

**TOWN OF RIDGEWAY  
SOUTH CAROLINA  
ZONING ORDINANCE**

**ADOPTED: November 12, 2009**

**Prepared by the Ridgeway Planning Commission**

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# **ARTICLE 1**

## **ENACTMENT AND JURISDICTION**

### **100. AUTHORITY.**

Pursuant to authority conferred by the 1994 “South Carolina Local Government Comprehensive Planning Enabling Act,” S.C. Code Sections 6-29-310 through 6-29-1200, the Town of Ridgeway does ordain and enact into law the following articles and sections.

### **101. PURPOSE.**

To guide development in accordance with existing and future needs, to protect, promote, and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare, to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to protect scenic areas, to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; in accordance with the Town of Ridgeway Comprehensive Plan and with reasonable consideration of the character of each area and its peculiar suitability for particular uses, and with view to promoting desirable living conditions and sustained stability for reasonable consideration of the character of each area and its peculiar suitability for particular uses, and with view to promoting desirable living conditions and sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in government expenditures, conserving the value of land and buildings, and encouraging the most appropriate use of land, buildings, and structures, the Ridgeway Town Council does ordain and enact into law the following regulations.

### **102. TITLE.**

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

### **103. JURISDICTION.**

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



**ARTICLE 2**  
**DEFINITION OF TERMS USED IN THIS ORDINANCE**

**200. RULES FOR CONSTRUCTION OF LANGUAGE**

- 200.1.** The particular shall control the general
- 200.2.** In the case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.
- 200.3** The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- 200.4.** The word “building” or “structure” includes any part thereof.
- 200.5.** Words used in the present tense shall include the future, and words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- 200.6.** All public officials, bodies, and agencies to which reference is made are those of the Town of Ridgeway unless otherwise indicated.
- 200.7.** The word “County” shall mean the area of jurisdiction Fairfield County, South Carolina.
- 200.8.** The word “Town” shall mean the area of jurisdiction of the Town of Ridgeway, South Carolina.
- 200.9.** The words “used” or “occupied” include the words “intended, designed or arranged to be used or occupied.”

**201. DEFINITIONS**

Except when definitions are specifically included in the text, words in the text of this Ordinance shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail. In cases of conflicting definitions, the Zoning Administrator shall be required to define any word or interpret any definition.

- 201.1.** **Accessory Structure:** A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.
- 201.2.** **Accessory Use:** A use of land or of a building or portion hereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

- 201.3. Activity:** The performance of a function or operation which constitutes the use of the land.
- 201.4. Administrative Office:** An establishment primarily engaged in overall management and general supervisory functions, such as executive, personnel, finance, legal and sales activities, performed in a single location or building for other branches or division of the same company.
- 201.5. Adult Day Care:** A facility that provides supervision, therapy, and social development activities for impaired adults, licensed according to regulations by DHEC.
- 201.6. Airports:** A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.
- 201.7. Attached:** Buildings which share one or more common walls with other buildings. As pertains to residential activity, dwelling units may also be considered attached when sharing structures in a manner other than just common walls, except in Planned Cluster Developments.
- 201.8. Automobile Sales:** The use of any building, land area, or other premises for the display and sale of new or used automobiles generally but may include light trucks or vans, trailers, or recreational vehicles and including any vehicle preparation or repair work conducted as any accessory use.
- 201.9. Automobile Service Station:** Any building, land area, or other premises, or portion thereof used for the retail dispensing or sales of vehicular fuels; service and repair of automobiles, and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.
- 201.10. Automobile Wash:** Any building, premise, or portions thereof used for washing automobiles.
- 201.11. Bed and Breakfast Inn:** A single dwelling unit other than a Hotel or Motel, in which three or more persons who are not members of the owner's or operator's family are housed or lodged in rooms used or intended to be used for living or sleeping for compensation. One or more meals may be furnished by the management in a kitchen/dining room environment. Any dwelling in which such accommodations are offered in 10 or more rooms shall be considered a hotel or motel. The major difference between a Bid and Breakfast operation and a Rooming and Boarding House establishment is that while both house transient lodgers, the Bed and Breakfast lodger is seldom a permanent resident even though in neither case does the does this ordinance restrict the operation to only transient customers.

- 201.12. Boarding House:** A dwelling unit or part thereof in which, for compensation, lodging and meals are provided; personal and financial services may be offered as well.
- 201.13. Buffering Restrictions:** Limits imposed upon land used with respect to their proximity by means of buffer and setback distances, and with respect to their visibility by means of screening requirements.
- 201.14. Building:** A structure having a roof supported by column or walls.
- 201.15. Building Footprint:** The outline of a building as it appears in a plan view.
- 201.16. Bus Terminal:** Any premises for the storage or parking of motor-driven buses and the loading and unloading of passengers.
- 201.17. Business Services Establishment:** An establishment primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing, photo finishing; and personal supply services.
- 201.18. Carport:** A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides.
- 201.19. Cemetery:** Property used for the interring of the dead.
- 201.20. Churches, temples, and other places of worship:** A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.
- 201.21. Club, Lodge, Civic or Fraternal Organization:** An incorporated or unincorporated non-profit association for civic, social cultural, religious, literary, political, recreational, or like activities, but not including shooting clubs, operated for the benefit of its members and not open to the general public

- 201.22. Cluster Housing:** A tract of land which is planned and developed as an integral unit that provides common open space in a manner that is functional and useful to the residents of the development. As an incentive for providing such open space, conventional zoning and/or subdivision standards are relaxed to permit modifications in lot size and shape by concentrating single family dwellings to specific areas of an overall tract. Housing units may be attached or detached. The maximum of units that may be attached is four (4).
- 201.23. Communication Towers:** As used in this ordinance, shall mean a tower, pole, or other structure which supports a telecommunication antenna operated for commercial purposes above ground in a fixed location, free-standing, guyed, or on a building.
- 201.24. Community Education:** Activities include public, parochial, and private kindergartens, primary and secondary schools, colleges, junior colleges, technical education centers, and universities. Day care centers, stadiums, dormitories and other activities attendant to scholastic endeavors shall be dealt with as separate activity types, not to be included within the scope of this definition.
- 201.25. Community Service Center:**
- 201.26. Conditional Use and Structure:** A use or structure which is permitted as a principal use or structure provided that all regulations pertaining to a principal use or structure and all additional conditions specified in this ordinance for the district in which the conditional use or structure is located are met.
- 201.27. Construction Services:** Include the storage of materials and equipment used to operate a construction business.
- 201.28. Convenience Store:** Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods for off-site consumption.
- 201.29. Crop and Animal Raising:** Includes the raising of trees, vines, field, forage or other plant crops intended to provide food or fiber, as well as the keeping, grazing, or feeding of animals for animal products, animal increase or value increase. Kennels and other temporary animal impoundment facilities shall be included within this activity type.
- 201.30. Detached:** A building which is surrounded by yards or other open areas.

- 201.31. Detention Centers,** prisons, or correctional institutions, but not half-way houses.
- 201.32. Distribution Center:** An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including trans-shipment by rail, air, or motor vehicle.
- 201.33. Drinking Establishment:** An establishment engaged in the retail sale of drinks, such as beer, ale, wine, liquor or other alcoholic beverages for consumption on premises, and where the sale of food amounts to less than fifty (50) percent of the total receipts for such establishment.
- 201.34. Drugstore:** A store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and the nonprescription medicines but where non-medical products may be sold as sell.
- 201.35. Dwelling:** A building, or portion thereof, designed exclusively for residential occupancy, including single dwellings, duplexes, and multiple dwelling units, but not including transient occupancy.
- 201.36. Dwelling, Multi-Family:** A building designed as a residence for three (3) or more families, and consisting of three (3) or more separate dwelling units.
- 201.37. Dwelling, Single Family Detached:** A building designed as a residence for one (1) family and consisting of one dwelling unit.
- 201.38. Dwelling, Two Family:** A building on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof on an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.
- 201.39. Dwelling Unit:** One or more rooms designed, occupied, on intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for exclusive use of a single family maintaining a household.
- 201.40. Dwelling Unit, Efficiency:** A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.
- 201.41. Family:** A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under common housekeeping management plan based on an intentionally structured relationship providing organization.

- 201.42. Fence:** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separated areas.
- 201.43. Flea Market:** An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.
- 201.44. Flood:** A temporary rise of water level in lakes, ponds, rivers, streams, natural drainage courses, artificial drainage courses, or other waterways that results in inundation of areas not ordinarily covered by water.
- 201.45. Floodplain:** These areas subject to periodic inundation by large floods which occur with calculable flood frequency and subject to flooding which may reasonable be expected to cause damage or hazard of damage sufficient to justify protection therefrom.
- 201.46. Floodway:** The channel of a river or watercourse, and the adjacent land areas, that must be reserved in order to discharge a flood with a return frequency of 100 years without cumulatively increasing the water surface elevation more than a designated height.
- 201.47. Fraternal Organization:** A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and formal written membership requirements.
- 201.48. Frontage:** That side of a lot abutting on a street; the front lot line.
- 201.49. Funeral Home:** A building used for preparation of the deceased for burial and the display of the deceased and ritual connected therewith before burial or cremation.
- 201.50. Garage:** A deck, building, or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.
- 201.51. Gross Acreage:** Is to be measured as the total area of land confined within the property boundaries, including those which are permanently under water or subject to inundation, of which are contained in an easement or grant of use other than existing publicly dedicated road rights-of-way.
- 201.52. Gross Floor Area:** The total horizontal area of all floors of a building, including interior balconies and mezzanines, measured from the interior faces of the exterior walls of a building.

- 201.53. Group Housing (Limited):** Activities include retirement homes, convents, monasteries, and homes for the mentally and physically handicapped.
- 201.54. Group Housing (Extensive):** Activities include orphanages, membership lodging such as fraternity and sorority houses, halfway houses, residence hotels, residence halls, dormitories, and the like.
- 201.56. Home Occupation:** An occupation, profession, trade, or business carried on by an occupant in a dwelling unit as a secondary use that is clearly incidental to the use of the dwelling unit for residential purposes. (See Section 612)
- 201.57. Hospitals:** Include institutions providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institutions, related facilities, or training facilities.
- 201.58. Hotel:** A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.
- 201.59. Junk:** Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, soared, baled, disposed, or other use or disposition.
- 201.60. Junkyard:** Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.
- 201.61. Kennel:** A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.
- 201.62. Landfill:** A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan.
- 201.63. Landowner:** See property owner.
- 201.64. Line of Sight:** The linear distance along the line of vision offered by a window, door, or other opening in a principal or accessory building.

- 201.65**      **Liquor Stores:** Any business that is licensed to sell distilled spirits for offsite consumption.
- 201.66a.**      **Lot:** A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.
- 201.66b.**      **Lot, Corner:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the side lot lines to the foremost point of the lot (or an extension of the lot where it has been rounded by a street radius) meet at an interior angle of less than 135 degrees.
- 201.67.**      **Lot, Flag:** A lot without fee simple title frontage on a road right-of-way except for a narrow strip of land serving as a driveway. The strip of land serving as a driveway shall be constituted as a permanent access easement.
- 201.68.**      **Lot, Interior:** A lot other than a corner lot, with only one frontage on a street.
- 201.69.**      **Lot, Reversed Frontage:** A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts.
- 201.70.**      **Lot, Through:** A lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots.
- 201.71.**      **Lot Area:** The total area within the lot lines of a lot, excluding all street rights-of-way.
- 201.72.**      **Lot Coverage:** The portion of the lot that is covered by buildings.
- 201.73.**      **Lot Line:** A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.
- 201.74.**      **Lot Width:** The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line, provided however, that width between side lot lines at their foremost point (where they intersect with the street line) shall not be less than 80% of the required lot width; in the case of lots fronting on a cul-de-sac, the width between side lot lines at their foremost points shall not be less than 20 feet.



- 201.75. Reserved**
- 201.76. Manufactured Home:** A single-family dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards Act of 1974 (42.U.S.C Sec. 501), which became effective June 15, 1976. This activity shall not include modular residential construction, as defined within the South Carolina Modular Buildings Construction Act of 1976. Modular residential construction shall be included in the Residential Detached or Residential Attached activity types, as appropriate.
- 201.77. Manufacturing:** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products and the blending of materials, such as lubricating oils, plastics, resins, or liquors.
- 201.78. Medical Services:** Include the therapeutic, preventative, or corrective personal treatment of people normally performed by physicians, dentists, or other practitioners, as well as medical testing and analysis services. This activity may include a public health clinic but would exclude any facilities providing extended or inpatient care.
- 201.79. Military Installations.**
- 201.80. Mining and Quarrying:** Notwithstanding any other provisions of this Ordinance, the activity of Mining and Quarrying shall be governed exclusively by the South Carolina Mining Act and by the commissions and councils established therein, and shall be specifically exempt from the provisions of Articles 3 and 4 and Articles 7 and 8 of this Ordinance.
- 201.81. Mini-Parks:** Recreational areas with no more than playground equipment and picnic facilities.
- 201.82. Min-Warehouses:** Include the operation of warehousing and storage wherein the storage capacity of individual units is less than 1,000 square feet of floor area and individual keys are provided to lock each unit during the terms of a rental agreement.

- 201.83. Mobile Home:** A movable or portable residential dwelling that was fabricated in an off-site manufacturing facility, constructed to be towed on its own chassis and designed without a permanent foundation for long-term occupancy, which includes a double side or expandable mobile home as defined below, as well as a portable dwelling composed of a single unit, which may or may not be in compliance with the Federal Manufactured Home Construction and Safety Standards Act of 1974. The term “mobile home” as used in this Ordinance shall not include prefabricated, manufactured, or unitized dwellings placed on permanent foundations, nor shall it refer to travel trailers, campers or similar units designed for recreation or other short term uses. This activity shall not include modular residential construction, as defined within the South Carolina Modular Buildings Construction Act of 1976. Modular residential construction shall be included in the Residential Detached or Residential Attached activity types, as appropriate. A Mobile Home may or may not be permanently attached to the ground, and its transport features may or may not be removed.
- (a) **Doublewide Mobile Home:** A doublewide mobile home is a mobile home with two or more units separately towable, but designed to be joined into one integral unit at the site.
- (b) **Expandable Mobile Home:** An expandable mobile home is a mobile home with one or more sections that fold, collapse or telescope into the principal unit when being transported and which can expanded at the site to provide additional living area.
- 201.84. Mobile Home Park:** A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes, and which includes buildings, structures, vehicles, or enclosures used or intended to be used as a part of such mobile home park. Sales or storage of unoccupied mobile homes are not considered mobile home parks.
- 201.85. Modular Building Unit:** A building including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site. This term is not to be limited to residential buildings. The definition of modular building unit does not include mobile, manufactured, or modular homes.
- 201.86. Modular Home:** A structure intended for residential use and manufactured off-site in accord with the Southern Building Code and BOCA Basic Building Code, as defined within the South Carolina Modular Buildings Construction Act of 1976. Modular residential construction shall be included in the Residential Detached or Residential Attached activity types, as appropriate.

- 201.87. Reserved**
- 201.88. Reserved**
- 201.89. Motel:** An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.
- 201.90. Natural Reserves** and undeveloped open spaces include parks with minimum equipment, botanical gardens and arboretums, golf courses (except for the buildings which are to be assigned specific activity types based on use), and the like.
- 201.91. Non-Assembly Cultural:** Activities include public, parochial and private museums, art galleries, libraries, and observatories.
- 201.92. Nonconforming:** A term applied to lots, structures, uses of land or structures, and characteristics of use of land or structures which were lawful before the passage or amendment of this ordinance, but which are prohibited by this ordinance or which are not in compliance with the requirements of this ordinance.
- 201.93. Nursery:** Land or greenhouses used to raise flowers, shrubs, and plants for sale.
- 201.94. Nursing Homes,** convalescent homes, convalescent hospitals and clinics.
- 201.95. Off-Street Parking Space:** A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located in a dedicated street right-of-way.
- 201.96. Off-Street Loading:** The area required to load or unload goods or other material plus the necessary driveways and maneuvering area.
- 201.97. Outdoor Storage:** The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.
- 201.98. Parcel:** A lot or contiguous lots under the same ownership.
- 201.99. Parking Area:** Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, private driveways, and legally designated areas of public streets.

- 201.100. Personal Services:** Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Personal services usually include: laundry, including cleaning and pressing services; linen supply; diaper service; beauty shops; barbershops; shoe repair; steam baths; reducing salons and health clubs, clothing rental; locker rental; porter service, and domestic services.
- 201.101. Pharmacy:** A place where drugs and medicines are prepared and dispensed.
- 201.102. Place of Worship:** See churches.
- 201.103. Planned Development District:** An area of a minimum contiguous size, as specified by in section to be planned, developed, operated, and maintained as a single entity and containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such ranges or ratios of nonresidential uses to residential uses as specified in Section 506.
- 201.104. Planning Commission or Commission:** The Town of Ridgeway Planning Commission.
- 201.105. Plant Nurseries:** Include the cultivation, for sale, of horticultural specialties such as flowers shrubs, trees, and bushes intended for ornamental or landscaping purposes.
- 201.106. Planting Strip or Area:** Ground service free of paved material which is reserved for landscaping purposes.
- 201.107. Porch:** A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building.
- 201.108. Power Plants (Non-atomic).**
- 201.109. Principal Structure:** A structure (or building) having significant or primary use and justifying its own utilization (such as a dwelling or office building) as contrasted to accessory structures which are incidental or subordinate to primary structures and do not alone justify their utilization (such as a tool shed or auto garage used in conjunction with a dwelling). Certain structures may be either principal or accessory depending upon utilization, such as a parking garage as an accessory structure to a high rise apartment or as a principal structure when operated commercially in a business area.

- 201.110. Principal Use:** The significant or primary activity carried out within a structure or upon land (such as retail sales within a store or occupancy of a dwelling unit as a residence) as contrasted to accessory uses which are incidental or subordinate to primary uses (such as sale of soft drinks at an automobile service station). Certain uses may be either principal or accessory depending upon their relationship with other uses, as for example, a newsstand as an accessory use within a hotel lobby or as a principal use within a separate structure.
- 201.111. Professional Services:** Include those functions performed by recognized professionals such as lawyers, architects, engineers, CPA's, private instructors with less than 30 students at one time, real estate brokers, and the like.
- 201.112. Property Owner:** The legal or beneficial owner or owners of all the land proposed to be included in a development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than 50 years in duration, or other person having an enforceable proprietary interest may be considered a "property owner" for the purposes of this Ordinance.
- 201.113. Protected Property:** Property which is protected for the impacts of land uses upon surrounding properties by means of specified buffering restrictions and performance standards.
- 201.114. Protected Property Line:** A property boundary or portion for the impacts of land uses upon surrounding properties by means of specified buffering restrictions and performance standards.
- 201.115. Reserved.**
- 201.116. Radioactive Materials Handling:** Includes the use, in any way, of significant amounts of such material incorporated into activities of scientific measurement or diagnostic practice shall not be included in this classification.
- 201.117. Radio and Television Broadcasting Station:** An establishment engaged in transmitting oral and visual programs to the public and that consists of a studio, transmitter and antennas.
- 201.118. Railroad Yard:** An open area for the storage and repair of trains.
- 201.119. Recreation Facility:** A place designed and equipped for the conduct of sports and leisure-time activities.
- 201.119a. Recreation Facility, Commercial:** A recreational facility operated as a business and open to the public for a fee.

- 201.119b. Recreation Facility, Personal:** A recreational facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests.
- 201.119c. Recreation Facility, Private:** A recreational facility operated by a nonprofit organization and open only to bona fide members and guests of such nonprofit organization.
- 201.119d. Recreation Facility, Public:** A recreational facility open to the general public.
- 201.120. Recreational Vehicle:** A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.
- 201.121. Reserved.**
- 201.122. Reserved.**
- 201.123. Reserved.**
- 201.124. Recycling Collection Point:** An incidental use that serves as a neighborhood drop-off point for temporary storage of recyclables.
- 201.125. Research Services:** These are research activities of a scientific or industrial nature which are offered as an independent service and do not include medical testing and analysis and routine product testing.
- 201.126. Residence:** A building or part of a building containing one or more dwelling units, including mobile homes and manufactured housing. Mobile home parks and group housing activities are considered residential activities within the body of this Ordinance. However, residences do not include transient habitation, detention centers, nursing homes, and hospitals.
- 201.127. Residential Attached:** Two or more dwelling units in a single structure.
- 201.128. Residential Detached:** A single dwelling unit in a single structure which is surrounded by yards or other open areas. (amd 5/9/13)

- 201.129. Residential Use:** Pertaining to a residence. An attached garage is considered a residential use, whereas a detached garage is considered an accessory use. In a mixed building, that part of the structure used for non-residential purposes is not considered a residential use.
- 201.130. Restaurant:** An establishment where food and drink are prepared, served and consumed primarily within the principal building.
- 201.131. Restaurant, Drive-Thru:** An establishment where food and/or beverages are sold in a form ready for consumption, where all or significant portion of consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pickup of food may take place from and automobile.
- 201.132. Retail Sales:** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.
- 201.133. Retail Sales, Outdoor:** The display and sale of products and services primarily outside of a building or structure, including vehicle, garden supplies, gas, tires and motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscaping materials, and lumber yards.
- 201.134. Right-Of-Way Plan:** A plan adopted by the Ridgeway Planning Commission which defines and designates the various categories or roads within Ridgeway according to potential right-of-way needs.
- 201.135. Satellite Dish:** A parabolic or dish-shaped antenna or other apparatus or device that is designed for the purpose of receiving radio waves.
- 201.136. Scrap Operations:** Including the storage or sale of used or waste material or other items except when such activities are incidental to a manufacturing operation. Scrap operations do not include recycling centers which are only collection points for reusable materials.
- 201.137. Setback:** The setback is the distance between a principal structure and the right-of-way and adjoining property line. See Article 6 for setbacks from rights-of-way and adjoining property for various defined uses. The setback (distance measurement) for structures from a right-of-way line on a cul-de-sac is determined by measuring the distance from the cord of the arc created by drawing a straight line between the front corners of the lot ending at the right-of-way.

- 201.138. Shopping Center:** A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.
- 201.139. Shopping Mall:** A shopping center with stores on both sides of an enclosed or open pedestrian walkway.
- 201.140. Sign:** An structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark or other representation used as or in the nature of an announcement, advertisement, direction or designation of any person, group, organization, place, commodity, product, service, business, profession, enterprise or industry which is located upon any land any building.
- 201.141. Sign Area:** The entire face of a sign and all wall work including illuminated tubing incidental to its decoration. In the case of an open sign made of individual letters, figures, or designs attached directly to the building, the space between such letters, figures or designs shall not be included as part of the sign area.
- 201.142. Sign, Permanent:** Any sign attached securely to a building, roof, wall, or canopy or the ground by means of concrete, bolts, metal braces or treated wood or cedar, and continuing in the same state or without essential change to the sign structure.
- 201.143. Reserved.**
- 201.144. Sign, Temporary:** A display, informational sign, banner, or other advertisement device with or without a structural frame, not permanently attached to a building, structure or the ground and intended for a period of display not exceeding a total of forty-five (45) days per calendar year, and no more than three (3), fifteen (15) day periods, including but not limited to portable signs, outside accessory, temporary window or display case signs, and decorative displays for holidays, Garage sale signs are included.
- 201.145. Sign, Wall:** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve inches from such building or structure.



- 201.146. Sign, Off-Premises:** Any sign which relates in its subject matter to products, accommodations, services, or activities sold or offered elsewhere than upon the premises on which the sign is located. Off-site signs include, but are not limited to those signs commonly referred to as outdoor advertising signs, billboards, or poster boards.
- 201.147. Special Exception:** A use granted by the Board of Zoning Appeals after a public hearing and a finding by the board that the use meets the specified conditions.
- 201.148. Street:** A public thoroughfare designed to provide the principal means of access to abutting property, or designed to serve as a roadway for vehicular travel, or both, but excluding alleys.
- 201.149. Structure:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground, including for purposes of this ordinance, mobile homes, travel trailers, signs, mobile signs, swimming pools, satellite dish antennae, and portable signs, but excluding from definition as structures minor landscaping features such as ornamental pools, planting boxes, bird baths, paved surfaces, walkways, driveways, recreational equipment, flagpoles, and mailboxes and fence no higher than 4 feet from the lot surface.
- 201.150. Stud Farm:** A farm where a stallion stands at stud and mares are bred to him, and where breeding, pasturing and foaling take place.
- 201.151. Supermarket:** A retail establishment primarily selling food as well as other convenience and household goods.
- 201.152. Travel or Camping Vehicle:** (See Recreational Vehicle)
- 201.153. Transport and Warehousing (Limited):** Activities including the operation of warehousing and storage, freight handling, and shipping services wherein the total storage area is less than 5,000 square feet.
- 201.154. Transport and Warehousing (Extensive):** Activities including the operation of warehousing and storage, freight handling, and shipping services wherein the total storage area exceeds 5,000 square feet.
- 201.155. Transport Services:** Including taxi services, non-emergency medical transport services, etc.

- 201.156. Truck Stop:** Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews.
- 201.157. Truck Terminal:** An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.
- 201.158. Veterinary Hospital:** A place where animals are given medical care and the boarding of animals is limited to short-term care and incidental to the hospital use.
- 201.159. Video Game Establishment:** An establishment owned or managed by a person which is subject to the provisions of the S.C. Code of Laws, as amended, for the location of coin-operated, video game machines with a free play feature.
- 201.160. Video Game Machine:** An electronic or computerized amusement and arcade machine, device, or table upon insertion of cash, or thing of value is available to play or simulate the play of games as authorized by the Department of Revenue using a video display and microprocessors in which the player may receive free games, credits, or something of value that can be redeemed for cash or something of value.
- 201.161. Video Machine Owner:** Any person who maintains for use or permits the use of a video game machine in any video game establishment occupied by him.
- 201.162. Warehouse:** A building used primarily for the storage of goods and materials.
- 201.163. Yard:** An open or unoccupied space on the same lot with a principal building and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

- 201.164. Yard, Rear:** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building.
- 201.165. Yard, Front:** A space extending the full width of the lot between any building and the front line and measured perpendicular to the building at the closest point to the front lot line.
- 201.166. Yard, Required:** The open space between a lot line and the yard line with which no structure shall be located except as provided in the zoning ordinance.
- 201.167. Yard, Side:** An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line and extending from the front yard to the rear yard. Any lot line not a rear or a front line shall be deemed a sideline.
- 201.168. Zone:** Same as “District” and means one of any number of continuous and contiguous geographic areas within which the provisions and regulations of this ordinance apply uniformly to each class or kind of structure or land.
- 201.169. Zoo:** A place where animals are kept, often in combination of indoor and outdoor spaces, and are viewed by the public.

**ARTICLE 3  
ESTABLISHMENT OF DISTRICTS  
AND ZONING MAP**

**300. ESTABLISHMENT OF DISTRICTS**

For the purpose of this ordinance, the Town of Ridgeway is hereby divided into the following districts:

Residential Districts

R-1 Single Family Residential District

R-2 General Residential District

Commercial Districts

C-1 Downtown Commercial District

C-2 General Commercial District

Industrial District

I-1 General Industrial District

Development District

D-1 Development District

**301. DISTRICT BOUNDARIES ESTABLISHED BY ZONING MAP**

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

**302. OFFICIAL ZONING MAP**

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

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

No change of any nature shall be made on the official zoning map or other matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punished as provided by law.

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map maintained in the office of the zoning administrator plus official records of the town clerk regarding actions of town council to amend district boundaries shall constitute the only official description of the location of zoning district boundaries, and persons having recourse to this ordinance for any purpose are hereby so notified.

**303. INTERPRETATION OF DISTRICT BOUNDARIES**

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

**303.1. Map Symbols**

A district or letter number combination on the official zoning map showing that the regulations pertaining to the district so designated extend throughout the whole area bounded by the district boundary line within which the designation appears.

**303.2. Where boundaries approximately Follow Man-Made or Natural Features**

District boundaries indicated as approximately following

- (1) the center line of streets, highways, or alleys;
- (2) platted lot lines;
- (3) town limits
- (4) railroad lines, or
- (5) the center lines of stream beds or other bodies of water

shall be construed to follow said features.

**303.3 Where Boundaries Approximately parallel or are Extensions of Above Features**

District boundaries indicated as approximately parallel to or extensions of features listed in Section 203.2 shall be so construed and at such distances therefrom as indicated on the official zoning map. Distances not specifically indicated on the official zoning may shall be determined by the scale of the map.

**304. REGULATIONS REGARDED AS A MINIMUM**

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

**305. ZONING AFFECTS ALL LANDS, BUILDINGS AND STRUCTURES**

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

**306. ZONING AFFECTS POPULATION DENSITY, LOT COVERAGE, YARDS AND OPEN SPACES**

No Building or other structure shall hereafter be created or altered.

- (1) to accommodate or house a greater number of families than permitted;
- (2) to occupy a greater percentage of lot area than permitted; or
- (3) to leave a narrower or smaller rear yard, front yard, side yard, or other open space.

Than required herein,

**307. YARD OR OPEN SPACE, OFF-STREET PARKING OR LOADING SPACE REQUIREMENTS FOR ONE BUILDING NOT TO BE INCLUDED AS SUCH REQUIREMENTS FOR ANY OTHER BUILDING**

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

**308. REDUCTION OF LOT AREA PROHIBITED**

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

**309. RIGHTS-OF-WAY TO BE CONSIDERED A PART OF LOT OR OPEN SPACE**

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

**ARTICLE 4**  
**GENERAL PROVISIONS**

**400. NONCONFORMITIES**

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

**400.1. Registration of Nonconforming Uses**

After the effective date of adoption or amendment of this ordinance by which a commercial or industrial use becomes a nonconforming use, the zoning administrator shall notify by registered mail the owner, of both the land on which and the structure in which the nonconforming use is located. The notice shall inform the receiver that he is required to register such nonconforming use with the zoning administrator. The required registration shall be made by the owner within three months after notice has been received. Registration statements shall contain such information s may be required by the zoning administrator. At any time after registration, the registration statement shall be amended to indicate change of ownership. The acceptance by the zoning administrator of a registration statement shall not constitute authorization to operate an unlawful use.

**400.2. Continuance of Nonconforming Uses, Structures, or Characteristics of Use**

400.2.1 Change to Another Nonconforming Use. A nonconforming use, structure, or characteristic of use shall not be changed to any other nonconforming use, structure or characteristic of use, unless the Board of Zoning Appeals finds that the new use, structure or characteristic of use is more in character with the uses permitted in the district, in which case the Board of Zoning Appeals may permit such change as a special exception. In permitting such change, Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the purpose of this ordinance.

400.2.2 Reconstruction. A nonconforming structure shall not be demolished or removed and rebuilt or replaced as a nonconforming structure.

400.2.3 Extension or Enlargement. A nonconforming use, structure, or characteristic of use shall not be extended, enlarged, or intensified except in Conformity with this ordinance, provided however, that any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this

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

400.2.4. Reestablishment. A nonconforming use or characteristic of use shall not be reestablished after vacancy, abandonment, or discontinuance for any period of twelve (12) months, except where Section 400.2.5 applies.

400.2.5. Reconstruction After Damage. A nonconforming structure shall not be rebuilt, altered or repaired except in conformity with this ordinance after being damaged in excess of fifty (50) percent of the replacement cost of the structure at the time of damage, provided that any permitted reconstruction shall be completed within twelve (12) months from the time of damage. The provisions of this subsection shall not apply to any owner occupied dwelling.

400.2.6. Repair or Maintenance of Nonconforming Structures. On any building devoted in whole or in part to any nonconformities, work may be done on ordinary repairs or on repair or replacement of non bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

### **400.3. Nonconforming Lots of Record**

400.3.1. Single Lots. 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 at the effective date of adoption or amendment of this ordinance, so long as a single family dwelling is a permitted use in that district. Such a lot must be in separate ownership and not of continuous frontage with other lots in the same ownership at the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area width, or both, shall conform to the regulations for the district in which a lot is located.

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



The land or lots in one ownership shall be subject to the requirements of this ordinance.

**401. LOTS IN MULTIPLE DISTRICTS**

Where a district boundary line as appearing on the official zoning map divides a lot in single ownership at the time of adoption of this ordinance or subsequent amendment into single ownership at the time of adoption of this ordinance or subsequent amendment into two or more different zoning districts, the district least restrictive in the opinion of the owner shall be deemed to apply to the whole thereof, provided however, that in no case shall a zoning district boundary line dividing said lot be extended into any zoning district in excess of one hundred (100) feet beyond the district boundary line dividing said lot.

**402. ACCESSIBILITY FOR FIRE PROTECTION**

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

**403. ONE PRINCIPAL STRUCTURE PER LOT**

No more than one principal building and its customary accessory buildings may hereafter be erected on any residential lot, except as otherwise provided by this ordinance.

**404. ANNEXATION**

When annexation is accomplished the annexed area shall be classified D-1, with such zoning district classification effective upon the effective date of the zoning annexation. Immediately after the effective date of such annexation, the administrator shall initiate zoning amendment proceedings as specified in Article 10 for the purposes of establishing appropriate zoning classifications for such annexed areas, and the public hearing therefore shall be scheduled to be held not more than sixty (60) days after the effective date of annexation.

**405. PRIOR BUILDING PERMITS**

Nothing herein contained shall require any change in the plans, construction, or designated use of a structure for which a building permit has been heretofore legally issued and the construction of which shall have actually begun within ninety (90) days of the date of the permit and which entire structure shall be completed, according to such plans as are filed within two years after the effective date of this ordinance.

**406. SPECIAL EXCEPTIONS**

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

Such uses may expand without a public hearing or Board of Zoning Appeals approval provided no additional property is acquired to accommodate the expansion, and further

provided that such expansion conforms to other pertinent provisions of this ordinance.

**407. PROHIBITED USES**

Any use which is not expressly permitted in a district shall be prohibited.

**ARTICLE 5  
DISTRICT REGULATIONS**

<b>ACTIVITIES</b>	<b>ZONING DISTRICT</b>						
	<b>D-1</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>	<b>PD</b>
Administrative Offices	n	n	n	p	p	p	p
Adult Day Care	n	n	s	p	s	n	s
Airports	n	n	n	n	n	p	s
Automobile Sales	n	n	n	n	p	p	n
Automobile Service Stations	n	n	n	n	p	p	p
Automobile Wash	n	n	n	n	p	p	p
Bed and Breakfast	n	s	s	p	p	n	p
Boarding House	n	s	s	p	p	n	p
Bus Terminals	n	n	n	n	p	p	n
Business Services	n	n	n	p	p	p	s
Cemeteries	s	s	s	p	p	p	s
Child Day Care	n	n	s	p	s	s	s
Churches, Temples, Etc.	p	p	p	p	p	p	p
Club, Lodge, Civic or Fraternal Organization	s	s	s	p	p	p	s
Cluster Housing Developments	n	s	c	n	n	n	p
Communication Towers	c	s	s	s	s	c	s
Community Education	s	s	s	p	p	p	p
Community Service Center	s	s	s	p	p	p	p
Construction Services	n	n	n	n	s	p	s
Convenience Stores	n	n	n	c	c	p	p
Crop and Animal Raising	p	n	n	n	n	n	s
Detention Centers	n	n	n	n	n	c	n
Distribution Center	n	n	n	n	n	p	n
Drinking Establishment	n	n	n	n	c	n	c
Drugstore and Pharmacy	n	n	n	c	c	p	p
Flea Market	n	n	n	n	n	p	n
Funeral Home	n	n	n	s	p	p	s
Group Commercial Developments	n	n	n	c	c	c	p
Group Industrial Developments	n	n	n	n	n	c	n
Group Housing Developments	p	n	p	s	n	n	p
High Rise Structures	n	n	n	n	n	n	n
Hospitals	n	n	n	p	p	p	s
Hotel	n	n	n	p	p	s	s
In-home Child Day Care	s	s	s	s	n	n	s
Junkyard	n	n	n	n	n	p	n
Kennel	p	n	n	n	n	p	p

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

\*(amd 5/9/13)

**ZONING DISTRICT**

<b>ACTIVITIES</b>	<b>D-1</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>	<b>PD</b>
Schools, Public or Private	s	p	p	p	s	n	p
Scrap Operations	n	n	n	n	n	p	n
Sexually Oriented Businesses	n	n	n	n	n	c	n
Shopping Center	n	n	n	n	p	n	s
Shopping Mall	n	n	n	n	p	n	s
Stud Farm	p	n	n	n	n	n	n
Supermarket	n	n	n	n	p	n	s
Transport Services	n	n	n	n	s	p	n
Truck Terminals	n	n	n	n	n	p	n
Truck Stop	n	n	n	n	s	p	n
Veterinarian	s	n	n	s	p	p	n
Video Game Establishments	n	n	n	n	n	c	n
Video Stores	n	n	n	p	p	n	p
Warehouse	n	n	n	n	n	p	n
Zoos	s	n	n	n	n	p	s

N=Not Permitted

P=Permitted

S=Permitted with Special Exceptions

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

See specific district sections for permitted accessory uses and structures.

**500. R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

**500.1. Purpose**

To establish low density residential districts and to protect property in the district from the depreciating effects of incompatible land uses.

**500.2. Permitted Uses**

See Chart.

### **500.3. Permitted Accessory Uses and Structures**

- (1) Sheds, storage buildings, private garages, parking lots and similar noncommercial structures and uses in connection with any permitted principal or conditional uses.
- (2) Noncommercial greenhouses and plant nurseries, private garages, garden sheds, tool houses, and the like.
- (3) Home occupations subject to the provisions of Section 612.
- (4) Signs, subject to the provisions of Section 611,
- (5) Satellite dish antennae, subject to the provisions of Section 618.
- (6) Swimming pools, provided that those built after the adoption of this ordinance must have 5 foot tall fences surrounding the pool area.
- (7) Solar energy systems.

### **500.4 Special Exceptions**

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

See chart.

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

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

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

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

- a) The proposed use of the property will not adversely affect the immediate neighborhood;
- b) The proposed use of the property will not create noise, light, or traffic conditions detrimental to the neighboring residents or properties;

- c) No exterior alterations or additions other than those necessary to assure safety of the structure (provided they would not damage the National Register status) shall be made to any building for the purpose of providing a bed and breakfast inn;
- d) Meals, if provided, may be served only to overnight guests;
- e) No more than five (5) bedrooms in a residence may be rented for this purpose and the number of rooms must be specified in the request and in the permit.
- f) The resident owner shall keep a current guest register to include names, addresses, and dates of occupancy of all guests;
- g) The resident owner shall comply with all tax, business license and revenue collection ordinances of the Town of Ridgeway and the State of South Carolina, any necessary health certificates and applicable DHEC regulations, and all applicable Fairfield County building codes;
- h) The resident owner shall provide one (1) off-street parking space for each room to be let in addition to requirements for a single-resident family pursuant to Section 600.1.(11);
- i) The principal use of any structure shall be residential;
- j) No on-site advertising will be permitted other than one sign no larger than six (6) square feet stating the name and/or number of the residence (pursuant to Section 611.6);
- k) Use must be specifically requested and may be granted by the Board of Zoning Appeals after review of all facts and public hearing.

## **500. R-2 GENERAL RESIDENTIAL DISTRICT**

### **501.1. Purpose**

To permit the compatible existence of all residential land uses and to protect property in the district from the depreciating effects of incompatible land uses.

### **501.2. Permitted Uses**

See Chart.

### **501.3. Permitted Accessory Uses and Structures**

- (1) Sheds, storage buildings, private garages, parking lots, and similar noncommercial structures and uses in connection with any permitted principle or conditional uses.
- (2) Noncommercial greenhouses and plant nurseries, private garages, garden sheds, tool houses, the like.
- (3) Home occupations subject to the provisions of Section 612.
- (4) Central laundry, recreation facilities, community buildings, or sanitation facilities accessory, apartment complex, or other group housing development.

- (5) Signs, subject to the provisions of Section 611.
- (6) Satellite dish antennae, subject to the provisions of Section 618.
- (7) Swimming pools, *provided that those built after the adoption of this ordinance must has a 5 foot tall fence surrounding the pool area.*
- (8) Other structures and uses which:
  - a. are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;
  - b. do not involve the conduct of trade on the premises and are located on the same lot as the permitted principal uses or structures or on a contiguous lot in the same ownership.
  - c. are located on the same lot as the permitted principal uses or structures or on a contiguous lot in the same ownership.

**501.4. Special Exceptions**

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

See Chart.

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

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

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

**502. C-1 DOWNTOWN COMMERCIAL DISTRICT**

**502.1. Purpose**

To provide for the orderly development and redevelopment of districts for commercial and related uses.

**502.2. Permitted Uses.**

See Chart.



### **502.3. Permitted Accessory Uses and Structures**

- (1) Noncommercial greenhouses and plant nurseries, private garages, garden sheds, tool houses, and the like.
- (2) Private swimming pools, *provided that all swimming pools installed after the adoption of this ordinance must have a 5 foot fence surrounding the pool area.*
- (3) Home occupations subject to the provisions of Section 612.
- (4) Other structures and uses which:
  - (a) Are customarily accessory and clearly incidental and subordinate to permitted principal or conditional uses and structures.
  - (b) Are located on the same lot as the permitted use or structure.
  - (c) Do not involve operations not in keeping with the character of the area or the purpose of the district.
- (5) Satellite dish antennae, subject to the provisions of Section 618.
- (6) Solar energy systems.

### **502.4. Special Exceptions**

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

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

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

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

### **502.5. Permitted Conditional Uses and Structures**

- (1) Convenience Stores,
  - a. *provided that the gross floor area is less than 1,500 square feet;*
  - b. *there are no gas pumps;*
  - c. *establishments adjacent to residentially zone property are closed between the hours of 11:00 p.m. and 6:00 a.m.*

- (2) Drugstore and pharmacies
  - a. *provided that the gross floor area is less than 1,500 square feet;*
  - b. *establishments adjacent to residentially zone property are closed between the hours of 11:00 p.m. and 6:00 a.m.*
- (3) Retail sales establishments, *limited to 5,000 square feet or less*

**503. C-2 GENERAL COMMERCIAL DISTRICT.**

**503.1. Purpose**

To provide for the orderly development and redevelopment of districts for commercial and related uses.

**503.2. Permitted Uses**

See Chart.

**503.3. Permitted Accessory Uses and Structures**

- (1) Other structures and uses which:
  - a. Are customarily accessory and clearly incidental and subordinate to permitted principal or conditional uses and structures.
  - b. Are located on the same lot as the permitted use or structure.
  - c. Do not involve operations not in keeping with the character of the area or the purpose of the district.
- (2) Satellite dish antennae subject to the provisions of Section 618.
- (3) Solar energy systems.

**503.4. Special Exceptions**

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

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

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

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

**503.5. Permitted Conditional Uses and Structures**

- (1) Group commercial Developments, *subject to the provisions of Section 613.*
- (2) Public Drinking Establishments, *subject to the following provisions:*
  - a. *Lots used as public drinking places shall not be located closer than four hundred (400) feet from any other lot used as a public drinking establishment and shall not be closer than six hundred (600) feet from any lot which contains a school, place of worship, or park.*
  - b. *The establishment shall be closed between the hours of 11:00 p.m. and 11:00 a.m. when located adjacent to a residential zone.*
  - c. *One off street parking space shall be provided for each 50 square feet of gross floor area for public use.*

**504. I-1 GENERAL INDUSTRIAL DISTRICT**

**504.1. Purpose**

To provide an area in which the principal uses of land shall be those industrial uses which do not create excessive noise, odors, smoke, do not possess other objectionable characteristics, and which do not have an undue detrimental effect upon adjoining properties; to create and protect efficient industrial areas; to provide a proper relationship between industrial areas and adjoining land uses; to assure the careful design, placement and grouping of industrial uses; and for other purposes.

**504.2. Permitted Uses**

See Chart.

**504.3. Permitted Accessory Uses and Structures**

- (1) Other structures and uses which:
  - a. Are customarily accessory and clearly incidental and subordinate to permitted principal or conditional uses and structures.
  - b. Are located on the same lot as the permitted use or structure.
  - c. Do not involve operations not in keeping with the character of the area or the purpose of the district.

- (1) Satellite dish antennae subject to the provisions of Section 618.
- (2) Solar energy systems.

#### **504.4. Special Exceptions**

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

See Chart.

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

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

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

#### **504.5. Permitted Conditional Uses and Structures**

- (1) Communication Towers, *subject to the provisions of Section 617.*
- (2) Group Industrial Developments, *subject to the provisions of Section 613.*
- (3) Video game establishments, *subject to the provisions of Section 616.*
- (4) Sexually oriented businesses, *subject to the provisions of Section 615.*

### **505. D-1 DEVELOPMENT DISTRICT**

#### **505.1. Purpose**

To provide for large tracts of land located primarily on the fringe of urban growth where the predominant character of urban development has not yet been fully established, but where the current characteristics of use are predominantly agricultural, residential, or semi-developed with scattered related uses. Future demand for developable land will generate requests for amendments in zone designations to remove land from the D-1 classification and place it into less restrictive classifications as a natural consequence of urban expansion.

**505.2. Permitted Uses**

See Chart.

**505.3. Permitted Accessory Uses and Structures**

- (1) Dwelling units in connection with permitted or permissible uses or structures, located within the principal structure.
- (2) Other structures and uses which:
  - a. Are customarily accessory and clearly incidental and subordinate to permitted principal or conditional uses and structures.
  - b. Are located on the same lot as the permitted use or structure.
  - c. Do not involve operations not in keeping with the character of the area or the purpose of the district.
- (3) Satellite dish antennae, subject to the provisions of Section 618.
- (4) Solar energy systems.

**505.4. Special Exceptions**

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

See Chart.

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

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

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

**505.5. Permitted Conditional Uses and Structures**

- (1) Communication Towers, *subject to the provisions of Section 617.*

**505.6. Dimensional Requirements**

- (1) Minimum lot area: 40,000 square feet.
- (2) Minimum lot width: 150 feet.

**506. DESIGN OVERLAY DISTRICTS**

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

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

**506.1. Architectural Design Review Guidelines**

The Architectural compatibility and aesthetic harmony of structures located along designated thoroughfares, defined as “Design Overlay Districts,” are of critical importance in protecting and promoting the appearance, character, and economic value of land, in addition to protecting the public from the impact of adverse visual experiences. The intent of the architectural review process is to assure respect for the character, integrity, and quality of the built and natural environments of the Town of Ridgeway. It is not intended to stifle innovative architecture.

- (A) Proposed development shall avoid excessive or unsightly grading indiscriminate earth moving or clearing, and removal of trees and vegetation which could cause disruption of natural water courses or disfigure natural land forms.
- (B) Proposed development shall be located and configured in a visually harmonious manner with the terrain and vegetation of the subject parcel and with that of adjacent parcels. Proposed structures shall be designed in visual harmony with existing structures as well.
- (C) Where it is reasonably practical, proposed structures shall not impede scenic views from the main road, from existing structures, or from natural settings.
- (D) Proposed structures will contribute to the establishment of the image of the Town of Ridgeway as unique place of visual character, integrity, and quality.

- (E) Although maximum lot coverage and height restrictions, and special site requirements defined for particular zoning categories in the Ridgeway Zoning Ordinance shall be preserved, proposed structures shall not dominate, in an incompatible manner, an adjacent building, nor surrounding general development, which is substantially in compliance with this article.
- (F) There shall be an overall maximum 35 foot front setback along the street right-of-way. Emphasis shall be placed on maintaining prevailing setbacks of existing structures on the block. No new structures shall have smaller setbacks from the street than adjacent structures do.
- (G) In reviewing a proposed structure, specific consideration shall be given to its compatibility with adjacent structures where such structures are substantially in compliance with these sections.
- (H) Materials shall be compatible with other permitted visible materials already in use in nearby areas of the Design Overlay District. Use of low maintenance materials is encouraged, such as brick, glass, and aluminum storefront materials. In pedestrian oriented areas, non-reflective, non-mirror glass should be used.
- (I) Materials shall express their function clearly and honestly and shall not appear as materials which are foreign to the character of the rest of the building. For example, on a façade, materials that appear heavy, such as brick, shall not be used above materials that appear light, such as wood.
- (J) Entrances should receive architectural emphasis with at least one primary entrance of structures fronting the street shall be oriented toward the road. Walkways shall be provided between the building entrance and the sidewalk, and shall be as wide as the entrance they lead to.
- (K) All elevations of a structure shall be architecturally harmonious with the front elevation and one another in terms of scale, proportion, detail, material, color, and high design quality, especially when those side or rear elevations are most often viewed by the public. Rooflines and architectural detailing shall present a consistency in design.
- (L) Any building exterior elevation shall consist of architectural materials which are equal in quality, appearance, and detail to all other exterior elevations of the same structure. Nothing in this section shall preclude the use of different materials on different exterior elevations of the same structure so long as those materials maintain the architectural unity and integrity of the entire structure.

- (M)** Color combinations of paints or stains shall be harmonious.
- (N)** All structures within a proposed development, including gasoline canopies, shall utilize a uniform architectural theme and shall be designed to create a harmonious whole. It is not to be inferred that buildings must look alike to achieve a harmony of design. Harmony of design can be created through proper considerations of scale, proportion, detail, materials, color site planning, and landscaping.
- (O)** The scale of buildings and accessory structures (including canopies) shall be appropriate to the scale of structures located in the adjacent area. Canopies designed as domineering or overpowering architectural features are strongly discouraged.
- (P)** The architectural design and material finish of buildings, signage, gasoline pump canopies, and other necessary structures shall be compatible with one another and with adjacent structures where such structures are substantially in compliance with these sections.
- (Q)** Mechanical equipment, whether ground level, raised, or roof-top, shall be shielded and screened from public view, and designed to be perceived as an integral part of the building.
- (R)** Loading areas may be oriented toward adjoining developed properties which are commercially zoned or toward adjoining properties eligible for future commercial development if and only if they are entirely screened from view by the use of fencing which is compatible with the overall architectural scheme of the project and/or are appropriately landscaped.
- (S)** Signs shall comply with the Ridgeway sign ordinance and shall maintain compatibility with the architectural features of the structure.
- (T)** Buildings must be maintained in a neat, clean, and orderly fashion. Paint on painted surfaces must be fresh and unpainted surfaces must be kept clean. The Board of Architectural Review shall assure that properties are maintained in accordance with the spirit and intent of this ordinance.



## **506.2. Landscaping Design Review Guidelines**

The purpose and intent of landscaping requirements is to reduce the visibility of paved areas from adjacent properties and streets, moderate climatic effects, minimize noise and glare, and enhance public safety by defining spaces to influence traffic movement. Landscaping will reduce the amount of storm water runoff and provide transition between neighboring properties.

- (A) Emphasis shall be placed upon landscaping as a means of achieving beauty in the community. It will be required on all projects, and in some areas it will be the primary tool available.
- (B) Landscape design and planning shall be integrated with the overall project design concept and shall not be considered as merely an afterthought. Toward this end, proposed landscaping will be evaluated in relation to existing natural landscape, and to developed and proposed landscaping, including that existing on adjacent properties and street rights-of-way, and in relation to buildings existing or proposed.
- (C) Each approved application for development shall provide a minimum visual buffer between the development and the right-of-way line of the subject roadway, between all proposed structures and parking areas, and between neighboring developments in accordance with the landscaping requirements of the Ridgeway Zoning Ordinance. The purpose of the minimum visual buffer is to soften the appearance of structures and parking lots from the road, to screen vehicular headlight glare on and off site, to lessen spillover light from onsite lighting, and to enhance the aesthetics of the site.
- (D) Landscaping shall be required between buildings and sidewalks, and parking lots and driveways. The scale of the proposed landscaping shall be in proportion to be building.
- (E) Shrubbery between buildings and the sidewalk and parking lots and the sidewalk shall not exceed three feet in height. Planting beds of less than 10 feet in depth shall use mulch or other ground cover instead of grass.
- (F) Landscaping includes not only trees and plantings, but paving, benches, fountains, exterior lighting fixtures, fences, and any other item of exterior furniture. All items of the landscape are to be selected not only for their functional value but for their aesthetic value, and must compliment the whole.

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

**507. PDD – PLANNED DEVELOPMENT DISTRICT**

**507.1. Intent:** The intent of planned development districts (also called planned unit developments) is to derive the benefits of efficiency, economy, and flexibility by encouraging unified development of large sites, while also obtaining the advantage of creative site design, improved appearance, compatibility of uses, optimum service by community facilities, and better functioning of vehicular access and circulation. It is the intent of this Ordinance to allow development of large sites subject to specific regulations concerning permitted uses, but only subject to regulations concerning lot area, building coverage, yard spaces, and building height in so far as the Town Council shall deem appropriate to fulfill the intent of this ordinance, upon presentation of certification from the owners, developers, or other parties at interest in the development of such sites that they will adhere to development policies which will fulfill the intent of this Ordinance.

**507.2. Types of Planned Development Districts:** Three types of planned development districts accommodating primarily residential or nonresidential uses are created as follows:

**(1) PD-R Planned Development – Residential:**

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

**(2) PD-C Planned Development – Commercial:**

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

**(3) PD-M Planned Development – Mixed Use:**

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

**Intent:** The types of residential dwelling units, and the types of non-residential uses allowed to be established in such districts increase with the increasing site size of such districts, based upon the premise that increased site size will allow proper design including functional interrelations, buffer treatments separating uses with potentially incompatible characteristics of uses within such planned development districts with uses in adjacent districts.

It is the intent of the Ordinance that such design and planning features be incorporated property into any PD district hereafter created, and that the Planning Commission and Town Council shall consider the existence and appropriateness of such features before any amendment to the Zoning Map is adopted to create such a district.

**507.3 Permitted Principal Uses and Structures**

Permitted principal uses and structures vary with increasing size and are different for PD-R, PD-C, and PD-M districts. Such uses are permitted as per the uses enumerated for specific districts in Sections 6-1 through 6-7 above. Where uses for more than one district are permitted, the uses of the less restrictive district shall be permitted. Permitted principal uses and structures for various site sizes and types of PD districts are as follows:

	<u>PD-R</u>	<u>PD-C</u>	<u>PD-M</u>
<u>Site size in acres</u>	For the following districts	for the following districts	for the following districts
2 but less than 4...	R-2	C-1	C-1
4 but less than 8...	R-2	C-1	R-2, C-1
8 but less than 15.	R-2, R-1	C-1, R-2	R-2, R-1, C-1
15 but less than 25.	R-2, R-1	C-1, C-2, R-2	All districts except I-1
25 or more.....	R-2, R-1, C-1	All districts	All districts

**507.4. Maximum Area of Commercial or Industrial Uses in PD-R Districts**

In PD-R districts in which commercial or industrial uses are permitted, the total gross floor area of such commercial or industrial uses shall not exceed the percentages listed below as related to gross floor area of all structures within the PDD at any time. In addition, in PD-R districts in which commercial or industrial uses are permitted, the area of land devoted to such uses, including land coverage of structures, parking, and related characteristics and accessory uses thereto, shall not exceed the percentages listed below as related to total PD site size at any time.

<u>Total PD Site Size in Acres</u>	<u>Maximum Percentage of Gross Floor Area and Maximum Percentage of Site Area For Commercial or Industrial Structures and Uses</u>
8 but less than 15	10
15 but less than 25	20
25 or more	30

Provided however, that these percentages shall apply to commercial and industrial uses, and not to other nonresidential uses such as schools, parks, community buildings, or public facilities.

- 507.5. Permitted Accessory Uses and Structures:** Accessory uses and structures shall be permitted as for the least restrictive districts indicated in Section 507.3 for any specific site size.
- 507.6. Special Exceptions Permissible by the Board of Zoning Appeals:** No special exception actions are required to establish any specific use. Uses and structures permitted in the least restrictive districts indicated in Section 507.3 for any specific site size are permitted outright, provided however, that the Planning Commission and Town Council shall ascertain that the effects and benefits usually derived from safeguards and conditions normally imposed upon special exceptions permissible for districts as listed in Section 501 through 507 will substantially be met by the terms of the proposed planned development district.
- 507.7. Minimum Area, Yard, and Height Requirements:**
- (1) **Minimum Area:** No minimum lot area is required for any specific structure, however, minimum site size to accommodate specific uses shall be as listed in Section 507.3.
  - (2) **Minimum lot width, minimum yard requirements, maximum lot coverage, and maximum height of structures:** Minimum setbacks, minimum lot width, minimum yard sizes, maximum lot coverage, and maximum height are not regulated within PD districts, provided however, that the Planning Commission and Town Council shall ascertain that the characteristics of building site shall be appropriate as related to structures within the planned unit development and otherwise fulfill the intent of this ordinance.
- 507.8. Minimum Off-Street Parking and Loading:** Off-street parking and loading requirements as set forth in Article 6 shall be met s for the least restrictive districts indicated in Section 507.3 for any specific site size.
- 507.9. Signs:** Signs are permitted in PD districts only in accordance with provisions of Section 611 “Regulation of Signs” as for the least restrictive districts indicated in Section 507.3 for any specific site size.

**507.10. Administrative Application and Review Procedures:**

**(1) General:** The establishment of a PD district shall be by amendment to the Zoning Map accompanied by certain sureties that the development will be in harmony with the intent of this Ordinance and that the public interest in adequate site design, access, and community facilities and amenities will be defended. Application for amendment to establish a PD district shall be subject to the provisions of Article 10 “Amendments,” and in addition, the procedures described below shall apply. It is the intent of this Ordinance that the public interest will be served not only by consideration of those specific criteria set forth herein, but also by consideration of the total anticipated effect of the planned development district upon the community at large. The provisions of the PD district represent a relaxation of specific site design requirements as applied to other districts herein, and in return for the design flexibility granted thereby, the applicant for amendment to PD district classification, by requesting the PDD designation and making application therefore shall agree to furnish information about the proposed development, and later to abide by certain conditions and safeguards as may be imposed by the Town Council in establishing such developments.

To that end the regulations set forth herein are minimum requirements and it is the intent of this Ordinance that the Town Council may impose conditions and safeguards in excess of, or in an addition to the specific requirements set forth herein, and that guarantee of meeting the minimum requirements set forth herein does not per se create an indication that an applicant should be entitled to such an amendment, and notice is hereby given to that effect.

**(2) Pre-Application Conference:**

The applicant is encouraged to communicate his intentions to establish a planned unit development, and the proposed characteristics thereof, to the Planning Commission prior to initiating an Application for Amendment in order to avoid undue delay in the review process after initiating such application, and in order to facilitate review of materials which may be in preliminary form, and in order to avoid unnecessary expense in preparation of materials in final form which may later be found to be unacceptable or incomplete.

**(3) Application for Amendments:**

The applicant shall make application for an amendment to PDD classification as specified by Article 10 herein.

**(4) Site Development Plans to be Submitted to Planning Commission for Review:**

The applicant shall submit site development plans to the Planning Commission for review, which shall be similar in content and format to preliminary plats required for review by the Land Development Regulations of the Town of Ridgeway, South Carolina, and in addition shall show locations of all buildings proposed to be constructed in such planned unit development, drawn approximately to scale, and in addition shall indicate the proposed uses of all such buildings, and in addition shall contain such other information as may be deemed reasonably appropriate for Planning Commission review.

**(5) Descriptive Statement to be Submitted to Planning Commission for Review:**

The applicant shall also submit a descriptive statement describing the characteristics and standards to be followed in developing the proposed planned development district.

The Descriptive Statement shall generally include, but not be limited to the following;

- a. Legal description of proposed development boundaries.
- b. Total number of acres in the development area.
- c. Number of acres devoted to residential, commercial, industrial, and other nonresidential uses to reflect requirements of Section 507.4.
- d. Number of dwelling units of various types and overall density thereof.
- e. Number of off-street parking and loading spaces as needed to meet requirements of individual buildings as required by Section 507.8.
- f. If commercial development is proposed, indication of economic feasibility and justification for size of facilities.
- g. Description of open space uses and areas proposed, adequacy thereof to serve anticipated demand, and if dedication of open space is proposed, procedures and conditions thereof in detail.
- h. If a homeowner association or other group maintenance or group ownership features are to be included, a detailed description of the proposed procedures and operation thereof.
- i. An outline of development phasing indicating the timing of development of all proposed facilities, and justification of development phasing with respect to nonresidential facilities in relation to residential facilities.
- j. Design standards, administrative procedures, and other characteristics which will guarantee the development of the project as an integrated, functionally operable, well planned whole.
- k. Other such information or descriptions as may be deemed reasonable appropriate for Planning Commission review.

**(6) Planning Commission and Town Council Hearing:**

A public hearing shall be held in accordance with procedures set forth in Article 10, except that such hearing shall be a joint hearing before the Planning Commission and Town Council simultaneously.

**(7) Planning Commission Recommendation:**

The Planning Commission shall make a recommendation upon the proposal which shall be advisory to the Town Council. Requirements of Article 10 are applicable if the Planning Commission should fail to report within the time limit established by Article 10.

**(8) Town Council Approval:**

The Town Council may, after fulfilling all applicable requirements of this Section and all applicable requirements of Article 10, act to either approve or disapprove the Application for Amendment.

**(9) Issuance of Zoning or Building Permits:**

The Zoning Administrator shall not issue any Zoning Permit or Certificate of Occupancy, and the Building Official shall not issue any until the applicant for amendment which established such districts shall have:

- a. Filed with the Town Clerk and recorded with the Register of Mesne Conveyances of Fairfield County plats showing all proposed features of the planned development district as approved by the Town Council which approval shall be certified the Town Clerk.
- b. Completed any necessary agreements with the Town that the Town may become a party to deed restrictions and other restrictive covenants related to the planned development district, and recorded such agreement with the Town Clerk and with the Register of Mesne Conveyances of Fairfield County.
- c. Recorded with the Register of Mesne Conveyances of Fairfield County all required deed restrictions or other restrictive covenants as required by the Town Council upon approval of amendment establishing the planned development district.
- d. Recorded with the Town Clerk and with the Register of Mesne Conveyances of Fairfield County the descriptive statement as approved by Town Council setting forth and committing the developer to certain design standards, development phasing schedules and other pertinent matters.
- e. Completed the posting of a bond or giving of other surety that adequate progress will be made in developing the project as may be required by Section 507.12 below.



**507.11. Changes of Plans for Planned Development District:**

Changes which do not require changes of the boundaries of an established PD district or establishment of a new PD district are not considered amendments to the Zoning Ordinance. Any change in boundary of such PD district shall be accomplished only by following procedures set forth in Article 10 herein.

Changes in the approved characteristics or agreements relating to a PD district, but not involving change in the boundary thereof shall be classed as either major changes or minor changes and shall be approved or disapproved as follows:

- (1) Minor Changes:** Revisions of minor characteristics of the planned development district such as relocation of driveways or revisions of floor plans of specific structures, may be authorized by the Planning Commission, provided that such authority is granted to the Planning Commission by the approved and recorded descriptive statement concerning development of the planned unit minor change, the developer or other party at interest may then seek a change by the regular amendment process as outlined below for major changes.
- (2) Major Changes:** Major changes which materially affect the characteristics of the planned development shall follow the same procedural requirements as for the amendment originally establishing the planned development district, including Planning Commission review, public hearing, and Town Council determination, as set forth in Article 10 herein.
- (3)** It shall be duty of the Zoning Administrator determine whether any specific request shall be considered a major change or a minor change, provided however that the applicant for change shall have the right to have any request for change processed as a change.
- (4)** The Zoning Administrator shall issue no Zoning Permit or Certificate of Occupancy and the Building Official shall issue no Building Permit in connection with any action related to such changes until such changes have been duly recorded as for the original documents recorded as set forth in Section 507.10(9) above.

**507.12. Failure to Begin, Failure to Complete, or Failure to Make Adequate Progress:**

The descriptive statement as approved by Town Council and duly recorded shall set forth the development schedule for the project including phasing of development of nonresidential uses in relationship to residential use.

The Town Council shall require the posting of a bond with a corporate surety to guarantee that the schedule as set forth in the descriptive construction statement will be materially adhered to in order to guarantee construction of streets, utilities, and other facilities and amenities or to allow for rectification of improper development characteristics such as failure to develop areas designated as common open spaces. If there is failure to begin, or failure to complete, or failure to make adequate progress as agreed in the descriptive statement, the Town Council may enforce and collect upon such bonds or sureties as described above, or may change the district classification of the planned development in accordance with provisions of Article 10, and thus terminate the right of the applicant to continue development, or may initiate action to charge the developers with specific violation of the Zoning Ordinance subject to the penalties set forth in Article 10 or any appropriate combination of the above remedies may be taken.

**507.13. Terms of this Section to Prevail:** In case of any conflict of the terms of Section 507 with terms of other sections of this Ordinance, the terms of Section 507 shall prevail.

**ARTICLE 6**  
**SUPPLEMENTARY REGULATIONS**

**600. OFF-STREET PARKING**

Off-street automobile storage or parking space shall be provided and maintained on every lot on which any of the following uses are hereafter established except in the C-1 District. The number of parking spaces provided shall be at least as great as the number specified in Section 600.1 for the various uses. When application of said provisions results in a fractional space requirement, the next larger requirements shall prevail. Off-street parking facilities for uses existing on the effective date of this ordinance shall not be reduced below the requirements of this section. Off-street parking facilities shall be provided and maintained as required in this section for any addition to or extension or enlargement of a use of land or building which existed on the effective date of this ordinance. The provisions and maintenance of the off-street parking facilities herein required shall be the joint and inseparable responsibility of the operator and owner of the use and the operator and owner of the land on which, or the structure in which, is located the use for which off-street parking facilities are required herein.

**600.1. Required Parking.**

- (1) Auto sales and repair: One space for each 140 square feet of auto repair or maintenance space.
- (2) Churches, synagogues, or other places of worship: One space for each four seats in the main assembly room or sanctuary.
- (3) Automobile service station: Three spaces for each grease rack or similar facility, plus one space for each employee on the shift with the highest employment.
- (4) Hospitals, nursing homes, sanitariums, or similar institutions: One space for each tow beds intended for patients, plus one space for each three employees on the shift with the highest employment.
- (5) Industrial: One space for each three employees on the shift with the highest employment.
- (6) Mortuary or funeral parlor: One space for each four seats in the chapel, one additional space for each two employees, one additional space for each resident family, and one additional space for each funeral vehicle.
- (7) Offices, including banks: One space for each 300 square feet of gross floor area.
- (8) Places of public assembly, fraternal organizations: One space for each four seats of maximum seating capacity in the main assembly room.
- (9) Restaurant or similar eating establishment: One space for each four seats provided for patron use and one additional space for each two employees on the shift with highest employment.

- (10) Residences: Single family – two (2) spaces for each dwelling unit.  
Duplexes and multi-family – 2 ½ spaces for each dwelling unit.
- (11) Retail and service business: One space for each 300 square feet of sales floor area.
- (12) Rooming and boarding houses, hotels: One space for each room to be let.
- (13) Schools, public and private: One space for each four seats in the main auditorium or assembly room.
- (14) Shopping centers: One space for each 150 square feet of gross floor area.
- (15) Tourist homes, tourist courts, or motels: One space for each room to be let plus one space for each two employees.
- (16) Wholesaling and warehouses: One space for each three employees on the shift with the highest employment

**600.2. Parking Design Standards:**

Off Street parking facilities shall be designed, constructed, maintained, and operated in accordance with the following specifications:

- (1) Each off-street parking space shall have an area of appropriate dimensions of not less than two hundred (200) square feet net, exclusive of access, maneuvering area, ramps, and other appurtenances.
- (2) All off-street parking and storage space except for residential uses shall be so arranged that vehicles will not be required to back onto a public street, road, or highway when leaving the premises.
- (3) Off-street parking facilities shall be properly grades for drainage, surfaces with concrete, asphaltic concrete, gravel, or asphalt and maintained in good condition free of weeds, dust, trash and debris.
- (4) Off-street parking facilities shall be provided with wheel guards or bumper guards, so located such that no part of parked vehicles will extend beyond the parking area.
- (5) Where a lot zoned and used for commercial or industrial purposes adjoins a lot zoned for residential purposes, off-street parking facilities for the commercial or industrial use shall be provided with barriers of such dimensions that occupants of residential structures are not unreasonably disturbed, either by day or night, by the movement of vehicles.
- (6) Entrances and exits shall be so located as to minimize traffic congestion.
- (7) Off-street parking facilities shall not be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials, or supplies.

**600.3. Location on Other Property.**

If the required automobile parking spaces cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property provided such property lies within 400 feet of the main entrance to such principal use. Such automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner.

**601. ACCESSORY STRUCTURES**

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

**602. STRUCTURES IN REQUIRED YARDS**

The general definition of “yards” as set forth in Article 2 shall be construed subject to the following exceptions and interpretations:

- (1) Those objects, which are excluded from the definition of a “structure” under this ordinance, shall not be subject to regulation under interpretation of the definition of “yard”.
- (2) Steps and open porches without roofs shall be allowed in any required yard.
- (3) Permitted accessory structures shall be allowed in the required rear yard.
- (4) Eaves, cornices, gutters, and other minor architectural features projecting less than twenty-four (24) inches from the main portion of a building shall be allowed to project into any yard.
- (5) Open fire escapes may extend into any required yard not more than three and one-half (3.5) feet.
- (6) Signs are permitted to encroach upon required yards in certain instances as set forth in Section 611.

**603. ORIENTATION OF REQUIRED YARDS.**

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

- (1) Through lots in residential districts shall observe front yard requirements for principal and accessory buildings on each street.
- (2) Minimum front yards for corner lots in residential districts shall meet the minimum front yard requirements on the side adjacent to the more heavily traveled street and the minimum side yard requirements on the sides adjacent to less heavily traveled streets.

**604. RESIDENTIAL LOT DIMENSIONAL REQUIREMENTS**

In any residential district, the following dimensional requirements shall apply:

- (1) Minimum front yard setback = 25 feet.
- (2) Minimum side yard setback = 15 feet.
- (3) Minimum rear yard setback – 15 feet.
- (4) Minimum lot width = 60 feet.
- (5) Minimum lot area = 9,000 square feet for the first unit and 2,500 square feet for each additional unit.

**605. REQUIRED SEPARATION BETWEEN COMMERCIAL AND/OR INDUSTRIAL AND RESIDENTIAL LOTS**

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

- (1) The required setback line for buildings on the commercial or industrial lot shall be increased to ten (10) feet from the zoning line of the residential district.
- (2) Screening shall be provided along the rear or side lot line used and zoned for commercial or industrial purposes.
- (3) These provisions shall not apply when the aforesaid side or rear lot lines do not meet due to the presence of an easement, water lot lines do not meet due to the presence of an easement, water course or right-of-way greater than twenty-five feet in width. In such case, said easement, water course or right-of-way shall be deemed as a sufficient buffer for the purpose of this ordinance.

**606. REQUIRED CONCEALMENT OF LIGHTING**

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

**607. GENERAL SCREENING REQUIREMENT**

Whenever screening is required by this ordinance, a solid wall or fence or natural planting shall be provided to materially screen the use within the subject property from the view of adjacent properties. Solid walls or fences shall be at least six feet tall. When natural planting is to be used in screening, it shall consist of a vegetative, opaque screen which at the end of a two-year period shall be at least two feet deep and six feet tall.

In the event screening is required by this ordinance, by the planning commission, or by the Board of Zoning Appeals, such screening shall be subject to periodic inspections by the zoning administrator to determine that such required screening is being properly maintained. In the case of landscaping, all planted materials shall be maintained in a healthy, growing condition, neat and orderly in appearance. Failure to maintain such required screening to an acceptable standard may be deemed a violation of this ordinance.

**608. DAY NURSERIES AND KINDERGARTENS**

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

- (1) Fencing: A fenced play area of not less than 2,000 square feet shall be provided for ten (10) children or less, with one hundred (100) additional square feet for each additional child.
- (2) Loading and Unloading: An area adequate for loading and unloading of children to be accommodated shall be provided and such shall not be located within any public right-of-way.
- (3) Play Equipment: No play equipment shall be closer than twenty (20) feet to any residential lot line.
- (4) Facilities, Operation and Maintenance shall meet the requirements of the appropriate health departments.
- (5) Screening: Screening shall be provided when determined by the planning commission to appropriate.

**609. MOBILE HOMES**

**609.1. Individual Mobile Homes.**

Individual Mobile Homes are prohibited in the Town of Ridgeway. Notwithstanding the provisions of Section 400 of this ordinance, the following regulations shall apply to nonconforming mobile homes:

- (1) An existing mobile home may be removed and replaced, if the replacement home is of equal or greater value than the mobile home being replaced, and meets all requirements of this ordinance.
- (2) If existing mobile home is damaged in excess of fifty (50) percent of its value, it may be replaced provided that the replacement home is placed on the lot within six (6) months of the date on which the home being replaced was damaged.
- (3) If an existing mobile home is removed from a lot for whatever reason, and not replaced within six (6) months, no mobile home may be placed on that lot.

**609.2. Mobile Home Parks.**

Mobile home parks are prohibited in the Town of Ridgeway.

**610. MANUFACTURED HOMES**

**610.1. Definitions**

- A. Manufactured building – Has the following features and characteristics; it is
1. Mass-produced in a factory.
  2. Designed and constructed for transportation to a site for installation and use when connected to required utilities; and
  3. Either an independent, individual building or a module for combination with other elements to form a building on the site.

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

- B. Manufactured Housing – A manufacture building or portion of a building designed for long-term residential use.
- C. Manufactured Home – a transportable dwelling unit over 35 feet in length and at least 20 feet in width, designed without a permanent foundation, capable of supporting year-round occupancy, and which may be joined into one unit at the final site of occupancy. The house must be permanently attached to the ground once moved to its site of occupancy and all transportable features used to move the house to the site of occupancy must be removed.
- D. Classes of Manufacture Homes:
1. Class A – New manufactured homes certified as meeting the 1974 Federal Manufactured Home Construction and Safety Standards of the Department of Housing and Urban Development and approved by the Zoning Administrator as meeting “acceptable similarity” appearance standards in accordance with Section 609.3.2(g) of this ordinance.

**610.2. Class “A” Manufactured Homes – intent and effect of approval procedures; guides and standards**

- A. Intent: It is the intent of these regulations to encourage the provision of moderate and middle income housing in a general residential environment by permitting the use of Class A manufactured homes, as defined herein, in the R-2 districts, subject to the requirements and procedures set forth herein to assume acceptable similarity in exterior appearance between such manufactured homes and dwellings that have been or might be constructed under these and other lawful regulations on adjacent lots in the same district.
- B. Effect of Approval of Class A Manufactured Homes; Limitations: Manufactured homes approved as Class A, either and individually or by specified model, shall be permitted in any district in which similar



residential occupancy is permitted, subject to requirements and limitations applying generally to such residential use in the district, including minimum lot, yard, and building-spacing dimensions, percentage of the lot that may be covered by building, transitional provision at district boundaries, and off-street parking requirements, and subject to the following additional requirements and limitations.

- C. Approved Permanent Foundation and Curtain Wall Required: No manufactured home shall be placed or occupied for residential use on a separate site in any district permitting the use of Class A manufactured homes, except with a permanent masonry foundation and curtain wall, with proper ventilation.
- D. Approval of permanent Foundation and Curtain Wall: The Zoning Administrator may, on his own initiative, establish general approval for specified types, brands, varieties or design of permanent foundation and brick curtain wall to be used in connection with installation of Class A manufactured homes in areas where such homes are permitted on their own sites. Such general approval shall be based on a determination of acceptable similarity in appearance to foundations for housing built on the site and on durability adequate to preserve such appearance with proper maintenance. On application for similar approval for specified types, brands, varieties, or designs, the Zoning Administrator shall make similar determinations. Where approval is granted for permanent foundations or brick curtain wall in connection with applications on individual Class A manufactured homes, the same type, brand, variety, or design shall hereafter be construed to be generally approved. If the Zoning Administrator shall find that a specified type, brand, variety, or design of permanent foundation or brick curtain wall that has been approved fails to preserve acceptable appearance with proper maintenance, he shall order necessary correction and/or shall suspend or remove the type, brand, variety, or design from the generally approved listing, with reasons stated in writing.
- E. Application for Class A Determination; Material to be Supplied: Application for approval of manufactured homes as Class A shall be submitted to the Zoning Administrator in such form as he may reasonably require to make determinations. In particular, in addition to such information as is generally required for permits and is necessary for administrative purposes, such application shall include all information necessary to make determination as to their conformity with Standards for Determinations of Acceptable Similarity in Exterior Appearance, Class A Manufactured Homes, including elevation or photographs of all sides of the manufactured home, exterior dimensions, roof slopes, exterior finish, and the like.

- F. Action by the Zoning Administrator; Time limitation on Determinations; nature of Determination: Within fifteen working days of receipt of the application and all required supporting material, the Zoning Administrator shall notify the applicant of approval, conditional approval, or denial of the application. Conditional approval shall be granted only when the conditions and reason therefore are stated in writing and agreed to by the applicant, and such conditions shall be binding upon the applicant. In case of disapproval, the reasons therefore shall be stated in writing.
- G. Standards for Determination of Acceptable Similarity of Exterior Appearance; class A Manufactured Homes: The following standards shall be used in determination of acceptable similarity in appearance between manufactured homes and residences constructed on the site to assure that such manufactured homes, with permanent foundation or curtain wall approved (as provided at Approval of Permanent Foundation) will be compatible in appearance with site-built housing that has been or may be constructed on adjacent or nearby locations. In addition to meeting the following specific standards, no manufactured home to be approved as Class A shall have an arrangement and appearance of windows and doors or other features or use colors or color combinations that would be incompatible in a neighborhood in which most residences are site-built.
1. Minimum width of Structure: Minimum width of the manufactured home as assembled on the site shall not be less than 20 feet, measured across the narrowest portion.
  2. Minimum Roof Pitch, Minimum Eave Overhang, Roofing Materials: The pitch of the main roof shall not be less than 3:12. Minimum overhang of eaves shall be twelve (12) inches. Roofing materials shall consist of one of the following categories: wood, shingle, wood shake, synthetic composite shingle, concrete tile, or any other material may be used that is generally acceptable for site-built housing, if applied in such a manner as to be similar in appearance. Metallic roofing surfaces shall not be permitted on the residential structure or on any garage or carport unless approved by the Town's Building Official.
  3. Exterior Siding: Exterior siding shall be made of nonreflective, nonglossy, and nonmetallic materials unless approved by the Town's Building official. Acceptable siding materials include: vinyl, brick, wood, stucco, stone, or other masonry materials or any combination of these materials, or any material that the Town's Building Official deems to meet the intent of this regulation, and which is compatible with surrounding development shall be used.
  4. Average Assessed Valuation of Homes Within the Block Immediately Surrounding and Opposite the Proposed Site: The assessed valuation of the manufactured home must be 100% of other homes within the block immediately surrounding and opposite the proposed site for approval.

**611.**

**SIGN REGULATIONS**

The regulations herein set forth shall apply and govern in all districts. No sign shall be erected or maintained unless it complies with the regulations of this section.

**611.1 General Provisions.**

The following regulations shall apply to all permitted signs in areas subject to the provisions of this ordinance.

- (1) A permit shall be required for the erection, alteration, reconstruction, or placement of any sign unless otherwise noted and shall be issued by the zoning administrator in accordance with Article 7 of this ordinance.
- (2) Signs must be constructed of durable materials, maintained in good condition and not permitted to become dilapidated.

**611.2. Prohibited Signs.**

The following signs are prohibited within the town limits of Ridgeway.

- (1) No sign displaying intermittent flashing lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, 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 herein provided no sign whatsoever, whether temporary or permanent, except traffic signs and signals and information signs erected by a public agency, is permitted within any street or highway right-of-way.
- (3) Signs painted on or attached to trees, fence posts, and telephone or other utility poles, or signs painted on or attached to rocks or other natural features or painted on the roofs of buildings are prohibited.
- (4) Fluttering ribbons and banners and similar devices are prohibited, except the flags of governments and their agencies.
- (5) Signs displaying flashing or intermittent lights.

**611.3. Signs for Which a Permit is No Required.**

A permit is not required for the following types of signs in any zoning district.

- (1) Traffic, directional, warning, or information signs authorized by any public agency.
- (2) Official notices issued by any court, public agency, or officer.
- (3) One non-illuminated “for sale,” “for rent,” or “for lease” sign not exceeding six (6) square feet in area in residential districts and twenty (20) square feet in other than residential districts and located not less than ten (10) feet back

from the street right-of-way line, unless attached to the front wall of a building.

- (4) One permitted home occupation sign, provided it is non-illuminated, no larger than two square feet, and mounted against a wall of the principal building.

#### **611.4. Regulations Applying to Specific Types of Signs.**

611.4.1. Roof Signs. Roof signs are not permitted.

611.4.2. Wall Signs. Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements.

- (1) Signs on the Front Surface of a Building. The total area of signs on the exterior front surface of a building shall not exceed five (5) percent of the front surface of the building, so long as the figure does not exceed the total amount of sign area permitted within the zoning district where the sign or signs are to be located.

- (2) Signs on the Side and Rear Surface of a Building. The total area of signs on a side or rear surface of a building shall not exceed five (5) percent of the exterior side or rear surface of the building respectively, so long as this figure does not exceed the total amount of sign area permitted within the zoning district where the sign or signs are to be located.

- (3) The combined sign area on the front, side and rear surface of a building must not exceed the total sign area permitted within the zoning district where the signs are to be located.

- (4) Projecting Signs. Wall signs attached flat against a wall may extend not more than twelve (12) inches from the wall of a building not more than six and one-half (6.5) feet and may be located not closer than eighteen (18) inches to a vertical plane at the street curb line. Signs which project out over a public street must maintain a minimum clearance of 16 feet from the general ground level.

611.4.3. Construction Signs. One (1) non-illuminated sign, not exceeding forty (40) square feet in area displaying the name of the building, the contractors, the architects, the engineers, the owners, the

financial, selling and development agencies is permitted upon the premises of any work under construction, alteration, or removal. Such sign shall be removed from the site within thirty (30) days after the completion of the project.

611.4.4. Temporary Signs. Temporary signs, not exceeding thirty (30) square feet in area announcing a land subdivision development, are permitted on the premises of the land subdivision. They shall be set back not less than ten (10) feet from the right-of-way of any street or from any boundary line of the land subdivision. Such signs shall be spaced not less than two hundred (200) feet apart.

**611.5. Sign Illumination.**

Illumination devices shall be so placed and so shielded that rays therefrom, or from the sign itself, will not be directly cast into any residential district, sleeping room in a district, or the eyes of an automobile or vehicular driver.

**611.6. Signs Permitted in Residential Districts.**

The following types of signs are permitted in residential districts:

- (1) Signs for which permits are not required.
- (2) For multiple family dwellings, hotels, group dwellings, and for buildings other than dwellings, a single non-illuminated sign or bulletin board not exceeding six (6) square feet in area. Such sign or bulletin board shall be set back not less than ten (10) feet from any street right-of-way line, unless attached to the front wall of a building.
- (3) Temporary subdivision signs and private directional signs under the provisions of Section 611.4.4.
- (4) Free standing church signs not to exceed a total combined surface area of twenty-four square feet.

**611.7. Signs Permitted in Commercial and Industrial Districts.**

The following types of signs are permitted in commercial and industrial districts.

- (1) All signs permitted in residential districts are permitted in commercial and industrial districts.
- (2) On any occupied lot in a commercial or industrial district, not more than four (4) signs of any type having a total area of not more than one hundred (100) Square feet shall be permitted.

- (3) On any lot in a commercial or industrial district on which no business enterprise is located, one freestanding sign structure having combined total sign area not exceeding one hundred (100) square feet is permitted.

**611.8. Administration and Enforcement.**

Sign regulations, as set forth in this section, shall be administered under the provisions of Article 7.

**612. HOME OCCUPATIONS.**

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

- (1) No person other than members of the family residing on the premises shall be engaged in such occupation.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
- (4) The home occupation shall be conducted only within the principal structure.
- (5) There shall be no sales in connection with such home occupation.
- (6) No traffic shall be generated by such home occupation in great volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- (7) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal sensed off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visible or audible interference in any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises.
- (8) No outdoor storage shall be allowed in connection with any home occupation.
- (9) Operation of home occupations shall be limited to the hours between 8:00 a.m. and 8:00 p.m.

**613. GROUP HOUSING PROJECTS.**

Group housing projects may be permitted in any of the various districts in which residences are permitted in this ordinance. The purpose of group housing projects is to permit maximum flexibility of design by the developer. Group housing projects shall comply with the following standards.

**613.1. Lot Size**

The minimum lot area for a group housing project shall be 20,000 square feet except in the D-1 district, where the minimum lot area for a group housing project is to permit maximum flexibility of design by the developer. Group housing projects shall comply with the following standards.

**613.2. Lot Area per Dwelling Unit**

A group housing project shall conform to the minimum lot area per dwelling unit for the district in which it is located.

**613.3. Separation of Buildings**

All buildings and structures established in connection with such developments shall be not less than twenty (20) feet apart.

**613.4. Setback Requirement**

Unless otherwise provided by this ordinance, all buildings and structures established in connection with such developments shall comply with the front and rear yard setbacks established for the district in which it is located and shall be set back not less than twenty (20) feet from any side or rear property line.

**613.5. Position of Dwelling Structures**

No dwelling structure established in connection with a group housing project shall be situated on a lot as to face the rear of another building or structure within the development or an adjoining property for a distance of one hundred (100) feet.

**613.6. Setbacks – General**

Setbacks requirements shall be based on both the orientation of the lot and the structure.

**613.7. Street Access**

Any building established in connection with a group housing project which cannot properly be served by emergency or service vehicles from an abutting street shall be made accessible for such vehicles by a paved driveway having a roadbed width of not less than twenty (20) feet, exclusive of parking space.

**613.8. Off-street Parking Facilities**

Off-street parking facilities established in connection with such developments shall be of such design, location, and arrangement that will not interfere with the efficient flow of traffic through the area and that will not interfere with the access of emergency or service vehicles.

**613.9. Uses Prohibited**

In no case shall a use be permitted in connection with such developments that is prohibited by this ordinance in the district in which such project is to be located.

**613.10. Approval Required**

A development plan of the project must be submitted to and approved by the planning commission. Action must be taken by the planning commission within forty-five (45) days after the plan is submitted or the plan shall be considered approved and the zoning administrator shall issue a zoning permit.

**614. LANDSCAPING REGULATIONS**

**614.1. Purposes for Required Landscaping**

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

**614.2. Buffer Areas**

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



TYPE	LAND USE	WHERE REQUIRED	BUFFER SIZE AND REQUIRED PLANTS
A	Multi-family complex, non-Residential use not adjacent To residential district, and all Surface parking lots.	Along street right-of-way, except driveways and visibility triangles.	Minimum buffer width: five (5) feet. Plants required per 100 feet of street frontage: 12 ornamental shrubs, 2 evergreen understory trees, and grass or other ground cover. Shrubs may be clustered.
B	Multi-family complex, commercial or institutional use adjacent to single-family residential use not separated by street or alley.	Along adjacent residential property lines.	Minimum buffer width: ten (10) feet. Plants required per 100 linear feet: 2 deciduous canopy trees 40 to 60 feet on center, and 8 evergreen plants 10 feet on center.
C	Industrial, warehouse, Outdoor sales or storage use Adjacent to residential district not separated by Street at least 18 feet wide.	Along adjacent residential district lines.	Minimum buffer width: fifteen (15) Feet. Plants required per 100 Linear feet: 2 deciduous canopy Trees 40 to 60 feet on center, and 17 Evergreen plants or understory trees in double staggered rows 10 feet on center.

Plant Standards:	<p><u>Minimum installation height:</u> Evergreen understory trees and shrubs – 6 feet; deciduous canopy trees – 8 feet.</p> <p><u>Minimum mature size:</u> Evergreens – 10 feet; deciduous trees – 25 feet.</p>
Substitutions:	<p><u>Existing plants:</u> Existing plants meeting minimum standards may be retained to meet buffer requirements.</p> <p><u>Evergreens:</u> Evergreen plants may be substituted for deciduous plants.</p> <p><u>Fence or wall:</u> Where existing lot use, size, shape, configuration, topography or unusual circumstances prevent reasonable compliance with buffer landscaping requirements, the Zoning Administrator may approve substitution of an opaque fence or wall at least six in height, but not exceeding ten feet in height, for a Type B or C buffer. Fences and walls shall be neat in appearance and have finished surface facing adjacent property.</p>

**614.3. Open Space Landscaping Requirements**

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

LAND USE	OPEN SPACE REQUIRED	LANDSCAPING
Single-family and two-Family residential, Except clustered	District yard requirements	None Required
Clustered residential	15% of land area.	Grass, shrubs and trees selected by owner.
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.

**614.4. Tree Protection**

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

**615. SEXUALLY ORIENTED BUSINESSES**

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

## 615.1. Definitions

- 615.1.1. 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.”
- 615.1.2. Adult bookstore or adult video store means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
- a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”; or
  - b. Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities.” A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe “specified sexual activities” or “specified anatomical areas.”
- 615.1.3. Adult cabaret means a nightclub, bar, restaurant or similar commercial establishment which regularly features:
- a. Persons who appear in a state of nudity; or
  - b. Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
  - c. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

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

- 615.1.8. Escort Agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- 615.1.9. Establishment means and includes any of the following:
- a. The opening or commencement of any sexually oriented business as a new business.
  - b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
  - c. The additions of any sexually oriented business to any other existing sexually oriented business; or
  - d. The relocation of any sexually oriented business.
- 615.1.10. Nude Model Studio means any place where a person who appears in a state of nudity or displays “specified anatomical area: is provided to be observed sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- 615.1.11. Nudity or a state of nudity means the appearance of a person’s genitals, pubic area, vulva, anus, anal cleft or cleavage of buttocks, including the portion of the buttocks within four (4) inches on either side of a vertical line extending upward from the anus, or any simulation thereof; or any portion of a female breast below a horizontal line across the top of the areola at its highest point or any simulation thereof. This definition shall include the entire lower portion of the female breast.
- 615.1.12. 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.
- 615.1.13. Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- 615.1.14. Semi-nude means a state of dress in which clothing covers no more than the genitals, pubic region, and exposes the female breast, as well as portions of the body covered by supporting straps or devices.

- 615.1.15. Sexual encounter center means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  - b. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- 615.1.16. 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.
- 615.1.17. Specified anatomical areas means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.
- 615.1.18. Specified sexual activities means and includes any of the following:
- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
  - b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
  - c. Masturbation, actual or simulated; or
  - d. Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.
- 615.1.19. Substantial enlargement of a sexually oriented business means the increase in floor areas occupied by the business by more than (25) percent, as the floor areas exist on the date this ordinance is adopted.
- 615.1.20. Transfer of ownership or control of a sexually oriented business means and includes any of the following:
- a. The sale, lease, or sublease of the business.

- b. The transfer or securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- c. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

**615.2. Classification**

Sexually oriented businesses are classified as follows:

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

**615.3. Permit Required**

- 615.3.1. A person commits a misdemeanor if he operates a sexually oriented business without a valid permit issued by the town for the particular type of business.
- 615.3.2. An application for a permit must be made on a form provided by the Zoning Administrator. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
- 615.3.3. The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the health department, fire department, and building official.

- 615.3.4. If a person who wishes to operate a sexually oriented business is an individual, that person must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten (10) percent or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business, each individual having a ten (10) percent or greater interest in the corporation must sign the application for a permit as applicant.
- 615.3.5. The fact that a person possesses other types of state, county, or city permits and/or licenses does not exempt that person from the requirement of obtaining a sexually oriented business permit.

**615.4. Issuance of permit and fee**

- 615.4.1. The town Zoning Administrator shall approve the issuance of a permit to an applicant within thirty (30) days after receipt of an application unless any one or more of the following is found to be true:
- a. An applicant is under eighteen (18) years of age.
  - b. An applicant or an applicant's spouse has an overdue payment to the town for taxes, fees, fines, or penalties assessed or imposed in relation to a sexually oriented business.
  - c. An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application.
  - d. An applicant if residing with a person who has been denied a permit by the town to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
  - e. The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.
  - f. The permit fee required by this ordinance has not been paid.
  - g. An application of the proposed establishment is in violation of or is not in compliance with any of the provisions of this ordinance.



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

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

### **615.5. Inspection**

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

### **615.6. Expiration of Permit**

615.6.1. Each permit shall expire one year from the date of issuance and may be renewed only by making application as provided herein. Application for renewal should be made at least thirty (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.

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

### **615.7. Suspension of Permit**

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

615.7.1. Violated, or is not in compliance with any section of this ordinance;

615.7.2. Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;

615.7.3. Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter.

615.7.4. Knowingly permitted gambling by any person on the sexually oriented business premises.

**615.8. Revocation of Permit**

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

615.8.2. The zoning administrator shall revoke a permit if it is determined that;

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

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

**615.9. Transfer of Permit**

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

**615.10. Location of Sexually Oriented Businesses**

615.10.1. Reserved.

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

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

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

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

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

615.10.6. For the purpose of this ordinance, measurement shall be made in a straight line, without regard of intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot.

- 615.10.7. For the purposes of subsection (4) of this section, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- 615.10.8. Any sexually oriented business lawfully operating on date of ordinance that is in violation of subsection (1) through (7) of this section shall be deemed a nonconforming use, and will be permitted to continue for a period not to exceed two (2) years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within one thousand (1000) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business is nonconforming.
- 615.10.9. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private elementary or secondary school, public park, residential district, or a residential lot within one thousand (1000) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

**615.11. Additional Regulations for Adult Motels**

- 615.11.1. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.
- 615.11.2. A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit, he rents or sub-rents a sleeping room to a person and, with ten (10) hours from the time the room is rented, he rents or sub-rents the same sleeping room again.

- 615.11.3. For purposes of subsection (2) of this section, the terms “rent” or “sub-rent” mean the act of permitting a room to be occupied for any form of consideration.

**615.12. Regulations for exhibition of Sexually Explicit Films or Videos**

- 615.12.1. A person who operates or causes to be operated, a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
- a. Upon application for sexually oriented permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager’s stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager’s station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer’s or architect’s blueprint shall not be required; however each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The zoning administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram for renewal applications that the configuration of the premises has not been altered since it was prepared.
  - b. The applicant shall be sworn to be true and correct by the applicant.
  - c. No alteration in the configuration or location of a manager’s station may be made without the prior approval of the zoning administrator of his designee.
  - d. It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager’s station.
  - e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a

manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's station. The view required in this subsection must be by direct line of sight from the manager's station.

- f. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in subsection (e) remains unobstructed by any 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 eighteen (18) inches above the floor level, and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (a) of this section.
- g. No viewing room may be occupied by more than one person at any time.
- h. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot candle as measured at the floor level.
- i. It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above, is maintained at all times that any patron is present in the premises

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

### **615.13. Exemptions**

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

- 615.13.1. By a proprietary school, licensed by the state of South Carolina; a college, junior college, or university supported entirely or partly by taxation;
- 615.13.2. By a private college or university which maintains and operates education programs in which credits are transferable to a college, junior college, university supported entirely or partly by taxation; or
- 615.13.3. In a structure:
  - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
  - b. Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
  - c. Where no more than one nude model is on the premises at any one time.

### **615.14. Injunctions**

A person who operates or causes to be operated a sexually oriented business without a valid permit and/or license or in violation of Section 615.10 of this ordinance is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable by a fine of two hundred (\$200) dollars or thirty (30) days imprisonment.

## **616. VIDEO GAME ESTABLISHMENTS**

Licensed video game establishments are permitted as principle use in the I-1 districts only, provided that such licensed establishments comply with the S.C. Code Sections 12-21-2720 and 12-21-2730, and shall not be located within three hundred (300) feet of:

- (1) A public or private kindergarten, elementary, middle or high school.
- (2) A public playground or park.
- (3) A public vocational or trade school, technical education center.
- (4) A public or private college.
- (5) A church, synagogue, mosque or other houses of worship.

## **617. COMMUNICATION TOWERS**

Communication towers are permitted as a special exception in the R-1, R-2, C-1, and C-2 districts, and as a conditional use in the D-1 and I-1 districts, subject to the following requirements:

- 617.1.** At the time of the zoning permit application for a free standing tower, satisfactory evidence shall be submitted that alternative towers, buildings, or other structures do not exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, or provide a location free of interference from other communication towers.
- 617.2.** Communication towers shall have a maximum height of 300 feet, except that for towers on buildings, the maximum height shall be 20 feet above the Roofline of buildings 40 feet or less in height, and 40 feet above the roofline of buildings 50 feet in height or greater.
- 617.3.** The minimum setback from any residential zoning district shall be as follows:
  - (a) For communication towers one hundred fifty (150) feet in height or less, the setback shall be one foot per one foot of tower height, as measured from the base of the tower.
  - (b) For communication towers greater than one hundred fifty (150) feet in height, the setback shall be two feet per one foot of tower height, as measured from the base of the tower.
- 617.4.** The location of communication towers within residential zoning districts shall be such that any tower cannot be less than 1000 feet from any other communication tower, unless on the same property.
- 617.5.** Landscaping and fencing shall be provided such that:
  - (a) A seven foot high fence shall be provided around the tower and any associated buildings.
  - (b) Around the base of the tower, outside of the fencing, at least one row of evergreen shrubs capable of forming a continuous hedge at least five feet in height shall be provided, with individual plantings spaced not more than five feet apart.
- 617.6.** Towers shall be illuminated only to the extent required by applicable federal or state statute or regulation.
- 617.7.** Advertising signage is not permitted.
- 617.8.** A tower that is no longer used for communication purposes must be removed within 120 days of the date it is taken out of service.



**617.9.** A zoning permit is required to be issued prior to the beginning of any site work or tower construction.

**618. SATELLITE DISH ANTENNAE**

**618.1.** Satellite dish antennae are considered accessory structures and are allowed only in the side or rear yard of principal structures and only within the required setbacks.

**618.2.** Satellite dish antennae may not be over 17 feet above ground elevation.

**618.3.** A satellite dish antennae may be placed on a roof provide its diameter does not exceed 48 inches and further provided that it will not be visible from any public street.

**618.4.** Satellite dish antennae are considered structures and, as such, require a zoning permit.

**ARTICLE 7  
ADMINISTRATION AND ENFORCEMENT**

**700. ZONING ADMINISTRATOR**

**700.1. Responsibility for Administration**

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

**700.2. Duties of the Zoning Administrator**

The duties of the zoning administrator shall include:

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

Decisions before the Board of Zoning Appeals; applications for zoning permits, plats and plans in connection with said permits, certificates of zoning compliance, denials of permits and reasons for denying such permits; applications and disposition of applications for special exceptions before the planning commission; and complaints and disposition of complaints from persons who allege that violations of this ordinance have occurred.

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

## **701. ZONING PERMITS**

### **701.1. Zoning Permit Required**

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

### **701.2. Application for Zoning Permits**

All applications for zoning permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact size and locations on the lot of all buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application or plans shall include such other information as lawfully may be required by the zoning administrator, including existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot and nearby lots; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance. One copy of the plans shall be returned to the applicant by the zoning administrator, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy.

### **701.3. Expiration of Zoning Permit**

If the work described in any zoning permit has not begun within six months from the date of issuance thereof, the permit shall expire and be canceled by the zoning administrator. If the work described in any zoning permit has not been substantially completed within one year of the date of issuance thereof, said permit shall expire and be canceled by the zoning administrator. In the case of work which may reasonably be expected to require more than one year

for completion, the zoning administrator may specify a time limit in excess of one year at the time of original issuance of the zoning permit. Written notice of the expiration of any zoning permit shall be given to the persons effected, including notice that further work as described in the canceled permit shall not proceed unless and until a special zoning permit has been obtained.

## **702. CERTIFICATE OF ZONING COMPLIANCE**

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

### **702.1. Temporary Certificate**

A temporary certificate of zoning compliance may be issued by the zoning administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards in order to protect the safety of the occupants as well as the public.

### **702.2. Failure to Obtain Certificate**

Failure to obtain a certificate of zoning compliance shall be a violation of this ordinance, and punishable under Section 707 of this ordinance.

### **702.3. Disclosure Statement**

*“State law requires residential construction to be done by licensed residential builders and specialty contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as owner of the property, to act as your own builder even though you do not have a license. You must supervise the construction yourself. You may build or improve a one-family or two-family residence. The building must be for your use and occupancy. It may not be built for sale or rent. If you sell or rent a building you have built yourself within two (2) years after the construction is complete, the law will presume that you built it for sale or rent, which is a violation of this exemption. You may not hire an unlicensed person as your residential builder or specialty contractor. It is your responsibility to make sure that people employed by or assisting you have licenses required by state law and county or municipal licensing ordinances. Your construction must comply with all applicable laws, ordinances, building codes and zoning regulations.”*

**703. CONSTRUCTION AND USE TO BE AS APPROVED**

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

**704. FEES**

The town council may establish a schedule of fees, charges and expenses and a collection procedure for zoning permits, certificates of zoning compliance, appeals, amendments, requests for variances and special exceptions, subcontractors working in the town and other matters pertaining to these regulations. The schedule of fees shall be posted in the office of the town clerk and may be altered or amended only by the town council.

No permit, certificate or variance shall be issued or granted unless and until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proposed amendments or on proceedings before the board of zoning appeals unless and until applicable charges and fees have been paid in full.

**705. VIOLATIONS**

If the zoning administrator shall find that any one of the provisions of this ordinance is being violated, he shall, with the assistance of the town clerk and the chief of police, in writing, notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuances of illegal buildings or structures; of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take other action authorized by this ordinance to ensure compliance with or prevent violations of its provisions.

**706. COMPLAINTS REGARDING VIOLATIONS**

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

**707. PENALTIES FOR VIOLATIONS**

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

**708. APPEALS**

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

**ARTICLE 8  
BOARD OF ZONING APPEALS**

**801. PROCEDURES OF THE BOARD OF ZONING APPEALS**

- 801.1. Establishment and Membership:** A Board of Zoning Appeals is hereby established which shall consist of five (5) members who are residents of the Town of Ridgeway, appointed by the Town Council. The term of office of the members of the Board shall be for three years, provided however, that the initial Board of Zoning Appeals established under this Ordinance shall be appointed with terms as follows: one to serve for one year, two to serve for two years, and two to serve for three years and successors shall serve for three years or until their respective successors are appointed. Members may be removed for cause by town Council upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Members shall not hold any other Town of Ridgeway public office.
- 801.2. Organization and Structure:** The essential elements of the organizational structure of the board include the following:
- A. Chairperson.** The board shall elect one of its members as chairperson. The chairperson serves for one year or until a successor is elected and qualified. The chairperson may be reelected.
  - B. Secretary.** The board must appoint a secretary. He/she may be an officer of the governing authority or the zoning board.
  - C. Rules of Procedure.** The board must adopt rules of procedure complying both with the 1994 Local Government Comprehensive Planning Enabling Act and this zoning ordinance. The rules of procedure shall address the following elements as minimum.
    - 1) election of a chairperson and his/her duties
    - 2) procedure for electing an acting chairperson
    - 3) appointment of a secretary and his/her duties
    - 4) procedures for calling meetings
    - 5) time and place for meetings
    - 6) posting of meeting notices to comply with Freedom of Information Act and S.C. Code 6-29-70 for variances and special exceptions
    - 7) setting agenda
    - 8) quorum and attendance requirements
    - 9) rules of procedure for conducting meetings
    - 10) time for appeal from decision of zoning administrator
    - 11) time and procedure for hearing appeals, variances and special exceptions
    - 12) time and procedure for rendering and serving decisions
    - 13) procedure for making and keeping records of actions
    - 14) procedure for granting rehearings
    - 15) the oath administered to witnesses

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

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

## **802. POWERS OF THE BOARD OF ZONING APPEALS**

The board of Zoning appeals shall have the following powers and duties:

- 802.1. Administrative Review:** The board shall hear and decide appeals where it is alleged the Zoning Administrator erred in an order, requirement, decision or determination. In such cases, the board may reverse or affirm, wholly or in part, the zoning administrator's action, provided that such appeal is made within thirty (30) days after the order, requirement, decision, or determination which is alleged to be in error is made. The board has all the powers of the zoning administrator in such cases and may direct the issuance of a permit.
- 802.2. Variances:** The board has the power to hear and decide appeals for variances when strict application of the zoning ordinance would cause an unnecessary hardship.

### **A. Standards for Granting Variances:**

- (1) The Board of Zoning Appeals may grant a variance for an unnecessary hardship if it makes and explains in writing all of the following findings:

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography, and
- (b) These conditions do not generally apply to other property in the vicinity, and
- (c) Because of these conditions, the application of the Ordinance to a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property, and
- (d) The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by granting of the variance.

(2) Other issues affecting findings of the board in a variance application:

- (a) The fact that property may be used more profitable if a variance is granted is not grounds for a variance.
  - (b) In granting a variance, the board may attach conditions to it. These conditions may address the location, character or other feature of a proposed building, structure, or use. The board sets the conditions to protect established property values in the surrounding area or to promote the public health, safety or general welfare.
  - (c) Under the general rule, the board may not grant use variances. A “use variance” involves the establishment of a use not otherwise permitted in a zoning district, or extends physically a nonconforming land use or changes a zoning district boundaries shown on the official zoning map.
- (3) No nonconforming use of neighboring lands, structures, or buildings in the district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
  - (4) Granting of a special exception shall not be considered as a basis for the granting of a variance, and the Board of Appeals shall grant no variance for the establishment, enlargement, or alteration of any use, structure, or characteristic of use which arises from or is necessitated by the granting of any special exception.

**B. Effect of Failure to Meet Condition:**

- (1) Violation of conditions and safeguards prescribed in conformity with this ordinance when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance, punishable under penalties established herein.



- (2) Failure to begin or complete, or being and complete, an action for which a variance is granted, within the time limit specified, when such time limit is made a part of the terms under which the variance is granted shall void the variance.

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

**A. Duties of the Board:**

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

**B. Procedures in Consideration of Special Exception Applications:**

- (1) A written application for a special exception shall be submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
- (2) Notice of public hearing shall be posted on the property for which special exception is sought and shall be published at least 15 days prior to the public hearing in a newspaper of general circulation in the Town of Ridgeway.
- (3) The public hearing shall be held, and any party may appear in person, or by agent or attorney;
- (4) The Board of Zoning Appeals shall make a finding that it is empowered under the section of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest;

- (5) The regulations of this Ordinance setting forth specific standards to be met prior to the establishment of any special exception shall be binding upon the Board of Zoning Appeals and no variance to such requirements shall be granted.
- (6) The Board of Zoning Appeals shall grant no special exception for the establishment of any use or structure that necessitates the concomitant granting of a variance.

C. Effect of Failure to Meet Conditions:

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

**803. APPEALS TO THE BOARD**

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

**803.1. Time Limits for Appeals:**

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

**803.2. Procedure for Appeals to Board:**

- A. Notice of Appeal.** Any person displeased with an officer's action may appeal it to the board of zoning appeals. The person must file a notice of appeal specifying the grounds with the officer and the board. The applicant and parties to the permitting process are parties in interest and are entitled to notice of appeal. Citizens and residents who are not parties to the permitting process are not entitled to notice. The zoning administrator shall provide a form for the appeal notice. The officer being appealed must immediately send the board all papers constituting the record upon which the action was taken.
- B. Stay of Proceedings.** Filing an appeal to the board stays all legal proceedings to enforce the appealed action unless the appealed officer certifies that a stay would cause imminent peril to life and property. In such cases, a board or court restraining order may stay the action.
- C. Time and Notice of Hearing.** The board must set a reasonable time for hearing the appeal. It must publish a 15-days notice in a general circulation newspaper and give notice to parties in interest, preferably by mail.
- D. Conduct of Hearing.** Any party may appear at the hearing in person, by agent or by attorney. At the start of the hearing, the chairperson should explain the procedures for presenting and examining witnesses, receiving evidence, the role of attorneys and how the board will make and serve a decision. The board may subpoena witnesses and certify contempt to the circuit court. The board must hold the hearing in compliance with the Freedom of Information Act.
- E. Rehearing.** A rehearing may be justified by reason of newly discovered evidence, fraud, surprise, mistake, inadvertence, or change in conditions.
- F. Board Decisions.** The board has the same powers as the zoning administrator. Board members cannot vote by absentee ballots. Members must be present to vote. The board must make all final decisions in writing, deliver them to parties in interest by certified mail and permanently file them as public records. The board must separately state in decisions or orders all findings of fact and conclusions of law. This is a critical requirement because the board's findings of fact are binding on the circuit court of appeal.

## 804. APPEAL TO CIRCUIT COURT

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

## 805. EXHAUSTION OF ADMINISTRATIVE REMEDIES

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

Constitutional "taking" claims frequently arise when application of the zoning regulations result in the denial of use of property. The Supreme Court has ruled that a taking claim is premature when there was no application for a variance or exception pursuant to administrative procedures provided by the zoning ordinance.

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

**ARTICLE 9**  
**BOARD OF ARCHITECTURAL REVIEW**

**901. BOARD OF ARCHITECTURAL REVIEW**

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

1. Preserve and protect historic and architecturally valuable structures
2. Preserve and protect significant of natural scenic areas; and
3. Protect and provide for the unique, special or desired character of the below defined design overly district

**901.1. Membership**

The body will be composed of a minimum of 3 members appointed by Town Council. Membership shall consist of residents of the Town of Ridgeway, holding no public office in the Town.

**901.2. Organization and Operation**

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

**901.3. Freedom of Information Act**

The Freedom of Information Act (*S.C. Code 30-4-10, et seq.*) requires all public bodies to conduct their meetings in public. Public bodies may go into executive session only for matters such as receipt of legal advice, employment matters and contract negotiations. *S.C. Code 30-4-70.* The Commission must give a written public notice of regular meetings at the beginning of each calendar year. It must post regular meeting agenda at the meeting place 24 hours before a meeting. Notices and agendas for called, special or rescheduled meetings must be posted at least 24 hours before meetings. The Commission must notify persons, organizations and news media that request meeting notifications. *S.C. Code 30-4-80.*

## **901.4. Appeals**

### **(1) Appeals to Commission**

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

- a. The party must file notice of appeal with the officer from whom the appeal is taken and with the Board within the time provided by the Zoning Ordinance or rules of the Commission.
- b. The officer appealed from must send the Commission all documents in the record upon which the action appealed was taken.
- c. A appeal stays all proceedings to enforce the action, unless the officer certifies that a stay would cause imminent peril to life and property. The Commission or circuit court may grant a restraining order.
- d. The Commission sets a reasonable time for hearing the appeal and giving public notice to parties in interest.
- e. A party may appear in person or be represented at the hearing by an agent or attorney.

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

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

### **(2) Appeal to Council**

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

### **(3) Appeal to Circuit Court**

- a. **Petition.** A person having substantial interest may make an appeal from a commission decision to circuit court. The person must file a written petition with the clerk of court stating why the decision is contrary to law. Although not required, the party should serve the petition on the Commission. The clerk of court is required to give immediate notice of the appeal to the

Commission secretary. The filing of an appeal does not act as a supersedes, but the circuit judge may grant a supersedes upon reasonable terms. *S.C. Code 6-29-900*.

- b. Transcript.** Within 30 days after notice from the clerk of court, the commission must file with the clerk of court a certified copy of the Commission proceedings, a transcript of testimony, evidence, and the Commission decision including findings of fact and conclusions. *S.C. Code 6-29-920*. There is no requirement for the Commission to serve the certified record on parties in interest; however, the attorney should file a return to the petition and send it with a certified record to the counsel for appealing party.
- c. Standard of Review.** The commission's findings of fact are final and conclusive on review. The court may not take additional evidence. The court must determine only whether the Commission decision is correct as a matter of law. The court must allow the Commission decision to stand if there is any evidence in the record to support it. If the record is insufficient for review, the circuit court judge must send it back to the Commission for rehearing. *S. C. code 6-29-930*. See *Wells v. Finley*, 260 S.C. 291, 195 S.E. 2d 623 (1973).

#### **(4) Appeal to Supreme Court**

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

**ARTICLE 10  
AMENDMENTS**

**1000. INITIATION OF PROPOSALS FOR ZONING AMENDMENTS**

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

**1001. PLANNING COMMISSION REVIEW**

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

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

**1002. PLANNING COMMISSION RECOMMENDATION TO TOWN COUNCIL**

Within thirty (30) days from the date that any proposed zoning amendment is referred to it (unless a longer period shall have been established by actual agreement between the town council and the planning commission in the particular case) the planning commission shall submit its report and recommendation to town council. The recommendation of the planning commission shall be advisory only, and shall not be binding on town council. If the planning commission does not submit its report within the prescribed time, the town council may proceed to act on the amendment without further awaiting the recommendations of the planning commission.



**1003. PUBLIC HEARING TO BE HELD**

Before asking a recommendation to town council on any proposed amendments, the planning commission shall hold a public hearing. Such public hearing shall be held at such times as the planning commission shall decide.

**1004. NOTICE OF PUBLIC HEARING**

In scheduling a public hearing concerning zoning amendments, the planning commission shall publish a notice in a newspaper of general circulation in the Town of Ridgeway: at least 15 days prior to the hearing, which notice shall state the time, date and place of the hearing, shall be blocked in, and shall have an appropriate descriptive title.

**1005. PROTEST**

In case of a protest against any proposed zoning change signed by the owners of 20 percent or more of the area of (a) the lots included in such proposed change, and (b) those lots contiguous to the area in question, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of town council.

**1006. RECONSIDERATION OF PROPOSED AMENDMENTS**

The town council shall not reconsider a proposed amendment to the zoning map if such amendment requests a change affecting the same lot, parcel, or portion thereof, for a period of six months from the date such application was denied.

**1007. MINIMUM AREA FOR NEW DISTRICTS**

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

- (1) The extension of existing district boundaries; or
- (2) The addition of C-1 zoning contiguous to existing I-1 zones.

**ARTICLE 11**

**(Reserved)**

**ARTICLE 12  
LEGAL STATUS PROVISIONS**

**1200. SEPARABILITY**

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

**1201. CONFLICT WITH OTHER LAWS**

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

**1202. REPEALING CLAUSE**

This ordinance repeals the Zoning Ordinance dated **April 13, 1999**. All ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this ordinance, as amended, are hereby repealed.

**1203. EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after \_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

Attested:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Clerk