) feet in height;</li> <li>d. structures minimum of (25) feet from residential property;</li> <li>e. conditions imposed for safety, traffic, impact on district;</li> <li>f. the use is compatible with the district.</li> </ul>	<p>61110, 624120, 624410, 611699, 624120, 623210, 623312, 623990</p>	<p>Kindergarten (with academic program) Child Day care services Adult day care services Residential care facility</p>	<p><i>One (1)</i> per employee, plus one off-street, drop-off &amp; pick-up space</p>
<p><b>3. Clustered single-family development,</b> provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> <li>a. detached single-family units on minimum of two (2) acre development parcel;</li> <li>b. maximum density of three (3) dwellings per acre;</li> <li>c. lot requirements per house may be waived;</li> <li>d. zero interior lot line setback may be allowed;</li> <li>e. adequate provisions for access and traffic safety;</li> <li>f. the use is compatible with the district.</li> </ul>	<p>814110</p>	<p>Private households</p>	<p><i>Two (2)</i> for each dwelling unit</p>
<p><b>4. Conversion of existing dwelling to multi-family,</b> provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b. minimum (25,000) square foot lot, plus (8,000) square feet for each dwelling unit over two (2);</li> <li>c. no enlargement or exterior change to building permitted</li> <li>d. not more than four (4) dwelling units are permitted;</li> <li>e. the use is compatible with the district.</li> </ul>	<p>N/A</p>		<p><i>Two (2)</i> for each dwelling unit in rear yard</p>
<p><b>5. Conversion of dwelling to a bed and breakfast inn,</b> provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> <li>a. all conditions for home occupation are met;</li> </ul>	<p>721191</p>	<p>Bed and breakfast inn (Includes uses for</p>	<p>Location set by Board; minimum:</p>

<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 (30) consecutive days;  f. advertising limited to one four (4) square foot sign mounted flat against a wall of the principal structure;  g. maintenance of a guest registry;  h. 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><b>6. Conversion of existing dwelling to allow for professional offices,</b>  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 gross floor area</p>

**§ 4-102 R-15 Single Family Residential District Regulations.**

The following regulations apply to all uses in **R-15 districts**:

<b>Minimum residential lot area:</b>	(15,000) square feet*
<b>Minimum lot width at building line:</b>	(80) feet
<b>Minimum front yard setback:</b>	<i>Thirty-five (35) feet from the nearest street right-of-way line or an average of existing setbacks from same street in same block in district, but not less than twenty (20) feet:</i>
<b>Minimum setback from second street frontage:</b>	Side street on corner lot, see- Chapter 5. Rear street on double frontage lot, see Chapter 5.
<b>Minimum side yard setback:</b>	<u>Principal structure</u> – Ten (10) feet from interior side lot line. <u>Accessory structure</u> – Five (5) feet from interior side lot line.
<b>Minimum rear yard setback:</b>	<u>Principal structure</u> – Thirty (30) feet from interior rear lot line. <u>Accessory structure</u> – Five (5) feet from interior rear lot line.
<b>Maximum structure height:</b>	Thirty-five (35) feet to the roof line. For exceptions to height regulations, see Chapter 5.
<b>Visibility requirements:</b>	<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.
<b>Off street parking area requirements:</b>	See supplemental regulations, see Chapter 5.
<b>Signs:</b>	See supplemental regulations, see Chapter 5.

<b>Supplemental regulations:</b>	See Chapter 5
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\* 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 R-12 Single Family Residential District Uses.**

<b>R-12 PERMITTED USES</b>	<b>NAICS CODE</b>	<b>NAICS DESCRIPTION</b>	<b>PARKING SPACES REQUIRED</b>
<b>1. Single-family dwelling</b> (other than a manufactured home)	814110	Private households	Two (2) for each dwelling unit for all except patio homes one (1) for each dwelling unit
<b>2. School, government building or facility</b> [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. gross floor area
<b>3. Public park or playground</b> , 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
<b>4. Church, synagogue, temple, or place of worship</b> , 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
<b>5. Accessory use on same lot with principal use</b> Accessory uses must be in compliance with Chapter 5 of this ordinance.			

**R-12 CONDITIONAL USES – All uses permitted in R-15**

**R-12 SPECIAL EXCEPTIONS - All Special Exceptions permitted in R-15**

**§ 4-104 R-12 Single Family Residential District Regulations.**

The following regulations apply to all uses in **R-12 districts**:

<b>Minimum residential lot area:</b>	(12,000) square feet*
<b>Minimum lot width at building line:</b>	(70) feet
<b>Minimum front yard setback:</b>	<i>Thirty-five (35) feet from the nearest street right-of-way line or an average of existing setbacks from same street in same block in district, but not less than twenty (20) feet</i>
<b>Minimum setback from second street frontage:</b>	Side street on corner lot – Eight (8) feet Rear street on double frontage lot – Twenty-five (25) feet
<b>Minimum side yard setback:</b>	<u>Principal structure</u> – Ten (10) feet from interior side lot line. <u>Accessory structure</u> – Three (3) feet from interior side lot line.
<b>Minimum rear yard setback:</b>	<u>Principal structure</u> – Thirty (30) feet from interior rear lot line. <u>Accessory structure</u> – Three (3) feet from interior rear lot line.
<b>Maximum structure height:</b>	Thirty-five (35) feet to the roof line [not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae]
<b>Visibility requirements:</b>	<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.
<b>Off street parking area requirements:</b>	See supplemental regulations, Chapter 5
<b>Signs:</b>	See supplemental regulations, Chapter 5
<b>Supplemental regulations:</b>	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 R-7 Single Family Residential District Uses.**

<b>R-7 PERMITTED USES</b>	<b>NAICS CODE</b>	<b>NAICS DESCRIPTION</b>	<b>PARKING SPACES REQUIRED</b>
<b>1. Single-family dwelling</b>	814110	Private households	<i>Two (2) for each dwelling unit</i>
<b>2. Manufactured Housing on single lots</b>			<i>Two (2) for each dwelling unit</i>
<b>3. All other permitted uses in R-12</b>			

**R-7 Conditional Uses**  
(approved by Zoning Administrator if all conditions are met)

**1. All Conditional uses permitted in R-15 districts**

**2. Multi-section manufactured homes;** used as sole residence on a single lot, provided all the following conditions are met:

- a. Minimum of 1,000 square feet of enclosed and heated floor space;
- b. On permanent foundation of brick or cement block;
- c. Underpinning installed;
- d. Anchored appropriately to foundation for wind resistance;
- e. All mobile features are removed;
- f. Owner shall certify in writing that unit meets HUD standards and will be maintained in compliance with HUD standards;
- g. Roof of composition shingles having a pitch of ¼ with a minimum overhang at soffits and gable ends of twelve (12) inches;
- h. Exterior wall covering of masonry veneer or wood siding assuring favorable comparison with neighboring site dwellings;
- i. Covered front entry area (porch)

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

**R-7 SPECIAL EXCEPTIONS - All Special Exceptions permitted in R-15**

**§ 4-106 R-7 Single Family Residential District Regulations.**

The following regulations apply to all uses in **R-7 districts**.

<b>Minimum residential lot area:</b>	(7,500) square feet*
<b>Minimum lot width at building line:</b>	Fifty (50) feet
<b>Minimum front yard setback:</b>	Thirty-five (35) feet, measured from the nearest street right-of-way line, or an average of existing setbacks from same street in same block in district, but not less than twenty (20) feet
<b>Minimum setback from second street frontage:</b>	Side street on corner lot – six (6) Rear street on double frontage lot – twenty-five (25) feet
<b>Minimum side yard setback:</b>	<u>Principal structure</u> – Ten (10) feet from interior side lot line. <u>Accessory structure</u> – Three (3) feet from interior side lot line. Corner & Double Frontage lots – see Chapter 5
<b>Minimum rear yard setback:</b>	<u>Principal structure</u> - Thirty (30) feet from interior rear lot line. <u>Accessory structure</u> – Three (3) feet from interior rear lot line.
<b>Maximum building height</b>	Thirty-five (35) feet to the roof line [not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae]
<b>Visibility requirements:</b>	<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.
<b>Off street parking area requirements:</b>	See supplemental regulations, Chapter 5
<b>Signs:</b>	See supplemental regulations, Chapter 5
<b>Supplemental regulations:</b>	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.

**§ 4-107 R-5 Multi-Family Residential District Uses.**

<b>R-5 PERMITTED USES</b>	<b>NAICS CODE</b>	<b>NAICS DESCRIPTION</b>	<b>PARKING SPACES REQUIRED</b>
<b>1. Multi-family dwelling and two family dwelling (duplex)</b>	814110	Private households	<i>Two (2)</i> for each dwelling unit
<b>2. All other permitted uses in R-15, R-12, and R-7 district.</b>			
<b>3. Accessory use on same lot with principal use.</b> Accessory uses must be in compliance with Chapter 5 of this ordinance.			

**R-5 CONDITIONAL USES- All Conditional Uses permitted in R-12 and R-7.**

<b>R-5 SPECIAL EXCEPTIONS</b> (approved by Board of Zoning Appeals after hearing)
<b>1. All special exceptions permitted in R-15, R-12 and R-7 districts.</b>
<b>2. Multi-family dwelling.</b>
<b>3. Group housing development.</b>
<b>4. Manufactured home park.</b> <ul style="list-style-type: none"> <li>a. The use is compatible within the district;</li> <li>b. The park will be on a minimum three (3) acre lot with adequate drainage and approved water and sewer service;</li> <li>c. The park will not contain more than seven (7) manufactured units per acre;</li> <li>d. Each lot space will contain at least 5,000 square feet, have minimum width of 50 feet, and minimum length of 100 feet;</li> <li>e. Setbacks for units are twelve (12) feet from other units; fifteen (15) feet from property lines, buildings and driveways; and fifty (50) feet from streets;</li> <li>f. There shall be 2,500 feet of common open space for each acre or major fraction of an acre in the park;</li> <li>g. All lot spaces will be accessible by an interior roadway at least thirty (30) feet wide, paved at least twenty (20) feet in width with unobstructed access to a public street;</li> </ul>

- h. A greenbelt is required along all exterior lot lines, in width not less than side yard requirements for an adjoining residential district consisting of two or more rows of plant not more than six (6) feet apart which grow to a height of seven (7) feet after two growing seasons; and not less than five (5) feet in width adjacent to non-residential districts with the same growth requirements;**
- i. Each manufactured home will be anchored as required by Southern Building Codes;**
- j. All applicable state and local regulations related to parking , signs, subdivisions, land development, traffic safety, health and environment are met; and**
- k. A site plan showing the details of development shall be submitted for approval upon compliance with additional conditions imposed by the Board to implement the intent of this ordinance.**

**§ 4-108 R-5 Multi-Family Residential District Regulations.**

The following regulations apply to all uses in **R-5 districts**.

<b>Minimum residential lot area:</b>	(5,000) square feet*
<b>Minimum land area per unit:</b>	Single family – 5,000 square feet; Two family and Multi-family – 5,000 square feet for the first unit and 2,500 square feet for each additional units
<b>Minimum lot width at building line:</b>	Single family - Fifty (50) feet Two family – Seventy-five (75) feet; Multi-family – One hundred (100) feet
<b>Maximum dwelling units per acre:</b>	Twelve (12) dwelling units
<b>Minimum front yard setback:</b>	<i>Twenty-five (25) feet</i> , measured from the nearest street right-of-way line.
<b>Minimum setback from second street frontage:</b>	Side street on corner lot – Ten (10) feet Rear street on double frontage lot – Ten (10) feet
<b>Minimum side yard setback:</b>	<u>Principal structure</u> – Six (6) feet from interior side lot line. <u>Accessory structure</u> – Three (3) feet from interior side lot line.
<b>Minimum rear yard setback:</b>	<u>Principal structure</u> - Twenty (25) feet from interior rear lot line. <u>Accessory structure</u> – Three (3) feet from interior rear lot line.
<b>Maximum building height</b>	Thirty-five (35) feet to the roof line [not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae]
<b>Visibility requirements:</b>	<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.
<b>Off street parking area requirements:</b>	See supplemental regulations, Chapter 5
<b>Signs:</b>	See supplemental regulations, Chapter 5
<b>Supplemental regulations:</b>	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.

**§ 4-109 PD Planned Development District Uses and Regulations.**

Planned Development may permit a mixture of different types of housing with compatible commercial uses, shopping centers, office parks and other mixed use developments. Flexibility in design, character and quality of development and preservation of natural and scenic features are made possible through the approval of a plan which describes the specific uses, densities, setbacks, and other requirements for a planned development. The approved plan constitutes the district regulations for a particular planned development. The following regulations shall apply to all uses in PD districts, other provisions in this ordinance to the contrary notwithstanding:

Minimum district area:	3 acres
Minimum lot area for structure and maximum density	Set in approved plan
Minimum lot width, yards, setbacks:	Set in approved plan
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)
Off street parking and loading requirements:	Set in approved plan
Screening:	Set in approved plan, but not less than landscaping required by supplemental regulations, Chapter 5
Signs:	Set in approved plan, but not greater than sign allowed by supplemental regulations, Chapter 5
Subdivision regulations:	Applicable regulations must be met
Supplemental regulations:	See Chapter 5

**§ 4-110 PD Planned Development District Application and Review Procedures.**

The following procedures shall apply to establishment of a PD district, other provisions in this ordinance to the contrary notwithstanding:

a. Zoning amendment required:	PD districts are established by amendment to the zoning ordinance in the manner prescribed for rezoning
b. District regulations:	The applicable regulations in § 4-109, Chapter 5, and those in the approved plan and descriptive statement shall constitute the PD district regulation
c. Pre-application conference optional:	Applicant for PD zoning is encouraged to contact the Planning Commission prior to submission of application for information and review of regulations and procedures applicable to the proposed plan and descriptive statement.
d. Amendment application required:	Initiation of a PD amendment shall be by submission of an application form provided by the Zoning Administrator with required attachments.
e. Development plans required:	A site development plan is required with application for PD amendment. The site development plan shall indicate proposed uses of all land areas and other information the Zoning Administrator deems reasonably necessary for review.
f. Descriptive statement required:	A descriptive statement is required with the application for PD amendment. The descriptive statement shall indicate the characteristics and standards to be used for development of the site, and shall include at least the following items: <ol style="list-style-type: none"> <li>1. Legal description of site boundaries, and total area of the site</li> <li>2. Area and location of each type of use</li> <li>3. Number and density of dwelling units by type</li> <li>4. Description of open space locations, uses and proposed dedication for public use</li> <li>5. Ownership and maintenance of streets and proposed dedication to the public</li> <li>6. Methods of dealing with parking and the impact of proposed traffic on the uses on the site and adjacent districts and streets</li> <li>7. Steps proposed to comply with sediment control and storm drainage regulations</li> <li>8. Steps proposed to comply with landscaping regulations</li> <li>9. Details of association or organization involved in ownership and maintenance, including procedures and methods of operation</li> <li>10. Outline for development phasing with anticipated time frames</li> <li>11. Design standards, procedures and methods demonstrating that development will result in an integrated use district, functional and compatible with the area</li> <li>12. Proposed restrictive covenants to be recorded to assure future compliance with the standards in the plan</li> <li>13. Such other information as may be appropriate for planning commission review</li> </ol>
g. Planning Commission review:	Upon determination that the application meets above requirements, the Zoning Administrator shall forward the application to the Planning Commission for review and recommendation to Town Council as required for zoning amendments

h. Town Council action:	Upon receipt of the Planning Commission recommendation, Town Council shall conduct a public hearing as required for zoning amendments, and may approve, approve with modifications accepted by applicant, or disapprove the proposed amendment.
i. Zoning and building permits:	Zoning and building permits shall not be issued until the zoning is approved by Town Council, and approved plats, the approved descriptive statement and all required restrictive covenants are filed for record with the Town Clerk and the Clerk of Court for Barnwell County, and all required bonds are posted with the Town Clerk.
j. District map:	The site development plan approved by Town Council shall be the zoning district map for the PD and shall be the basis for issuance of zoning and building permits
k. Changes to plan:	<p><u>MINOR CHANGES.</u> Changes proposed in writing by the applicant which do not alter district boundaries and which involve revision of minor characteristics of the PD such as relocation of driveways, revision of floor plans, facades, landscaping, relocation of required parking, drainage structures, and features which do not materially affect the approved plan concept or violate any applicable regulations may be approved by the Zoning Administrator. Approval or rejection of the change is subject to review and final determination by the Planning Commission, if the applicant or any party whose property is adversely affected files a written objection with the Planning Commission within ten (10) days after action by the Zoning Administrator. An applicant may submit a rejected change as an amendment to the plan under the normal zoning amendment procedures.</p> <p><u>MAJOR CHANGES.</u> Changes proposed in writing by the applicant which alter district boundaries or which materially affect the characteristics of the PD shall be submitted under normal zoning amendment procedures applicable to the establishment of the PD.</p> <p><u>PERMITS.</u> No zoning or building permits involving a minor or major change of the PD descriptive statement or map shall be issued until the written change is filed with the Town Clerk and recorded in the office of the Clerk of Court for Barnwell County.</p>
l. Failure to begin; failure to progress; failure to complete	If the responsible party fails to begin, fails to progress or fails to complete the development as agreed in the descriptive statement, Town Council may charge the developer with violation of the zoning ordinance, may rezone the property or may take any combination of these actions.

**§ 4-111 CC - Core Commercial District Uses.**

CC PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p><b>1. Telephone, telegraph, radio, television services,</b> [except communications towers - see conditional uses]</p>	<p>515, 517</p>	<p>Communications</p>	<p>One (1) per 200 sq. ft. gross public area</p>
<p><b>2. Public utility</b> including water tower, substation</p>	<p>221</p>	<p>Electric, gas, water, sewer</p>	<p>One (1) per 200 sq. ft. gross public area</p>
<p><b>3. Wholesale trade,</b> 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 300 sq. ft. of gross sales area</p>

<p><b>4. Retail trade</b>, 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, &amp; equip; Electronics and Appliance Stores Food stores &amp; markets; Health &amp; Personal care stores; Clothing &amp; Clothing Accessories Stores; Sporting Goods, Hobby, Book, and Music Stores; General Merchandise, department &amp; variety stores; Miscellaneous retail, including drug stores, liquor stores; Eating &amp; drinking places, including drive-in;</p>	<p><u>Eating &amp; drinking places</u>: One (1) for each four (4) seats. <u>All other</u>: One (1) per 200 sq. ft. of gross sales area</p>
<p><b>5. Finance, insurance, and real estate</b></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 200 sq. ft. of gross floor area</p>

<p><b>6. 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</b></p>	<p>813110</p>	<p>Religious organizations, churches, etc.</p>	<p>One (1) for each four (4) seats in sanctuary</p>
<p><b>7. Government building or facility, including postal facility</b></p>	<p>491110 921, 922, 923, 924, 925, 926</p>	<p>U.S. Postal Service; General government, justice, public order, safety, finance, etc.; Human resources; Housing programs; Economic programs.</p>	<p>One (1) for each 200 sq. ft. of floor area</p>
<p><b>8. Services to individuals, business and government establishments, amusement, recreation, health and professional services</b> Except carwash or automobile repair garage – see conditional uses and special exceptions</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 &amp; boarding houses; Personal services; Business services; Motion picture theaters, Video tape rental; Amusement &amp; recreation, including bowling, golf, &amp; coin-operated machines; <i>Health services, hospitals;</i> Legal services; Schools &amp; libraries; Social services; Museums &amp; gardens; Membership organization; Engineering, accounting, research &amp; management; Services not classified</p>	<p><u>Hotel, motel:</u> One (1) for each guest room. <u>Service, repair:</u> One (1) per 250 sq. ft. of work area. <u>Club, library, funeral home, theater:</u> One (1) for each four (4) seats. <u>Hospital:</u> Two (2) for each patient bed <u>Elementary School:</u> Three (3) 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 gross floor area.</p>

<p><b>9. Membership organizations,</b> including business &amp; professional associations; unions &amp; 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><b>10. Accessory use on same lot with principal use, as follows:</b></p>	<p>a. Off-street parking or storage area for vehicles owned by members, customers or employees of business b. Completely enclosed building for storage of supplies or merchandise for use in the principle business</p>		

<b>CC CONDITIONAL USES</b> [approved by Zoning Administrator if all conditions are met]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<b>1. Communications tower</b> , see Chapter 5, Supplemental Regulations	N/A	Communications	One (1) space
<b>2. Temporary Christmas tree sales</b> , on vacant lot for a period not to exceed forty-five (45) days	N/A		None
<b>3. Contractor’s office &amp; equipment shed</b> , 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 office area.
<b>4. Motor Vehicle Repair Services</b> , 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> One (1) per 250 sq. ft. of work area.
<b>5. Open yard use for the sale, rental, and/or storage of materials or equipment</b> , 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.	N/A	N/A	One (1) per 200 sq. ft. of gross sales area
<b>6. Combination of residential structure with any permitted Use in the CC Zoning District</b> , Provided all following conditions are met a. Dwelling units must have direct access to the street	N/A	N/A	Two (2) spaces for each unit



**§ 4-112 CC - Core Commercial District Regulations.**

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

<b>Minimum lot area:</b>	none
<b>Minimum lot width at building line:</b>	none
<b>Minimum front yard setback:</b>	Shopping centers - fifty (50) feet from a street right of way Other uses: none
<b>Minimum side yard setback:</b>	None except: 1. when use abuts a residential zone a setback equal to that required for the residential zone shall be provided; 2. when a setback not required is provided, it shall not be less than 3 feet
<b>Minimum rear yard setback:</b>	Ten (10) feet, except when rear of property abuts a public alley no rear setback is required
<b>Maximum structure height:</b>	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];
<b>Off street parking area requirements:</b>	See parking, supplemental regulations, Chapter 5.
<b>Screening:</b>	See landscaping, supplemental regulations, 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.
<b>Signs:</b>	See signs, supplemental regulations, Chapter 5.
<b>Subdivision regulations:</b>	Applicable regulations must be met.
<b>Supplemental regulations:</b>	See Chapter 5.
<b>Maximum curb cuts:</b>	Lot width of one hundred (100) feet or less: Thirty-six (36) feet of total curb cuts. Lot width of more than one hundred (100) feet: Thirty-six (36) feet of total curb cuts with a minimum of one hundred (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 - 113 HC – Highway Commercial District Uses**

HC PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p><b>1. Automobile service station; Gasoline stations</b> (Including convenience stores with gasoline stations)</p>	<p>811191  447</p>	<p>Automotive oil change and lubrication shops,  Gasoline stations, gasoline stations with convenience stores</p>	<p><u>Service Station:</u> One (1) per 250 sq. ft. of work area <u>Gas Stations:</u> One per 200 sq. ft. of gross sales area</p>
<p><b>2. Automatic Car Wash</b> No safety hazard or impediment to traffic movement is created by the operation of such an establishment.</p>	<p>811192</p>	<p>Automatic car wash</p>	<p>One (1) per 200 sq. ft. of gross floor area At least six (6) stacking spaces measured in front of wash by entrance required.</p>
<p><b>3. Animal hospital and/or boarding facility,</b> provided all following conditions are met: All boarding arrangements are maintained within a building. No noise connected with the operation of the facility is perceptible beyond the premises.</p>	<p>54194  81291</p>	<p>Veterinary services  Pet care services</p>	<p>One (1) per 300 sq. ft. of gross floor area</p>
<p><b>4. All other permitted uses in CC</b></p>			

**§ 4-114 HC - Highway Commercial District Regulations.**

The following regulations apply to all uses in HC districts:

<b>Minimum lot area:</b>	none
<b>Minimum lot width at building line:</b>	none
<b>Minimum front yard setback:</b>	fifty (50) feet from a street right of way
<b>Minimum side yard setback:</b>	None except: 1. when use abuts a residential zone a setback equal to that required for the residential zone shall be provided; 2. when a setback not required is provided, it shall not be less than 3 feet
<b>Minimum rear yard setback:</b>	Twenty-five (25) feet
<b>Maximum structure height:</b>	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];
<b>Off street parking area requirements:</b>	See parking, supplemental regulations, Chapter 5.
<b>Screening:</b>	See landscaping, supplemental regulations, 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.
<b>Signs:</b>	See signs, supplemental regulations, Chapter 5.
<b>Subdivision regulations:</b>	Applicable regulations must be met.
<b>Supplemental regulations:</b>	See Chapter 5.
<b>Maximum curb cuts:</b>	Lot width of one hundred (100) feet or less: Thirty-six (36) feet of total curb cuts. Lot width of more than one hundred (100) feet: Thirty-six (36) feet of total curb cuts with a minimum of one hundred (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
<b>1. Residential uses</b> permitted in R-5	814110	Private households	Two per unit
<b>2. Retail business</b> – sale of merchandise on premises including but not limited to: a. drug store or pharmacy; b. small convenience store; c. florist shop; d. antique store; e. books, magazines, etc.; f. bakery.	446110, 445120, 453110, 453310, 451211;451212, 311812	Drug store Convenience food store Florist Antiques, used goods Book store; newsstand Retail bakery	One (1) for each 200 square feet of retail floor space.
<b>3. Personal Services</b> including but not limited to : a. branch bank, saving and loan, small loan company; b. barber or beauty shop; c. dressmaker, seamstress, tailor; d. insurance agency; e. professional office: doctor, lawyer, engineer, accountant, f. realty office.	522190, 522291, 812112, 315222,315223, 315233,811490, 524210, 621112,922130, 541330,541211, 531390, 531311	Depository, bank, small loan company Barber and beauty shop Dressmaking; tailors  Insurance agency Doctor, health, legal, engineer, accounting Real estate agent, manager	One (1) for each 300 square feet of gross floor area.
<b>4. Membership services,</b> including business and professional association’ unions and political organizations; civic, social and fraternal organizations	813920	Membership organizations	One (1) for each four (4) seats in assembly room.
<b>5. Church, synagogue, temple, or place of worship</b> including religious education, building, parsonage or parish house, off-street parking for members and visitors	813110	Religious organizations, churches, etc.	One (1) for each four (4) seats in assembly room
<b>6. Government buildings or</b>	611110,	Public schools,	<u>Schools:</u> 1 per

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<p><b>facility and schools</b></p>	<p>921190</p>	<p>General government,</p>	<p>classroom or office, plus 1 for each 20 seats in public assembly  <u>Other:</u> 1 per 200 sq. ft. of area</p>
<p><b>7. Necessary use on same lot with principal use, as follows:</b>  a. Off-street parking or storage area for vehicles owned by members, customers or employees of business;  b. Completely enclosed building for storage of supplies or merchandise for use in the principal business.</p>			

<b>NC CONDITIONAL USES</b> (approved by Zoning Administrator if all conditions are meet)	<b>NAIC CODE</b>	<b>NAIC DESCRIPTION</b>	<b>PARKING SPACES REQUIRED</b>
<b>1. School of dance, art, music, drama, martial arts, etc.</b> a. not more than 25 students will be enrolled; b. instruction is limited to art, music, dancing, drama, martial arts, or similar cultural activity.	611610, 611620,	Dance schools, Martial arts only Schools, and educational services	One (1) for each classroom and each administrative office
<b>2. Contractor’s office,</b> provided there will be no storage of vehicles equipment or materials on the premises	N/A	Contractor – office only	One (1) for each 300 square feet of floor space.
<b>3. Dry cleaning or laundry pickup agency,</b> provided laundering, cleaning or pressing on premises involves only articles delivered to premises by individual customers	812320	Garment pressing, and agents for laundries and dry cleaners	One (1) for each 250 square feet of floor area not for storage
<b>4.Public utility substation, water tower,</b> (see Chapter 5 for communications tower), 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 Communications	One (1) space
<b>5. Temporary Christmas tree sales,</b> on vacant lot for a period not to exceed 45 days	N/A		None
<b>6. Contractor’s office and equipment shed,</b> 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 square feet of area.

NC SPECIAL EXCEPTIONS	NAIC CODE	NAIC DESCRIPTION	PARKING SPACES REQUIRED
<p><b>1. Automobile service station,</b> including limited sale of groceries, provided the Board determines:</p> <p>a. the use is compatible with the district;</p> <p>b. parking and service areas are separated from adjoining residential property by planting screen, fence or wall at least 6 feet high;</p> <p>c. no major repairs or sale of vehicles to be conducted on premises;</p> <p>d. adequate provisions are made for access and traffic safety</p> <p>e. conditions are imposed to protect adjacent property from adverse impact;</p>	447190	Gasoline service stations	Two (2) for each fuel pump, plus three (3) for each service bay or wash rack
<p><b>2. Car wash,</b> either automatic or self-service, provided the Board of Appeals determines:</p> <p>a. the use is compatible with the district;</p> <p>b. adequate spaces for vehicles awaiting entry are required; more than minimum may be required;</p> <p>c. the area is required to be adequately screened from adjoining residential property;</p> <p>d. adequate provisions are made for access and traffic safety; e. hours of operations are limited to prevent late night noise.</p>	811192	Carwashes	<p><u>Self-service wash:</u> three (3)</p> <p><u>Automatic wash:</u> set by Board minimum six (6)</p>
<p><b>3. Delicatessen, restaurant, soda fountain or other eating/drinking establishment,</b> provided the Board of Appeals determines:</p>	722110	Eating Places	One (1) for each four (4) seats, plus one (1) for each two (2)

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<p>a. the use is compatible with the district;</p> <p>b. no outside loud speaker is allowed;</p> <p>c. exterior and vehicle lights will be directed away from residential property;</p> <p>d. parking and service areas will be separated from residential areas by planting screen, fence or wall at least 6 feet high;</p> <p>e. adequate provisions are made for access and traffic safety;</p> <p>f. hours of operation are limited to prevent late night noise.</p>			<p>employees on shift with maximum employment</p>
<p><b>4. Funeral home</b></p>	<p>812210</p>	<p>Funeral home, mortuary</p>	<p>One (1) for each 4 seats</p>

**§ 4-116 NC Neighborhood Commercial District Regulations.**

The following regulations apply to all uses in NC districts:

Minimum lot area:	Commercial uses: none Residential uses: single-family – 5,000 square feet; Multi-family – 5,000 square feet for first unit, plus 2,500 square feet for each additional unit.
Minimum lot width at building line:	Commercial uses: none Residential uses: fifty (50) feet.
Minimum front yard depth:	Twenty-five (25) feet from street right-of-way line
Minimum setback from second street frontage:	Side street on corner lot: ten (10) feet; Rear street on double frontage lot: twenty-five (25) feet
Minimum side yard:	Principal structure: six (6) feet from interior side lot line; Accessory structure: five (5) feet from interior side lot line
Minimum rear yard:	Principal structure: fifteen (15) feet from interior rear lot line Accessory structure: five (5) feet from interior rear lot line
Maximum # of dwelling units:	Seven (7) units per acre
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:	Corner lot: no obstruction between heights of 3 and 10 feet above finished street level within 15 feet of intersection of street right-of-lines Private drive: no obstruction over height of 30 inches within 10 feet of street
Off street parking area requirements:	See parking, supplemental regulations, Chapter 5
Screening:	See landscaping, supplemental regulations, Chapter 5
Signs:	See signs, supplemental regulations, Chapter 5
Supplemental regulations:	See Chapter 5

§ 4-117 IND – Industrial District Uses.

IND PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<b>1. Horticultural nursery</b>	111421, 111422	Nursery and Tree Production Floriculture Production	One (1) per 200 sq. ft. of office area
<b>2. Manufacturing, processing and packing, limited to the NAICS classes listed:</b> [See special exceptions for other manufacturing.]	115111, 311, 312, 313 314, 315, 337110, 511110, 516110, 323, 325, 316, 327	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.	One (1) per 300 sq. ft. of inside work area
<b>3. Transportation terminal and storage, including mini warehouses</b>	482111, 482112, 488210, 488490, 485, 484, 493, 531130	Railroad transportation; Passenger transportation; Trucking & warehousing.	One (1) per 200 sq. ft. of gross floor space
<b>4. Telephone, telegraph, radio, television services, [except communications towers - see conditional uses]</b>	515, 517	Communications	One (1) per 300 sq. ft. of floor area
<b>5. Public utility</b> including water tower, substation, landfill [except hazardous waste disposal]	221	Electric, gas, water, sewer, refuse [except hazardous waste]	One (1) per 300 sq. ft. of floor area

<p><b>6. Wholesale trade</b>, durable and nondurable goods [except scrap metal and petroleum products]</p>	<p>423, 425, 424</p>	<p>Wholesale trade [except scrap metal and petroleum products]</p>	<p>One (1) per 300 sq. ft. of sales area</p>
<p><b>7. Finance, insurance, and real estate</b></p>	<p>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 200 sq. ft. of gross floor area</p>
<p><b>8. Services to individuals, business and government establishments</b></p>	<p>541940, 811, 238, 443, 487, 339116, 621, 622, 541110, 519120, 611, 623, 624, 541, 541</p>	<p>Pet veterinary services; Auto repair, services, wash, rental &amp; parking; Miscellaneous repair; Amusement &amp; recreation; Health services, hospitals; Legal services; Schools &amp; libraries; Social services; Engineering, accounting, research &amp; management; Services not classified.</p>	<p><u>Service &amp; repair:</u> One (1) per 250 sq. ft. of work area. <u>Hospital:</u> Two (2) for each patient bed <u>Elementary School:</u> Three (3) 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 gross floor area.</p>
<p><b>9. Government building or facility, including postal facility</b></p>	<p>491110, 921, 923, 924, 925, 926</p>	<p>U.S. Postal Service; General government, justice, public order, safety, finance, etc.</p>	<p>One (1) for each 200 sq. ft. of floor area</p>



<p><b>7. Motor Vehicle Repair Services,</b>          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>811111  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 work area.</p>
<p><b>8. Private recreation facility,</b>          Provided all following conditions are met:          a. Facility is incidental to a permitted use and located on the same premises.</p>			<p>One (1) per 200 sq. ft. of building area; plus one (1) for each 2,000 sq. ft. of recreation area.</p>
<p><b>9. Dwelling incidental to a permitted agricultural or horticulture use,</b>          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><b>10. Retail Business</b>                  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, &amp; equip; Electronics and Appliance Stores Food stores &amp; markets; Health &amp; Personal care stores; Clothing &amp; Clothing Accessories Stores; Sporting Goods, Hobby, Book, and Music Stores; General Merchandise, department &amp; variety stores; Miscellaneous retail, including drug stores, liquor stores</p>	<p><u>Eating &amp; drinking places</u>: One (1) for each four (4) seats.  <u>All other</u>: One (1) per 200 sq. ft. of gross sales area</p>
<p><b>11. Truck Terminal,</b>                  Provided all following conditions are met:                  a. Paved acceleration and deceleration lanes at least ten (10) feet in width and one hundred (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 gross floor space</p>

<p><b>12. Open yard use for the sale, rental, and/or storage of new, use or salvaged materials, or equipment,</b>                  Provided all following conditions are met:</p> <ul style="list-style-type: none"> <li>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>.</li> <li>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.</li> </ul>	<p>N/A</p>		<p>None</p>
<p><b>13. Wholesale business outlet</b>                  Provided all following conditions are met:</p> <ul style="list-style-type: none"> <li>a. If there is open storage of junk or salvage materials associated with this use it must be in compliance with § 4-115 <i>Industrial Development District Uses</i>.</li> </ul>	<p>423, 424, 425,</p>	<p>Wholesale trade: Durable goods; Nondurable goods.</p>	<p>One (1) per 300 sq. ft. of gross sales area</p>
<p><b>14. Veterinary hospital and/or boarding facility</b>                  Provided all following conditions are met:</p> <ul style="list-style-type: none"> <li>a. All boarding arrangements are maintained within a building.</li> <li>b. No noise connected with the operation of the facility is discernible beyond the premises.</li> </ul>	<p>54194, 812910</p>	<p>Veterinary services, Pet Care services</p>	<p>One (1) per 200 sq. ft. of gross floor space</p>

<p align="center"><b>IND SPECIAL EXCEPTIONS</b> [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><b>1. Junk and scrap metals</b>, provided the Board of Appeals determines:</p> <ul style="list-style-type: none"> <li>a. the use is compatible with the district;</li> <li>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.</li> <li>c. adequate parking for employees &amp; customers is provided;</li> <li>d. adequate provisions are made for access and traffic safety;</li> <li>e. no outside storage of junk or salvage is permitted;</li> <li>f. the entire site is secured with fencing six (6) feet in height;</li> <li>g. no nuisance will be created beyond the premises by noise, vibration, smoke, gas, fumes, odor, dust, etc.;</li> <li>h. conditions are imposed to protect adjacent property from adverse impact; and</li> <li>i. applicable environmental regulations are met.</li> </ul>	<p>423930, 425110, 425120,</p>	<p>Scrap, waste materials</p>	<p>Set by Board</p>
<p><b>2. Oil and gas bulk sales</b></p>	<p>424, 425, 454,</p>	<p>Petroleum products</p>	<p>Set by Board</p>
<p><b>3. Manufacturing, industry, processing, assembly and storage</b>, provided the Board of Appeals determines:</p> <ul style="list-style-type: none"> <li>a. the use is compatible with the district;</li> <li>b. adequate parking for employees &amp; customers is provided;</li> <li>c. adequate provisions are made for access and traffic safety;</li> <li>d. no outside storage of junk or salvage is permitted;</li> <li>e. no nuisance will be created beyond the premises by noise, vibration, smoke, gas, fumes, odor, dust, etc.;</li> <li>f. conditions are imposed to protect adjacent property from adverse impact; and</li> <li>g. applicable environmental regulations are met.</li> </ul>	<p>N/A</p>		<p>Set by Board</p>

**§ 4-118 IND - Industrial District Regulations.**

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

<b>Minimum lot area:</b>	none
<b>Minimum lot width at building line:</b>	none
<b>Minimum front yard setback:</b>	Fifty (50) feet from street right of way line.
<b>Minimum side yard:</b>	Twenty-five (25) feet.
<b>Minimum rear yard:</b>	Twenty-five (25) feet.
<b>Maximum structure height:</b>	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].
<b>Visibility requirements:</b>	<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.
<b>Off street parking area and loading area requirements:</b>	See parking, supplemental regulations, Chapter 5. <u>Truck terminal</u> : paved acceleration and deceleration lanes at least ten (10) feet wide and one hundred (100) feet long are required at entrance and exit of terminal site which must have access to and from a major street.
<b>Screening:</b>	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.
<b>Signs:</b>	See signs, supplemental regulations, Chapter 5.
<b>Storage:</b>	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.
<b>Subdivision regulations:</b>	Applicable regulations must be met.
<b>Supplemental regulations:</b>	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:

<b>OSP CONDITIONAL USES</b> [approved by Zoning Administrator if all conditions are met]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<b>1. Publicly owned and/or operated parks, open-space, or recreational facilities</b> 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
<b>2. Certain privately owned recreational uses</b> of an appropriate nature, such as riding academies, boating facilities, golf driving ranges, nature camps.	713910, 611620, 713930, 713990, 611620		N/A
<b>3. Public utility substations</b> , 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 (6) feet or more as prescribed.	221		N/A
<b>4. Agricultural farming, dairying, ranching, and forestry; horticultural farming.</b>	111, 112		N/A
<b>5. Wildlife refuges, including any single-family dwelling units of caretakers</b> necessary to maintain and protect the refuge.	712190, 814110		N/A

<p><b>6. Any use which the Planning Commission considers compatible with the neighborhood use and the Comprehensive Plan of the Town of Williston.</b></p>	<p>N/A</p>		<p>N/A</p>
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<b>OSP PROHIBITED USES</b>
<p><b>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.</b></p>
<p><b>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.</b></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
<b>1. Agricultural farming, dairying, ranching, and forestry; horticultural farming,</b> including any accessory uses for purposes incidental to the principal use	111, 112		N/A
<b>2. Recreational and amusement uses:</b> ecotourism, golf course, active and passive outdoor recreation	712190, 712120, 712130, 713910		N/A
<b>3. Institutional uses:</b> 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,		N/A
<b>4. Residential uses:</b> single family detached, manufactured home	814110		Two (2) per unit
<b>5. Public utility substations,</b> 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 (6) feet or more as prescribed.	221		N/A
<b>6. Wildlife refuges, including any single-family dwelling units of caretakers</b> necessary to maintain and protect the refuge.	712190, 814110		N/A
<b>7. Any use which the Planning Commission considers compatible</b> with the neighborhood, use and the Comprehensive Plan of the Town of Williston.	N/A		N/A

<b>AGR CONDITIONAL USES</b> [approved by Zoning Administrator if all conditions are met]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<b>1. Communications tower</b> , see Chapter 5, Supplemental Regulations.	N/A		None
<b>2. Temporary Christmas tree sales</b> , on vacant lot for a period not to exceed forty-five (45) days.	N/A		N/A.
<b>3. Bed and Breakfast</b> , permitted as an accessory use only.	721191		N/A
<b>4. Family daycare home</b> , 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		N/A
<b>5. Home occupation</b> , permitted as an accessory use only.	N/A		
<b>6. Cemetery</b> , 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 thirty (30) square feet in area or ten (10) feet in height.	812220	Cemetery	None

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

**§ 4-122 AGR - Agricultural District Regulations.**

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

<b>Minimum lot area:</b>	Two (2) Acres.
<b>Minimum lot width at building line:</b>	Twenty (20) feet for a standard lot; Forty (40) feet for a corner lot.
<b>Minimum front yard setback:</b>	Twenty (20) feet from street right of way line.
<b>Minimum side yard setback:</b>	Ten (10) feet.
<b>Minimum rear yard setback:</b>	Twenty (20) feet.
<b>Maximum structure height:</b>	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.
<b>Visibility requirements:</b>	<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.
<b>Off street parking area and loading area requirements:</b>	See parking, supplemental regulations, Chapter 5.
<b>Screening:</b>	See landscaping, supplemental regulations, Chapter 5.
<b>Signs:</b>	See signs, supplemental regulations, Chapter 5.
<b>Storage:</b>	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.
<b>Subdivision regulations:</b>	Applicable regulations must be met.
<b>Supplemental regulations:</b>	See Chapter 5.

**§ 4-123 H – Historic Overlay District Guidelines.**

The following guidelines are provided for the purpose of encouraging protection and preservation of sites and structures which are historic or architecturally significant. The guidelines are not mandatory, but owners of properties in the H – Historic Overlay District and the owners of designated historic structures in all districts are urged to use them when making changes to historic sites or structures.

<p>a. Purpose</p>	<p>It is the purpose of these guidelines to encourage, insofar as possible those historic buildings or structures shall be preserved in harmony with the architectural and historic character of the Town. Furthermore, it is the intent of these guidelines to encourage the exterior renovation of non-historic buildings or the construction of new buildings within the historic district which will complement and support the aesthetic and visual features of the historic district and the Town.</p>
<p>b. Demolition</p>	<p>No building or structure within the H – Historic Overlay District or any structure designated as historic in any district shall be demolished or otherwise removed until the owner has received approval from the Zoning Administrator. The Zoning Administrator may encourage the owner of the property to repair the property rather than demolish it</p>
<p>c. New construction, alteration, repair, restoration</p>	<p>Property owners who plan to engage in new construction, alteration, repair or restoration of a structure covered by these guidelines are encouraged to voluntarily comply with the Secretary of the Interior’s Standards for Rehabilitation as guidelines. These guidelines are as follows:</p> <ol style="list-style-type: none"> <li>(1) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its original intended purpose.</li> <li>(2) The distinguishing original qualities or character of a building structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.</li> <li>(3) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.</li> <li>(4) Changes which have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.</li> <li>(5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.</li> </ol>

	<p>(6) Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visible qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by history, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings.</p> <p>(7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.</p> <p>(8) Every reasonable effort should be made to protect and preserve archaeological resources affected by, or adjacent to the property.</p> <p>(9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural materials, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.</p> <p>(10) Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.</p>
<p>d.Maintenance and repair</p>	<p>Nothing in these guidelines shall be construed to prevent ordinary maintenance or repair of any exterior architectural feature of structures designated in the historic district which does not involve a change in design, material, color, or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, demolition of any such feature which the building inspector or similar official shall certify is required by the public’s safety because of an unsafe or dangerous condition.</p>
<p>e.Zoning Administrator</p>	<p>The Zoning Administrator will notify property owners in the Historic District who plan to undertake new construction, demolition, alteration, repair, or restoration of the Town’s guidelines for the historic district and encourage them to comply with these guidelines.</p>
<p>f.Reference</p>	<p>Secretary of the Interior’s Standards for Historic Preservation Projects. South Carolina Department of Archives and History model historic preservation ordinance. S.C. Code § 6-29-870 –940 authorization for architectural review.</p>

**§ 4-124            Designation of Historic Structures**

Historic structures may be designated individually in any district by zoning map amendment attaching the –H overlay designation to the parcel of land on which the structure is located. Historic structures so designated shall be subject to the guidelines in § 4-123.

**CHAPTER 5  
SUPPLEMENTAL REGULATIONS**

**Article I  
Communications Tower and Antenna**

**§ 5-100 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.

**§ 5-101 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.**

<b>DISTRICTS</b>	<b>PERMITTED HEIGHT - FREE-STANDING OR GUYED TOWER</b>
Residential: R-15, R-12, R-7, R-5	Free-standing tower with height not exceeding 100 feet is a permitted conditional use; height exceeding 100 feet requires special exception.
Commercial: CC, HC	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.

<b>PERMITTED HEIGHT ABOVE STRUCTURE</b>	
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.
<b>SPECIAL EXCEPTIONS AND VARIANCES</b>	
OSP H-overlay district	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 § 5-102.
All districts	Variations from conditions imposed by this section may not be granted by the Zoning Board of Appeals. Variations 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:

<b>specifications;</b>	1. One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.
<b>site plan;</b>	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];
<b>tower location map;</b>	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;
<b>antenna capacity; wind load;</b>	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.
<b>antenna owners;</b>	5. Identification of the owners of all antennae and equipment to be located on the site;

<b>owner authorization;</b>	6. Written authorization from the site owner for the application;
<b>FCC license;</b>	7. Evidence that a valid FCC license for the proposed activity has been issued;
<b>visual impact analysis;</b>	8. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts;
<b>removal agreement;</b>	9. A written agreement to remove the tower and/or antenna within 120 days after cessation of use;
<b>conditions met;</b>	10. Evidence that applicable conditions in subsection c. are met; and
<b>additional information.</b>	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.

<b>location, visual impact;</b>	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.
<b>nability to locate on existing structure;</b>	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.
<b>necessity for location in residential district;</b>	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.
<b>public property or other private property not suitable;</b>	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.
<b>design for multiple use;</b>	5. Applicant must show that a new tower is designed to accommodate additional antennae equal in number to applicant's present and future requirements.

<p><b>safety codes met;</b></p> <p><b>paint; illumination;</b></p> <p><b>distance from existing tower;</b></p> <p><b>indemnity; claim resolution;</b></p> <p><b>application of zoning regulations;</b></p> <p><b>minimum setbacks;</b></p> <p><b>MASC technical assistance;</b></p>	<p>6. Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.</p> <p>7. A communications tower must not be painted or illuminated unless otherwise provided by state or federal regulations.</p> <p>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> <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>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>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>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 § 5-101 of this ordinance are met.</p>
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**d. Appeal to Board** Applicant may appeal to the Board of Zoning Appeals as follows:

<p><b>time limit for action by zoning administrator on complete application;</b></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 Board of Zoning Appeals.</p>
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<p><b>variance;</b></p> <p><b>special exception</b></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 § 5-102.</p> <p>3. Applicant may apply directly to the Board for a permit for any tower as a special exception pursuant to § 5-102.</p>
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**§ 5-102 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><b>Special exception criteria:</b></p> <p><b>application; conditions</b></p> <p><b>height limitations;</b></p> <p><b>necessity for additional height;</b></p> <p><b>setback requirements; additional conditions;</b></p> <p><b>MASC technical assistance required on special exception or appeal from action on conditional use;</b></p> <p><b>denial on substantial evidence;</b></p> <p><b>variance prohibited</b></p>	<p>The Zoning Board of Appeals must find and conclude:</p> <ol style="list-style-type: none"> <li>a. All application requirements and conditions imposed by § 5-101 of this ordinance for conditional uses are met except height limitations and setbacks.</li> <li>b. 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.</li> <li>c. 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.</li> <li>d. 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.</li> <li>e. 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.</li> <li>f. The Telecommunications Act of 1996 requires that a denial of a permit be supported by substantial evidence.</li> <li>g. 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 § 5-101d.</li> </ol>
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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.

<b>Plant Standards:</b>	<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>
<b>Substitutions:</b>	<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.

<b>Parking space dimensions:</b>	<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.
<b>Minimum isle widths:</b>	<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.
<b>Paving and marking requirements:</b>	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.
<b>Lighting requirements:</b>	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.
<b>Parking spaces for handicapped persons:</b>	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.

<b>Access:</b>	Each space shall have access from an alley or public street.																											
<b>Dimensions:</b>	Each space shall be a minimum of 12 feet by 40 feet, clear of obstructions.																											
<b>Spaces required:</b>	<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
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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 Williston 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 Williston.

### **§ 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 administrator.
- 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. 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.
- d. All signs shall comply with existing 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.
- (6) Signs that create a safety hazard by obstructing clear view of pedestrian and vehicular traffic.
- (7) Signs that display a message or graphic representation that is lewd, indecent or otherwise offensive to public morals.
- (8) Abandoned signs.
- (9) Searchlights and beacons.
- (10) 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.)
- (11) Inflatable signs and tethered balloons.
- (12) Strings of lights not permanently mounted to rigid background, except those exempt under section 32-243.
- (13) No private sign shall be permitted within twenty-five (25) feet of a public right-of-way which utilizes flashing, blinking or moving lights which are distracting to drivers of vehicles.
- (14) No private sign shall be permitted which casts into a residential district illumination of intensity or duration incompatible with the residential district.

**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 six (6) 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 one hundred (100) 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 Commercial and Industrial 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 may 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 CD and ID 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
7. Historical signs and markers

*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	R-15	R-12	R-7	R-5	CD	ID	AGR	OSP
Monument Signs	P (a) (b)	P (a) (b)	P (a) (b)	P (a) (b)	P	P	P (a) (b)	P (a) (b)
Ground Signs					P	P		
Canopy Signs					P (c)	P		
Projecting Signs					P	P		
Roof Sign					P	P		
Roof Sign - Integral					P	P		
Wall Sign	(d)	(d)	(d)	(d)	P (e)	P	(d)	(d)
Window Sign					P (f)	P		

*P=Permit Required*

- a. One (1) subdivision, manufactured home park (maximum 300 square feet), and multi-family development non-illuminated monument sign into such development is allowed in applicable zoning districts provided the sign meets all applicable requirements of the Williston Zoning Ordinance and a sign permit is approved by the Zoning Administrator.
- b. One (1) non-illuminated 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 Williston Zoning Ordinance and a sign permit is approved by the Zoning Administrator..
- c. Canopy signs are permitted in commercial zoning districts for buildings permitted for commercial uses provided the sign meets all applicable requirements of the Williston Zoning Ordinance and a sign permit is approved by the Zoning Administrator.
- d. One (1) non-illuminated professional or business name plate not exceeding three (3) 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.
- e. Wall signs are permitted in commercial zoning districts for buildings permitted for commercial uses provided the sign meets all applicable requirements of the Williston Zoning Ordinance and a sign permit is approved by the Zoning Administrator.
- f. Window signs are permitted in commercial zoning districts for buildings permitted for commercial uses provided the sign meets all applicable requirements of the Williston Zoning Ordinance and a sign permit is approved by the Zoning Administrator

**§ 5-506 Permitted Sign Characteristics**

<b>Zoning District</b>	<b>R-15</b>	<b>R-12</b>	<b>R-7</b>	<b>R-5</b>	<b>CD</b>	<b>ID</b>	<b>AGR</b>	<b>OSP</b>
Electronic Animated	P (a)	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
Electronic changeable copy	P (b)	P (b)	P (b)	P (b)	P (b)	P (b)	P (b)	P (b)
Indirect illumination	P	P	P	P	P	P	P	P
Internal Illumination	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	R-15	R-12	R-7	R-5	CD	ID	AGR	OSP
Number permitted per lot	(a) (b)	(a) (b)	(a) (b)	(a) (b)	1 per street entrance	1 per street entrance	(a) (b)	(a) (b)
Maximum sign area (Sq. Feet)	20	20	20	20	75 (c)(d)	75 (c)(d)	20	20
Minimum setback from property line	10 ft.	10 ft.	10 ft.	10 ft.				
Maximum Height	8 ft.	8 ft.	8 ft.	8 ft.	35 ft.	35 ft.	8 ft.	8 ft.
Number permitted per lot					(e) (f) (g)			
Maximum sign area (Sq. Feet)				300*	300 per 600 total			
Minimum setback from property line					10 ft.			
Maximum Height					35 ft.			
Number permitted (per business)	1	1	1	1	NA	NA	1	1
Maximum sign area (Sq. Feet)	5	5	5	5	NA	NA	5	5
Maximum sign area (% of wall area)	NA	NA	NA	NA	20(g)(h)	20 (g)(h)	NA	NA
Maximum Height (Roof Signs)					20 ft. from the base of the roof	20 ft. from the base of the roof		

\*manufactured home park sign

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 Williston 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 Williston Zoning Ordinance and a sign permit is approved by the Zoning Administrator.

c. The maximum sign area for multi-tenant signs in CD zoning districts displaying the names of two (2) or more businesses may be increased by fifteen (15) square feet.

d. The maximum sign area for multi-tenant signs in CD and ID zoning districts displaying the names of two (2) or more businesses may be increased by twenty (20) square feet.

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 20 % 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. 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).

h. 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 areas occupied by the business by more than 25 percent, as the floor areas exist on January 1, 1999.

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 \$500.00.

**§ 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 twelve (12) months from the date of issuance and may be renewed only by making application as provided herein. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the permit will not be affected except for good cause shown.

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 - (IDD).

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

**§ 5-614 Tattoo Parlors and Body Piercing Establishments.**

- (a) *Purpose.* Body piercing establishments (excluding earlobes) and/or tattoo parlors can be considered similar to adult establishments. The purpose of this section is to ensure compatibility with other nearby uses and to promote the health, safety, morals, and general welfare of the citizens of the Town of Williston.
- (b) *Requirements.* This use shall meet the following requirements:  
All body piercing establishments or tattoo parlors shall be located no closer than 1,000 feet from the following uses:

Adult Day Care

Child Day Care

Educational Institution (public or private)

Public Facility (library, park, playground, recreational facility, etc.)

Religious Institution

CC, HC, NC or AGR zoning district, or residential districts R-15, R-12, R-7, and R-5

Another body piercing establishment or tattoo parlor

Body piercing establishments or tattoo parlors shall require any permits required by SCDHEC, LLC, and any other federal, state or local governmental department or agency which has rules and regulations governing these types of uses.

## **CHAPTER 6 ADMINISTRATION**

### **§ 6-100      Zoning Administrator.**

This ordinance shall be administered and enforced by the Town Administrator who shall have all powers and duties authorized by statute or ordinance for the Zoning Administrator. 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 Historic Preservation Commission when authorized; and
8. Such other duties as may be authorized.

### **§ 6-101      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 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, and 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.

### **§ 6-102 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.

### **§ 6-103 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 7 APPEALS**

### **§ 7-100 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 three (3) 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 Williston 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.

### **§ 7-101 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.

**§ 7-102 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.

**§ 7-103 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 8 AMENDMENT**

### **§ 8-100      Initiation of Amendment.**

a.      An amendment to the zoning ordinance text or 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.

### **§ 8-101      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 NC or HC to the CC district.

### **§ 8-102      Amendment Procedure.**

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

1.      Amendment shall be initiated pursuant to § 8-100.
2.      Amendment ordinance shall be prepared in written form required by Town Code.
3.      Proposed amendment shall be referred to the 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 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 amendment 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 § 8-100.

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.