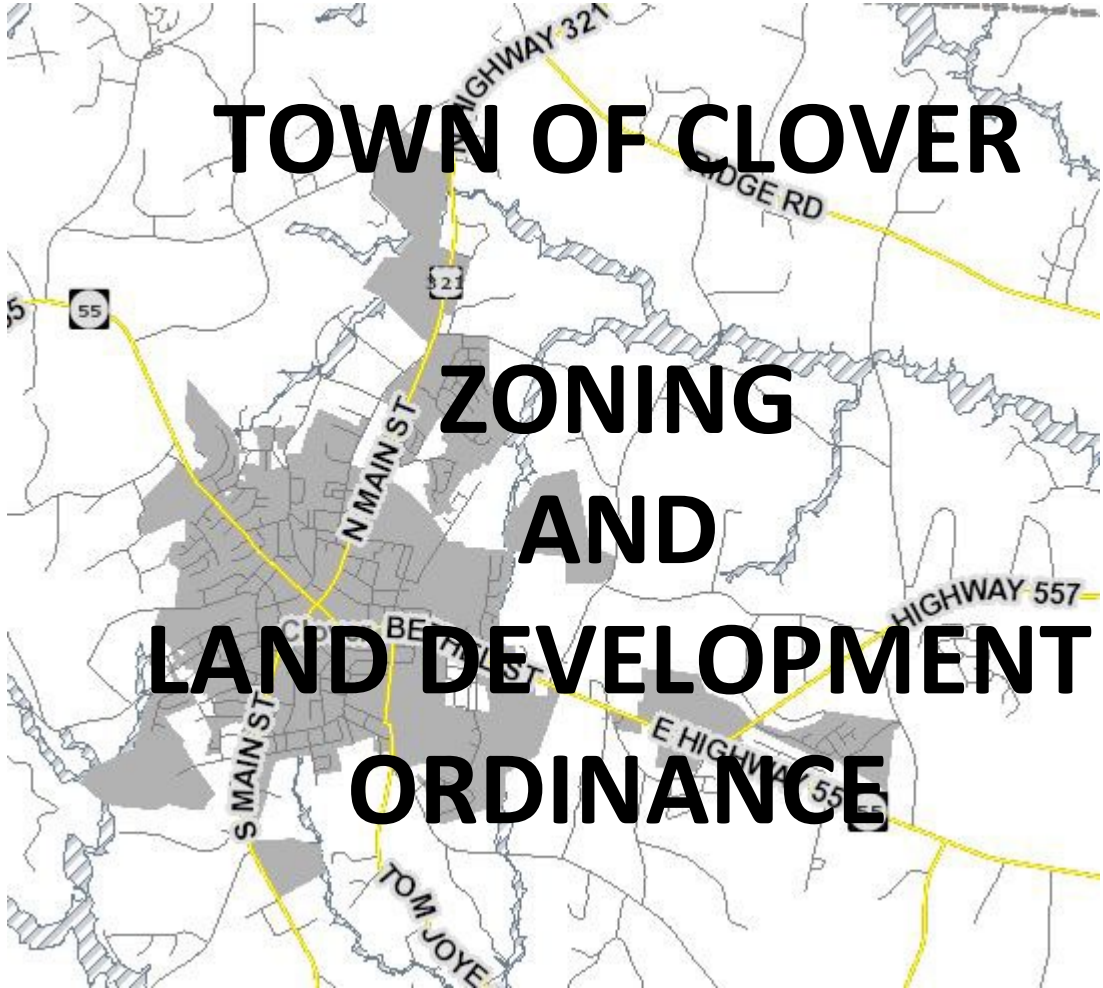




TOWN OF CLOVER

ZONING AND LAND DEVELOPMENT ORDINANCE

Adopted December 8, 2014
Effective January 1, 2015

Revisions

- Revision 1: Ordinance 15-06 adopted April 13, 2015
- Revision 2: Ordinance 16-01 adopted May 9, 2016
- Revision 3: Ordinance 17-04 adopted June 16, 2017
- Revision 4: Ordinance 17-10 adopted October 16, 2017
- Revision 5: Ordinance 17-12 adopted November 13, 2017
- Revision 6: Ordinance 18-08 adopted September 10, 2018
- Revision 7: Ordinance 19-10 adopted August 12, 2019
- Revision 8: Ordinance 20-07 adopted August 10, 2020
- Revision 9: Ordinance 20-12 adopted October 12, 2020
- Revision 10: Ordinance 21-04 adopted March 8, 2021
- Revision 11: Ordinances 22-04, 22-05, & 22-09 adopted June 13, 2022
- Revision 12: Ordinance 23-09, adopted August 14, 2023
- Revision 13: Ordinance 25-02, adopted June 9, 2025

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ZONING AND LAND DEVELOPMENT ORDINANCE

CLOVER, SOUTH CAROLINA

AN ORDINANCE OF THE TOWN OF CLOVER, REGULATING THE LOCATION, AND USE OF BUILDINGS, STRUCTURES, AND LAND, THE HEIGHT OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, THE DENSITY AND DISTRIBUTION OF POPULATION; THE DESIGN OF BUILDINGS AND STRUCTURES; THE SUBDIVISION OF LAND AND THE PROTECTION OF NATURAL RESOURCES; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; AND PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

PREAMBLE

IN ACCORDANCE WITH AUTHORITY CONFERRED BY THE GENERAL STATUTES OF SOUTH CAROLINA, 1976 CODE OF LAWS, TITLE 6, CHAPTER 29 OF THE COMPREHENSIVE PLANNING ENABLING ACT OF 1994, AS AMENDED, AND FOR THE PURPOSE OF PROMOTING PUBLIC HEALTH, SAFETY, MORALS, CONVENIENCE, ORDER, APPEARANCE, PROSPERITY, AND GENERAL WELFARE; LESSENING CONGESTION IN THE STREETS; SECURING SAFETY FROM FIRE; PROVIDING ADEQUATE LIGHT, AIR, AND OPEN SPACE; PREVENTING THE OVERCROWDING OF LAND; AVOIDING UNDUE CONCENTRATION OF POPULATION; FACILITATING THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS TOWN; PROTECTING AND PRESERVING SCENIC, HISTORIC AND ECOLOGICALLY SENSITIVE AREAS; FACILITATING THE PROVISION OF PUBLIC SERVICES, AFFORDABLE HOUSING, AND DISASTER EVACUATION, IN HARMONY WITH THE COMPREHENSIVE PLAN FOR THE TOWN OF CLOVER, SOUTH CAROLINA, THE TOWN COUNCIL HEREBY ORDAINS AND ENACTS INTO LAW THE FOLLOWING ARTICLES AND SECTIONS, WHICH SHALL COMPRISE AND BE KNOWN AS THE ZONING AND LAND DEVELOPMENT ORDINANCE OF THE TOWN OF CLOVER, SOUTH CAROLINA, AND SHALL BE APPLICABLE THROUGHOUT THE INCORPORATED AREA OF THE TOWN, AS NOW OR HEREAFTER ESTABLISHED.

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ARTICLE 1. ESTABLISHMENT, PURPOSE, AND RULES FOR THE INTERPRETATION OF ZONING DISTRICTS

Section 1.1 Establishment of Districts

For purposes of this Ordinance, the following zoning districts are hereby established:

PRIMARY DISTRICTS

R-20	Low Density Residential District
R-12	Medium Density Residential District
R-7	High Density Residential District
R-5	High Density Residential District
B-1	Central Commercial District
B-2	Highway Commercial District
B-4	Neighborhood commercial District
MU	Mixed Use District
ID	Industrial District

SPECIAL PURPOSE DISTRICTS

PDD	Planned Development District
HPOD	Historic Preservation Overlay District
COD	Corridor Overlay District

Section 1.2 Purpose of Districts

Collectively, these Districts are intended to advance the purposes of the Town's Comprehensive Plan and this Ordinance, as stated in the Preamble. Individually, each district is designed and intended to accomplish the following more specific objectives.

PRIMARY DISTRICTS

R-20 Low Density Residential District

The purpose of this District is to foster, sustain, and protect areas in which the principal use of land is for single-family dwellings and support uses, at low densities.

R-12 Medium Density Residential District

The purpose of this District is to foster, sustain, and protect areas in which the principal use of land is for single-family dwellings and support uses, at medium densities.

R-7 High Density Residential District

The R-7 District is intended to promote and accommodate housing development that meets the diverse economic and social needs of a diverse population. To this end, this District is designed and intended to allow for the development of a variety of housing styles, types and densities on small lots or in project settings, including single-family, duplexes, triplexes, air-space condominiums, rental apartments, patio homes, townhouses, etc., and to do so in a protected, compatible residential environment. The District is intended for application in areas accessible by major streets, and in proximity to commercial uses, employment opportunities and community facilities.

R-5 High Density Residential District

The R-5 District is intended to promote and accommodate housing development that meets the diverse economic and social needs of a diverse population. To this end, this District is designed and intended to allow for the development of a variety of housing styles, types and densities on small lots or in project settings, including single-family, duplexes, triplexes, air-space condominiums, rental apartments, patio homes, townhouses, manufactured homes, etc., and to do so in a protected, compatible residential environment. The District is intended for application in areas accessible by major streets, and in proximity to commercial uses, employment opportunities and community facilities.

B-1 Central Commercial District

The B-1 District is intended to promote the concentration and vitality of commercial and business uses in historic downtown Clover. This district is characterized by wall-to-wall and lot-line-to-lot-line development, sidewalks, and public parking.

B-2 Highway Commercial District

The intent of this District is to provide for and promote the development and maintenance of commercial and business uses strategically located to serve the traveling public, the resident population and the larger region of which the Town is a part. Toward this end, a wide range of business and commercial uses are permitted in this District.

B-4 Neighborhood Commercial District

The intent of this District is to meet the commercial and service needs generated by nearby residential areas. Goods and services normally available in this District are of the “convenience variety.” The size of this District should relate to surrounding residential markets and the location should be at or near major intersections, in proximity to and/or on the periphery of residential areas, existing or proposed.

MU Mixed Use District

The MU District is intended to accommodate a limited mix of uses, including office, institutional, small scale retail and residential in areas whose character is changing, or where such a mix of uses is appropriate. It is designed principally for areas transitioning from residential to non-residential, where more intensive, mixed use development would better serve the community.

ID Industrial District

The intent of this District is to accommodate and protect on individual lots or in business park settings industrial and related wholesaling, distribution, warehousing, processing, office and administrative uses in an environment suited to such uses and operations, while promoting land use compatibility with the aid of performance standards. This District also is intended to protect for future development vacant sites and tracts with industrial potential.

SPECIAL PURPOSE DISTRICTS

PDD Planned Development District

The intent of the Planned Development District is to encourage flexibility in the development of land in order to promote its most appropriate use; and to do so in a manner that will enhance public health, safety, morals, and general welfare.

Within the PDD District, regulations adapted to unified planning and development are intended to accomplish the purpose of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots or tracts, promote economical and efficient land use, provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and produce a better environment.

In view of the substantial public advantage of "planned development", it is the intent of these regulations to promote and encourage or require development in this form where appropriate in character, timing, and location, particularly for large undeveloped tracts.

HPOD Historic Preservation Overlay District

The Historic Preservation Overlay District is designed and intended to promote the educational, cultural, economic and general welfare of the community by providing a mechanism for the identification, recognition, preservation, maintenance, protection and enhancement of existing historic and architecturally valuable structures, and properties which serve as visible reminders of the social, cultural, economic, political and/or architectural history of the Town of Clover, thereby:

1. Fostering civic pride;
2. Preserving local heritage;
3. Fostering public knowledge and appreciation of structures and areas which provide a unique and valuable perspective on the social, cultural, and economic mores of past generations;
4. Fostering architectural creativity by preserving physical examples of outstanding architectural techniques of the past; and
5. Encouraging new structures and development that will be harmonious with existing structures, properties and sites included in said districts.

COD Corridor Overlay District

The intent of the Corridor Overlay District is to promote unified planning and development along the Town's major corridors, improve and enhance the aesthetic quality of land uses fronting on these corridors, and foster civic pride.

When applied to the Town's major traffic arteries – US 321 and SC 55- the intent of the district is further defined as providing for the preservation and protection of corridors where transportation improvements are scheduled to occur, and minimize the impacts associated with road widening and new road construction.

Section 1.3 Establishment of Official Zoning Maps

The boundaries of the Use Districts established by this Ordinance are shown on official zoning maps, which maps shall be maintained by the Zoning Administrator. The official zoning map and all amendments, certifications, and other matters entered on the official zoning map are hereby made a part of this Ordinance and have the same legal effect as if fully set out herein.

Section 1.4 Amendments to the Official Zoning Maps

Amendments to the official zoning map(s) shall be adopted by Ordinance as provided for herein. Promptly after the adoption of an amendment, the Zoning Administrator shall alter or cause to be altered the official zoning map(s) to indicate the amendment, and shall enter the date of adoption and the effective date of the Ordinance amending the map.

Section 1.5 Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of a district shown on the official zoning maps, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, railroad tracks, alleys, or public utility easements shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private.
3. Boundaries indicated as approximately following political boundaries shall be construed as following such boundaries.
4. Boundaries indicated as approximately following the centerlines of natural barriers such as streams, shall be construed to follow such centerlines.
5. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 4 above, shall be determined by the Zoning Administrator.

Where uncertainties continue to exist after the application of the above rules, an appeal may be taken to the Board of Zoning Appeals.

Section 1.6 Additions to the Official Zoning Map (Annexation)

Wherever any petition for the annexation of any area to the Town of Clover, pursuant to the provisions of any procedure for annexation now or hereafter authorized under the laws of South Carolina, is presented to Town Council, the Council shall, upon acceptance of such petition refer same to the Planning Commission for a recommended zoning designation.

The Planning Commission shall review the petition in relation to the applicant's request for a specific zoning designation, if any; the town's Comprehensive Plan, present use, former property configuration; and surrounding development, and shall recommend an appropriate zoning classification. The recommendation may be contingent on petition of previously subdivided property to include the larger tract from which the petitioned property was subdivided.

The recommended zoning classification for the subject property shall accompany the petition for annexation, and shall be brought before the Town Council as a single ordinance, providing for both the annexation and zoning of the subject property.

END OF ARTICLE 1

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ARTICLE 2. DISTRICT REGULATIONS

Section 2.1 Establishment of Regulations

The uses permitted in the Primary Districts and Special Purpose Districts established by Article 1, the off-street parking requirements, and the dimensional requirements of each are set forth in this Article.

Section 2.3 (Table 1) sets forth use and off-street parking requirements for each zoning district. Section 2.4 (Table 2) sets forth lot area, yard, setback, height, density, and impervious surface requirements for all districts. Section 2.5 establishes regulations for the Planned Development District; Section 2.6 establishes regulations for the Historic Preservation Overlay District, and Section 2.7 establishes regulations for the Corridor Overlay District.

Section 2.2 Application of Regulations

The North American Industry Classification System, 2012, is the basis for determining the use of property permitted by the various zoning districts. Where uncertainty exists relative to a given use not specifically listed by Table 1, the NAICS Manual should be consulted. In general, all uses listed by a given NAICS number and category should be construed as being permitted in the assigned zoning district, unless separately listed.

Uses not listed in the NAICS Manual are identified by the letters "N/A" (Not Applicable) in the NAICS Column.

Where the letter "P" is shown, the use to which it refers is permitted as a use by right in the indicated district, provided it complies fully with all applicable development standards of this Ordinance.

Where the letter "C" is shown, the use to which it refers is conditionally permitted in the indicated district, subject to applicable requirements set out in Article 3, or in the case of the PDD, Section 2.5.

Where the letter "N" is shown, the use to which it refers is not permitted in the indicated district.

Where a given use or NAICS reference is not listed by Table 1 said use shall not be permitted.

A section number reference following a use category means the use must meet the additional conditions and requirements of the referenced section.

To aid in the use of Table 1, it is arranged by NAICS Sectors, followed by the uses and codes included in the respective sector:

Sector 11:	Agriculture, Forestry, Fishing and Hunting
Sector 21:	Mining
Sector 22:	Utilities
Sector 23:	Construction
Sector 31-33:	Manufacturing
Sector 42:	Wholesale Trade
Sector 44-45	Retail Trade
Sector 48-49:	Transportation and Warehousing
Sector 51:	Information
Sector 52:	Finance and Insurance
Sector 53:	Real Estate and Rental and Leasing
Sector 54:	Professional, Scientific, and Technical Services
Sector 55:	Management of Companies and Enterprises
Sector 56:	Administrative and Support and Waste Management and Remediation Services
Sector 61:	Educational Services
Sector 62:	Health Care and Social Assistance
Sector 71:	Arts, Entertainment, and Recreation
Sector 72:	Accommodation and Food Services
Sector 81:	Other Services (except Public Administration)
Sector 92:	Public Administration

Uses and NAICS code references are displayed within the appropriate sector in numerical order, beginning with Sector 11 (Agricultural, Forestry, Fishing and Hunting) and running through Sector 92 (Public Administration).

**Section 2.3 TABLE 1: Schedule of Permitted and Conditional Uses and Off-Street Parking Requirements,
By Zoning Districts**

Zone Districts	NAICS	R-12 R-20	R-7	R-5	B-1	B-2	B-4	MU	PDD (Sec 2.5)	ID	Required Off-street Parking (a)(c)
Sector 11: Agriculture, Forestry, Fishing and Hunting											
Crop Production	111	P	N	N	N	P	N	N	C	P	NONE
Sector 22: Utilities											
Utilities	221										NONE
Hydro, Fossil fuel & electric power	221111-2	N	N	N	N	N	N	N	N	P	NONE
Renewable - Wind and Solar	221114-5	N	N	N	N	P	N	N	N	P	NONE
Transmission	221122	P	P	P	P	P	P	P	P	P	NONE
Natural gas distribution	2212	N	N	N	N	P	N	N	N	P	1 per 500 GFA
Water supply systems	22131										
Storage/Treatment	22131	N	N	N	N	P	N	N	N	P	1 per 500 GFA
Transmission	22131	P	P	P	P	P	P	C	P	P	NONE
Sewerage systems	22132										
Collection	22132	P	P	P	P	P	P	C	P	P	NONE
Treatment	22132	N	N	N	N	N	N	N	N	P	1 per 500 GFA
Steam and Air Conditioning Supply	22133	N	N	N	N	P	N	N	N	N	1 per 500 GFA
Sector 23: Construction											
Building Construction-general contract & operative builders	236	N	N	N	N	P	N	N	N	P	1 per 1,000 GFA
Heavy & Civil Engineering Construction	237	N	N	N	N	P	N	N	N	P	1 per 1,000 GFA
Special Trade Contractors	238	N	N	N	N	P	N	N	N	P	1 per 1,000 GFA
Sector 31-33: Manufacturing (Sec. 3.1)											
Food	311	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Beverage & Tobacco	312	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Craft Breweries (Sec. 3.17)	312120	N	N	N	C	C	N	C	C	N	1 per 1,000 GFA
Textile mills	313	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Textile Product Mills	314	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Apparel	315	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Leather & allied products	316	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Wood products	321	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Paper	322	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Printing & related activities	323	N	N	N	N	C	N	N	N	C	1 per 1,000 GFA
Petroleum products	324	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA

Zone Districts	NAICS	R-12 R-20	R-7	R-5	B-1	B-2	B-4	MU	PDD (Sec 2.5)	ID	Required Off-street Parking (a)(c)
Chemical products	325	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Plastic & Rubber Products	326	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Nonmetallic Mineral Products	327	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Primary Metal	331	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Fabricated metal products	332	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Machinery	333	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Computer & Electronic Products	334	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Electrical Equipment, Appliances & Comp.	335	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Transportation equipment	336	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Furniture & related products	337	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Miscellaneous manufacturing	339	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Sector 42: Wholesale Trade											
Wholesale trade-durable goods	423	N	N	N	N	P	N	N	N	P	1 per 5,000 GFA
Wrecking, scrap and salvage	42314	N	N	N	N	N	N	N	N	N	N/A
Wholesale trade-non-durable goods	424	N	N	N	N	P	N	N	N	P	1 per 5,000 GFA
Wholesale Electronic markets	425	N	N	N	N	P	N	N	N	P	1 per 5,000 GFA
Sector 44-45: Retail Trade											
Motor Vehicle and Parts Dealers	4411	N	N	N	N	P	N	N	N	N	1 per 1,000 GFA
Motorcycle, Boat & Other Vehicle Dealers	4412	N	N	N	N	P	N	N	N	N	1 per 1,000 GFA
Automotive parts, accessories and tires	4413	N	N	N	N	P	N	N	N	N	1 per 500 GFA
Furniture & home furnishings	4491	N	N	N	P	P	N	N	C	N	1 per 1,000 GFA
Electronics & Appliances	4492	N	N	N	P	P	N	N	C	N	1 per 1,000 GFA
Building materials, garden supplies	444										
Home Centers	44411	N	N	N	N	P	N	N	C	N	1.7 per 1,000 GFA
Paint & Wallpaper stores	44412	N	N	N	P	P	P	N	C	N	1.7 per 1,000 GFA
Hardware Stores	44414	N	N	N	P	P	P	N	C	N	1.7 per 1,000 GFA
Other Building Material Dealers	44418	N	N	N	P	P	N	N	C	N	1.7 per 1,000 GFA
Lawn & garden equipment & supplies stores	4442	N	N	N	N	P	N	N	C	N	1.7 per 1,000 GFA
Food & Beverage stores	445	N	N	N	P	P	P	P	C	N	1 per 350 GFA
Convenience Stores	445131	N	N	N	P	P	P	N	C	N	1 per 350 GFA
Fruit & Vegetable	44523	N	N	N	P	P	P	N	C	N	1 per 350 GFA
Liquor	4453	N	N	N	P	P	N	N	C	N	1 per 350 GFA
Health & Personal Care	4561	N	N	N	P	P	P	P	C	N	1.7 per 1,000 GFA
Gasoline stations	45711	N	N	N	N	P	N	N	C	N	1 per 600 GFA
Truck stops	45712	N	N	N	N	N	N	N	N	N	N/A
Clothing & Accessory Stores	458	N	N	N	P	P	N	N	C	N	1.7 per 1,000 GFA
Sporting Goods, Hobbies, Books, Music	459	N	N	N	P	P	N	N	C	N	1.7 per 1,000 GFA

Zone Districts	NAICS	R-12 R-20	R-7	R-5	B-1	B-2	B-4	MU	PDD (Sec 2.5)	ID	Required Off-street Parking (a)(c)
Department Stores	4551	N	N	N	P	P	N	N	C	N	1.7 per 1,000 GFA
General Merchandise retail	455219	N	N	N	P	P	N	N	C	N	1.7 per 1,000 GFA
Used Merchandise, Flea Markets	4595	N	N	N	P	P	N	N	C	N	1.7 per 1,000 GFA or 1.5 per stall
Manufactured home dealers	45993	N	N	N	N	P	N	N	N	N	1 per 1,000 GFA
Other retailers	459999	N	N	N	N	P	N	N	C	P	1.7 per 1,000 GFA
Fuel Dealers	4572	N	N	N	N	P	N	N	N	P	1 per 1,000 GFA
Street & Transient Vendors (Sec. 3.4)	N/A	C	C	C	C	C	C	C	C	C	By Individual Review
Sector 48-49: Transportation and Warehousing											
Rail Transportation	482	N	N	N	N	P	N	N	N	P	1 per 500 GFA
Truck Transportation	484	N	N	N	N	P	N	N	N	P	1 per 500 GFA
Transit and ground passenger transportation	485	N	N	N	P	P	N	N	N	P	1 per 500 GFA
Pipeline Transportation	486	N	N	N	N	P	N	N	N	P	1 per 500 GFA
Scenic & Sightseeing Transportation	487	N	N	N	P	P	N	N	N	N	1 per 500 GFA
Support Activities for Transportation	488	N	N	N	N	P	N	N	N	P	1 per 500 GFA
U. S. Postal Service	491	N	N	N	P	P	N	P	C	N	1 per 350 GFA
Couriers and messengers	492	N	N	N	P	P	N	P	C	N	1 per 350 GFA
Warehousing & Storage (Dead storage only)	493	N	N	N	N	P	N	N	N	P	1 per 1,000 GFA
Sector 51: Information											
Publishing Industries, except internet	513	N	N	N	P	P	N	N	C	P	1 per 750GFA
Motion pictures & Sound Industries	512	N	N	N	P	P	P	N	C	N	1 per 500 GFA
Motion picture theaters	512131	N	N	N	P	P	N	N	C	N	1 per 5 seats
Broadcasting	516	N	N	N	P	P	N	P	C	N	1 per 500GFA
Telecommunications	517	N	N	N	P	P	N	P	C	N	1 per 500 GFA
Communication Towers & Ant. (Sec. 3.2)	517112	N	N	N	N	C	N	N	N	C	NONE
Data processing, hosting & related services	518	N	N	N	P	P	N	P	C	P	1 per 500 GFA
Other Information Services	51959	N	N	N	P	P	N	P	C	P	1 per 500 GFA
Libraries	51921	N	N	N	P	P	P	P	C	N	1 per 400 GFA
Sector 52: Finance & Insurance											
Monetary authorities - Banks	521	N	N	N	P	P	P	P	C	N	1 per 350 GFA
Credit Intermediation	522	N	N	N	P	P	N	P	C	N	1 per 350 GFA
ATM Machines	52211	N	N	N	P	P	P	P	C	P	2 Spaces
Pawn Shops	522299	N	N	N	P	P	N	N	N	N	1 per 350 GFA
Security & investments	523	N	N	N	N	P	N	P	C	N	1 per 350 GFA
Insurance Carriers & related activities	524	N	N	N	N	P	N	P	C	N	1 per 350 GFA
Funds, Trust, & other financial vehicles	525	N	N	N	N	P	N	P	C	N	1 per 350 GFA

Zone Districts	NAICS	R-12 R-20	R-7	R-5	B-1	B-2	B-4	MU	PDD (Sec 2.5)	ID	Required Off-street Parking (a)(c)
Sector 53: Real Estate & Rental & Leasing											
Real Estate	531	N	N	N	P	P	P	P	C	N	1 per 350 GFA
Mini-Warehouses/Self-Storage (Sec. 3.18)	53113	N	N	N	N	C	N	N	N	C	1 per 6 storage units
Rental & Leasing Services	532	N	N	N	P	P	N	P	C	N	1 per 500 GFA
Video Tape and disc rental	532282	N	N	N	P	P	P	P	C	N	1 per 350 GFA
Lessors of nonfinancial intangible assets	533	N	N	N	P	P	N	P	C	N	1 per 1,000 GFA
Sector 54: Professional, Scientific, and Technical Services											
Professional and Technical Services	541	N	N	N	P	P	N	P	C	N	1per 300 GFA
Display Advertising - Signs	54185	See Article 5									NONE
Veterinary Services	54194	N	N	N	N	P	N	N	N	P	1 per 350 GFA
Sector 55: Management of Companies And Enterprises											
Mgmt. Of Companies & Enterprises	551	N	N	N	P	P	N	P	C	P	1per 500 GFA
Sector 56: Administrative and Support & Waste Management and Remediation Services											
Administrative & support services	561	N	N	N	N	P	N	P	C	N	1 per 750 GFA
Landscape services	56173	N	N	N	N	P	N	N	C	P	1 per 1,000 GFA
Resource Recovery (Sec. 3.16)	56292	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Solid Waste Collection	562111	N	N	N	N	P	N	N	N	P	1 per 1,000 GFA
Sector 61: Educational Services											
Educational Services	611										
Elementary & Middle Schools	6111	P	P	P	N	P	N	P	C	N	1 per 15 students, design capacity
High Schools	6111	N	N	N	N	P	N	N	C	N	1 per 7 students, design capacity
Jr. Colleges, Colleges, Universities, Professional Schools	6112-3	N	N	N	N	P	N	P	C	N	8 per classroom, plus 2 per office
Business Schools, Computer, & Management Training	6114-5	N	N	N	N	P	P	P	C	P	8 per classroom, plus 2 per office
Other Schools and instruction	6116	N	N	N	N	P	N	P	C	N	8 per classroom, plus 2 per office
Educational Support Services	6117	N	N	N	N	P	N	P	C	N	1 per 500 GFA
Sector 62: Health Care and Social Assistance											
Ambulatory Health Care Services	621										
Offices of Physicians, Health Practitioners	6211-3	N	N	N	N	P	P	P	C	N	1 per 200 GFA

Zone Districts	NAICS	R-12 R-20	R-7	R-5	B-1	B-2	B-4	MU	PDD (Sec 2.5)	ID	Required Off-street Parking (a)(c)
Out Patient Care Centers	6214	N	N	N	N	P	P	P	C	N	1 per 300 GFA
Medical & Diagnostic Labs	6215	N	N	N	N	P	N	P	C	N	1 per 400 GFA
Home Health Care Services	6216	N	N	N	N	P	N	P	C	N	1 per 500 GFA
Other Ambulatory Health Care Services	6219	N	N	N	N	P	N	P	C	N	1 per 500 GFA
Hospitals	622	N	N	N	N	P	N	N	C	N	0.7 per bed
Nursing & Residential care facilities	623										
Nursing Care Facilities (Sec. 3.5)	623110	C	C	C	N	P	N	N	C	N	1 per 4 beds
Intellectual and Development Disability, Mental Health, & Substance Abuse Facilities	6232	N	P	P	N	P	N	P	C	N	1 per 4 beds
Continuing Care, Assisted living (Sec.3.5)	6233	C	C	C	N	C	N	C	C	N	1 per 4 beds
Other Residential Care Facilities	6239	N	P	P	N	P	N	P	C	N	1 per 4 beds
Social Assistance	624										
Individual & family services	6241	N	N	N	N	P	P	P	C	N	1 per 350 GFA
Emergency & Other Relief services	6242	N	N	N	N	P	P	P	C	N	1 per 350 GFA
Vocational Rehabilitation services	6243	N	N	N	N	P	P	P	C	N	1 per 350 GFA
Child Day Care services	6244	N	P	P	N	P	P	P	C	N	1 per 600GFA
Sector 71: Arts, Entertainment, and Recreation (Sec. 3.19)											
Performing Arts, Spectator Sports (except motorized racetracks) & Related Industries	711	N	N	N	N	C	N	C	C	N	By individual review
Museums, Historical sites	71211-2	N	N	C	C	C	N	C	C	N	1 per 800 GFA
Zoos & Botanical Gardens	71213	N	N	N	N	P	N	N	C	N	By Individual Review
Nature parks, public parks	71219	C	C	C	C	C	C	C	C	C	By Individual Review
Amusement & Recreation, except gambling	713										
Amusement parks, arcades	7131	N	N	N	N	C	N	N	C	N	1 per 500 GFA
Golf Courses & Country Clubs	71391	C	N	N	N	C	N	N	C	N	5 per hole
Fitness and Recreational Sport Centers	71394	N	N	N	C	C	N	C	C	N	1 per 500 GFA
Bowling Centers	71395	N	N	N	N	C	N	N	C	N	5 per lane
All other Amusement	713990	N	N	N	N	C	N	N	C	N	1 per 500 GFA
Sector 72: Accommodation and Food Services											
Accommodations	721										
Hotels & Motels	72111	N	N	N	P	P	N	N	C	N	1.5 per rental unit
Bed & Breakfast Inns (Sec. 3.3)	721191	C	C	C	N	P	N	C	C	N	1.5 per bedroom
Rooming & Boarding Houses, Dormitories, Group Housing (Sec. 3.5)	721310	N	C	C	N	P	N	N	C	N	1 per bedroom
Special Food Services	722310	N	P	N	N	P	P	P	C	N	1 per 150 GFA
Caterer	722320	N	N	N	N	P	P	P	C	N	1 per 150 GFA
Mobile Food Service (see also Sec. 3.4)	722330	P	P	P	P	P	P	P	P	P	
Drinking Places, alcoholic beverages	7224	N	N	N	P	P	P	P	C	N	1 per 150 GFA
Restaurants and other eating places	7225	N	N	N	P	P	P	P	C	N	1 per 350 GFA

Zone Districts	NAICS	R-12 R-20	R-7	R-5	B-1	B-2	B-4	MU	PDD (Sec 2.5)	ID	Required Off-street Parking (a)(c)
Sector 81: Other Services (except Public Administration)											
Auto Repair & Maintenance	8111										
General Auto Repair (Sec. 3.14)	811111	N	N	N	N	C	N	N	N	N	3 per service bay
Electronic and Precision Repair/Maintenance	8112	N	N	N	N	P	N	N	N	N	1 per 350 GFA
All Other Repair	8113-4	N	N	N	N	P	N	N	N	N	1 per 350 GFA
Personal & Laundry services	812										
Personal Care Svcs -Beauty, Barber, etc.	8121	N	N	N	P	P	P	P	C	N	2.5 per chair
Other personal care, Body Piercing, Tattoo, & Message Parlors, Sauna & Tanning	812199	N	N	N	P	P	N	N	N	N	1 per 350 GFA
Funeral Homes & Death Care Services	812210	N	N	N	N	P	P	N	N	N	1 per 4 chapel seats
Cemeteries, Columbariums	812220	C	C	C	N	C	N	N	N	N	None
Crematories	812220	N	N	N	N	N	N	N	N	P	1 per 500 GFA
Dry Cleaning & Laundry services	8123	N	N	N	N	P	P	N	N	N	1 per 500 GFA
Coin operated laundries/dry cleaning	81231	N	P	P	N	P	P	N	N	N	1 per 250 GFA
Industrial Launderers	812332	N	N	N	N	N	N	N	N	P	1 per 1,000 GFA
Other Personal Services	8129	N	N	N	N	P	N	N	N	N	1 per 1000 GFA
Pet Care (enclosed facility)	812910	N	N	N	P	P	P	N	C	P	1 per 1,000 GFA
Pet Care (unenclosed facility)	812910	N	N	N	N	N	N	N	N	P	1 per 1,000 GFA
Photo finishing	81292	N	N	N	P	P	P	P	C	N	1 per 500 GFA
Automotive parking lots & garages	81293	N	N	N	P	P	P	P	C	P	N/A
Sexually Oriented Business	81299	N	N	N	N	N	N	N	N	C(b)	1 per 250 GFA
All Other Personal Services	81299	N	N	N	N	P	N	N	N	N	1 per 350 GFA
Religious, Grantmaking, Civic, Professional, and Similar Organizations	813										
Religious organizations	8131	P	P	P	P	P	P	P	C	N	1 per 4 seats in largest general assembly area
All Other organizations	8132-9	N	N	N	P	P	P	P	C	N	1 per 500 GFA
Sector 92: Public Administration											
Executive, Legislative, & General Government	921	N	N	N	P	P	N	P	C	N	1 per 350 GFA
Justice, Public Order & Safety	922	N	N	N	P	P	N	P	C	N	1 per 350 GFA
Administration Human Resource programs	923	N	N	N	P	P	N	P	C	N	1 per 350 GFA
Administration Environmental/ Housing	924-5	N	N	N	P	P	N	P	C	N	1 per 350 GFA
Administration of Economic Programs	926	N	N	N	P	P	N	P	C	N	1 per 350 GFA
National Security & International Affairs	928	N	N	N	N	P	N	N	N	N	

Zone Districts	NAICS	R-12 R-20	R-7	R-5	B-1	B-2	B-4	MU	PDD (Sec 2.5)	ID	Required Off-street Parking (a)(c)
Residential Uses											
Site Built Dwellings	N/A										
Single-family detached	N/A	P	P	P	N	N	N	P	C	N	3 per dwelling
Duplex	N/A	N	P	P	N	N	N	P	C	N	2 spaces per unit
Multi-family, Apartments (Sec.3.5)	N/A	N	N	C	C	C	N	C	C	N	3 spaces per unit
Townhouses (Sec. 3.6)	N/A	N	C	C	N	C	N	C	C	N	3 spaces per unit
Patio Homes (Sec. 3.7)	N/A	C	C	C	N	N	N	C	C	N	2 spaces per unit
Triplex & Quadruplex	N/A	N	P	P	N	P	N	P	C	N	2 spaces per unit
Manufactured Dwellings	N/A										
Residential designed (Sec. 3.8)	N/A	N	N	C	N	N	N	C	C	N	3 spaces per unit
Standard designed (Sec. 3.8)	N/A	N	N	C	N	N	N	N	N	N	3 spaces per unit
Manufactured Home Parks (Sec. 3.9)	N/A	N	N	C	N	N	N	N	N	N	3 spaces per unit
Modular Homes	N/A	P	P	P	N	N	N	P	C	N	3 spaces per unit
Accessory Uses to Residential Uses (Section 8.5)											
Accessory apartments (Sec.3.15)	N/A	C	C	C	N/A	N	N/A	C	C	N/A	1 per unit
Tiny House (Sec.3.15)	N/A	N	C	C	N	N	N	P	C	N	1 per dwelling
Bathhouses & Cabanas	N/A	P	P	P	N/A	P	N/A	P	C	N/A	None
Domestic Animals & Shelters (Sec. 8.5(8))	N/A	C	C	C	N/A	N	N/A	C	C	N/A	None
Micro-Farm Animals & Shelters (Sec 8.5(7))	N/A	C	C	C	N/A	N	N/A	N	C	N/A	
Non-commercial greenhouses	N/A	P	P	P	N/A	N	N/A	P	C	N/A	None
Storage building/workshop/Sheds, but not shipping containers	N/A	P	P	P	N/A	P	N/A	P	C	N/A	None
Swimming pool, tennis courts	N/A	P	P	P	N/A	P	N/A	P	C	N/A	None
Detached garages	N/A	P	P	P	N/A	P	N/A	P	C	N/A	None
Home Occupation (Sec. 3.10)	N/A	C	C	C	N/A	C	N/A	C	C	N/A	Sec 3.10
Horticulture, gardening	N/A	P	P	P	N/A	P	N/A	P	C	N/A	None
Family day care home	N/A	P	P	P	N/A	P	N/A	P	C	N/A	None
Satellite dishes, etc.	N/A	P	P	P	N/A	P	N/A	P	C	N/A	None
Roof Mounted Solar Panels	N/A	P	P	P	N/A	P	N/A	P	C	N/A	
Accessory Uses to Non-Residential Uses											
Buildings, structures	N/A	P	P	P	P	P	P	P	C	P	None
Open Storage (Sec. 3.11)	N/A	N	N	N	N	C	C	N	C	C	None
Shipping Containers (Sec. 3.13)	N/A	N	N	N	N	C	N	N	N	C	None
Crematories as Accessory Use to Funeral Homes & Death Services	81222	N	N	N	N	P	P	N	N	N	None
Solar panels & wind generated turbines	N/A	P	P	P	P	P	P	P	C	P	None
All Temporary Uses (Sec. 3.12)	N/A	C	C	C	C	C	C	C	C	C	By Individual Review

(a) Off-Street parking requirements computed on basis of number of spaces per square feet of Gross Floor Area (GFA)

N/A = Not Applicable

(b) See Clover Code of Ordinance, Title 11, Chapter 112, for conditions.

(c) Off-site auxiliary parking areas may be used to meet the minimum number of required parking spaces for residential uses...

Section 2.4 TABLE 2: Dimensional Requirements: Schedule of Lot Area, Yard, Setback, Height, Density, and Impervious Surface Ratio, By Zone Districts

Districts	R-20	R-12	R-7	R-5	B-1	B-2	B-4	MU	ID
Minimum Lot Area (per 1,000 Square Feet)									
Residential	20	12	(A)	(B)(I)	N/A	(I)	N/A	(B)	N/A
Non-residential	30	20	10	10	NM	NM	NM	NM	NM
Width at Building line (ft.)	100	80	60	50	NM	50	50	50	100
Minimum Yard & Building Setback (measurement in feet from property line) (H)									
<i>Front</i>									
Arterial Street (C)	50	50	50	50	NM	50	50	50	50
Collector Street	35	35	35	35	NM	35	35	35	35
Local Street	35	35	35	35	NM	25	25	25	25
<i>Side</i>									
Residential	10	10	10	7.5	N/A	5	N/A	5	N/A
Non-residential	25	25	10	10	NM	5	5	5	20
<i>Rear</i>									
Residential	20	15	15	15	NM	20	N/A	15	N/A
Non-residential	40	40	20	15	N/A	(D)	(D)	15	40
Rivers, creeks, water bodies	(E)	(E)	(E)	(E)	N/A	(E)	(E)	(E)	(E)
Maximum Height (ft.) (F)	35	35	50	40	None	None (I)	40	40	None
Maximum Impervious Surface Area Ratio	35%	35%	45%	55%	100%	65%	65%	65%	65%
Maximum Density (G)	2	3	5	16	N/A	16	N/A	16	N/A

Notes to Table 2: N/A = Not applicable; NM= No Minimum.

(A) 7,000 square feet for one residential unit: 2,000 additional square feet for each additional unit.

(B) 5,000 square feet for one residential unit: 2,000 additional square feet for each additional unit.

(C) Reference Section 2.7-7 for setbacks on SC Highway 55.

(D) 20 feet; except where the proposed use abuts a residential district or a residential use on a local classified street, then a 40 foot setback, plus 3.5 feet for each additional floor over the first shall be required.

(E) A riparian buffer setback not less than 40' or one-third the depth of a lot or parcel, whichever is less, shall be provided along the banks of all lakes, streams and rivers. The buffer area shall remain undeveloped, except for piers, docks, and pervious access paths to the water's edge. Any disturbance of the buffer area shall adhere to Best Management Practices, (BMP's) For Forestry, in streamside management zones, promulgated by the SC Forestry Commission.

(F) Measurement from the average finished grade at the building line to the highest point of a flat roof or midpoint of a pitched roof.

(G) Measurement in dwelling units per acre.

(H) In certain situations, property lines may encroach into the street right-of-way or paved area of the street. In this case, building setbacks will be measured from the edge of sidewalk, if one is present, or edge of street pavement with reasonable accommodation to emulate the setback on a similarly situated parcel.

(I) Maximum Lot Size for multifamily apartment uses are 10 acres and maximum building height is 40 feet.

Section 2.5 PDD, Planned Development District

Section 2.5-1 Existing PDDs

Existing undeveloped PDDs shown on the Official Zoning Map shall be developed in accord with the requirements of this section. Authority to approve, modify, or deny a PDD development plan shall rest with the Planning Commission. Appeal of a decision of the Planning Commission shall be to the Circuit Court.

Section 2.5-2 Establishment of New PDD

A new PDD shall be established on the official Zoning Map by the same procedure as for amendments generally (Section 10.4 through 10.9), and in accord with the requirements of this section.

Section 2.5-3 Identification of PDD

All approved PDDs shall be assigned a prefix and number indicating the particular district, as for example "PDD-14-01" (Zone-Year-Number), together with whatever other identification appears appropriate.

Section 2.5-4 Permitted Uses in PDD

Any use or combination of conditional uses permitted by Table 1 may be established in a PDD upon review and approval by the Planning Commission and Town Council if zoning map amendment is involved. Once approved, the proposed use(s) and no others shall be permitted. Said uses shall be identified and listed on the basis of classification, i.e. retail, office, wholesale, residential, multi-family residential, single-family detached housing, manufactured housing, etc. The list of approved uses shall be binding on the applicant and any successor in title, so long as the PDD zoning applies to the land, unless otherwise amended by Ordinance.

Section 2.5-5 Development Standards

1. Minimum Area required for establishing a PDD shall be five acres.
2. Overall Site Design shall be harmonious in terms of landscaping, enclosures of principal and accessory uses, size of structures, street patterns, and use relationships. Variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged.
3. Residential density, setbacks, impervious surface ratios, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities, i.e. transportation, water and sewerage systems, recreation facilities, fire and police protection, etc.

Additionally design criteria shall be as prescribed in Article 7 of this Ordinance.

4. Off-street parking and loading spaces for each PDD shall comply with the requirements of Section 2.3, Table 1 and Article 6 of this ordinance.
5. Buffer areas shall be required for peripheral uses only, and shall be provided in accord with the minimum requirements for adjacent uses prescribed by Section 4.1. Buffer areas are not required for internal use.
6. All PDDs shall be made to comply with the Appearance, Lighting and Greening provisions of Article 4.
7. Signage shall be in harmony and scale with and reflective of the proposed PDD.

Section 2.5-6 Plan Requirements

Preliminary plan requirements, final pre-construction plan requirements and final as-built plat requirements shall be as prescribed in Section 10.9 of this Ordinance.

Section 2.5-7 Financial Guarantees

Where public improvements and/or "common" amenities or infrastructure are proposed, such improvements shall be installed in accord with a development schedule to be approved as part of the PDD Plan.

Where proposed or required improvements have not been completed by the applicant/developer prior to the scheduled target date and certified by the Zoning Administrator, the applicant/developer may provide financial guarantees acceptable to the Town to ensure the proper installation of such required improvements. The nature and duration of the guarantees shall be structured to achieve this goal without adding unnecessary costs to the developer.

Section 2.5-8 Action by Planning Commission and Council

Action by the Planning Commission and/or Council may be (1) to approve the Plan and application to establish a PDD, (2) to include specific modifications to the Plan, or (3) to deny the application to rezone or establish a PDD. If the Plan and/or rezoning are approved, the applicant shall be allowed to proceed in accord with the approved PDD Plan as supplemented or modified in a particular case, and shall conform to any time or priority limitations established for initiating and/or completing the development in whole, or in specified stages. If the application is denied, the applicant shall be so notified.

Section 2.5-9 Administrative Action

After a PDD Plan has been approved and the zone classification established on the official

zoning map, building and sign permits shall be issued in accord with the approved Plan as a whole or in stages, or portions thereof, as approved. Said permits shall be issued in the same manner as for building and sign permits generally.

Section 2.5-10 Changes in Approved PDD Plans

Except as provided below, approved PDD plans shall be binding on the owner and any successor in title.

Upon application by the applicant, **minor changes** in approved PDD site plans may be accommodated by the Zoning Administrator with review and concurrence by the Town Attorney, upon making a finding that such changes are:

1. In accord with all applicable regulations in effect at the time of the creation of the PDD District; or
2. In accord with all applicable regulations currently in effect.

Major changes to an approved PDD shall require consent of the Planning Commission. In reaching a decision as to whether the change is minor or substantial enough to require reference back to the Planning Commission for approval, the Zoning Administrator shall use the following criteria:

1. Any increase 10 percent or greater in intensity or use shall constitute a modification requiring Planning Commission approval. An increase in intensity of use shall be considered to be an increase in usable floor area; an increase in the number of dwelling or lodging units; or an increase in the amount of outside land area devoted to sales, displays, or demonstrations.
2. Any change in parking areas resulting in an increase or reduction of ten (10) percent or more in the number of spaces approved shall constitute a change requiring Planning Commission approval.
3. Structural alterations significantly affecting the basic size, form, style and location of a building, as shown on the approved Plan, shall be considered a change requiring Planning Commission approval.
4. Any reduction in the amount of open space or buffer area resulting in a decrease of more than five percent or any substantial change in the location or characteristics of open space, shall constitute a change requiring Planning Commission approval.
5. Any change in use from one use group to another shall constitute a change requiring Planning Commission approval.

6. Substantial changes in pedestrian or vehicular access or circulation shall constitute a change requiring Planning Commission approval.

Section 2.5-11 Expiration of Time Limits on PDD Amendments

If a time limit is set as part of the establishing agreement and action is not taken within the time limit set, the Zoning Administrator shall review the circumstances and recommend to the Planning Commission.

Section 2.6 HPOD Historic Preservation Overlay District

Section 2.6-1 Establishment

The HPO District is hereby established as an overlay district. As such, permitted uses are determined by the “underlying” or primary zone district. Where this district overlays a Residential Zoning District, for example, only those uses permitted in the Residential Zoning District shall be permitted in the HPO District, subject to the additional requirements and standards of this Section.

Section 2.6-2 Architectural Review Board to Govern

To help accomplish the purpose of this district, an Architectural Review Board is hereby established in accord with the provisions of 6-29-870 of the Code of Laws of South Carolina. The Board shall consist of three (3) members appointed by Town Council.

Persons appointed to serve on the Board should be knowledgeable in architecture, building construction and design, real estate, finance and/or related professional disciplines.

Board members shall be appointed for overlapping three (3) year terms and shall serve until their successors are appointed. Any vacancy in the membership shall be filled for the unexpired term by Town Council. None of the Board members may hold any other public office or position in the Town.

Section 2.6-3 Organization and Meetings of the Board

The Board shall elect a Chairman and a Vice-Chairman who shall serve for one year or until reelected. The Board shall adopt rules of procedure and keep a record of its proceedings in accordance with the State Statutes and these regulations.

Two (2) members of the Board shall constitute a quorum for the conduct of business. The members shall serve without compensation, except for reimbursement for expenses attendant to the performance of their duties and authorized by the Town Council. The Board shall meet upon the call of the Chairman and at such regular intervals as determined by the Board.

Section 2.6-4 Powers and Duties of Board

Where within the Historic Preservation Overlay District(s), the exterior appearance of any building or structure is involved, the Building Official and/or Zoning Administrator shall issue no permit for erection, alteration, demolition or moving of such building or structure unless and until a development application has been submitted to and approved by the Board, and a Certificate of Appropriateness issued at the Board's direction.

Any action by an applicant following issuance of a permit requiring a Certificate of Appropriateness shall be in accord with the certificate.

The Board shall not cause to be issued a Certificate of Appropriateness authorizing issuance of any permit if it finds that the action proposed would adversely affect the character and environment of the affected area. Where certification is denied, the Board shall record its reasons for denial.

Additionally, the Board shall have the power and duty to hear appeals from decisions of the Building Official or Zoning Administrator in matters under the purview of the Board where there is alleged error in any order, requirement, determination or decision pursuant to the provisions in Section 2.7-9.

Section 2.6-5 Process for Expansion and Modification

1. An HPO District shall be established, modified, or contracted in size on the Official Zoning map in accord with the provisions for amendments generally, and in accord with the requirements of this section. However, before an amendment to establish or modify an existing designation is forwarded to the Planning Commission for action, it must first be referred to the Architectural Review Board for consideration and recommendation.

The Architectural Review Board shall conduct investigative studies of the proposed amendment to determine the historical significance of the area, buildings and/or structures in question, conduct a public meeting on the matter, then recommend to the Planning Commission a course of action to approve, approve with conditions, or disapprove the proposed amendment.

2. Upon receiving the results of such studies, reports, and recommendations from the Board, the Planning Commission shall review the matter in accord with the guidelines for processing amendments generally, then forward a recommendation to Town Council.
3. The Town Council shall then act on such recommendation, following an advertised public hearing and, if approved, shall instruct the Administrator to establish the HPO District on the official zoning map.

4. Owners of properties proposed for historic designation shall be notified in writing thirty (30) days prior to consideration by Town Council. Owners may appear before the Town Council to voice approval or opposition to such designation. Any property owner objecting to a decision by the Town Council may file suit against the Town before the Courts of the State of South Carolina.

Section 2.6-6 Applications and Materials to be Submitted to Board

Applications for Certificates of Appropriateness shall be submitted through the office of the Zoning Administrator to the Architectural Review Board for review and action. The Board shall act on such application within 30 days of receipt thereof.

By general rule or by specific request in a particular case, the Board may require submission of any or all of the following information in connection with the application: architectural plans, site plans, landscaping plans, proposed signs and appropriate detail as to character, proposed exterior lighting arrangements, elevations of all portions of structures with important relationships to public view and indications as to construction materials, design of doors and windows, ornamentation, colors and the like, photographs or perspective drawings indicating visual relationships to adjoining structures and spaces, and such other exhibits and reports as are necessary for its determination.

General certification of appropriateness for specific classes of uses may be issued by the Board if it is found that particular materials, designs, architectural features or styles, or other characteristics are generally acceptable and appropriate within the district, and that continued detailed consideration of individual applications involving such matters would be superfluous. If the Zoning Administrator finds, upon examining the application, that all aspects which would otherwise require Board review are covered by general certification, he/she may proceed without referral to the Board, identifying the general certification in the record of the application.

Section 2.6-7 Certificate of Appropriateness Required

Once a property or area has been designated and included in an Historic Preservation Overlay District, a Certificate of Appropriateness, approved by the Architectural Review Board, shall be required before any exterior building or structural alterations not expressly exempt by this section may occur, and no building permit shall be issued without said certificate.

In granting a Certificate of Appropriateness, the Board shall take into account:

1. Appropriateness of altering, moving or demolishing any designated building, structure, or landmark. The Board shall consider the historic, architectural, and aesthetic features of buildings, their relationship to the district, and importance to the district.

2. Appropriateness of exterior architectural features including signs and other exterior fixtures of any new buildings and structures to be included within the district.
3. Appropriateness of exterior design of any extension of any existing building or structure.
4. Appropriateness of front yards, location of entrance drives into the property, and sidewalks along the public right-of-way, which might affect the character of any building or structure.
5. Appropriateness of the general exterior design, scale, proportion, arrangement, texture, and material of any building or structure in question and the relation of such factors to similar buildings in the immediate area. However, the Board may not make requirements as to the use of such structure as long as the use is permitted by the primary or “underlying” zone district.
6. The Board shall not consider interior changes to buildings, and no Certificate of Appropriateness shall be required for interior changes. However, this does not excuse the property owner from obtaining required building permits for interior work.

Section 2.6-8 Guidelines for Determining Appropriateness

In its deliberations of an application for a Certificate of Appropriateness, the Board shall be guided by the following:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, exterior features, exterior spaces, and spatial relationships.
2. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new

feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
 - a. All first floor openings originally designed as windows shall be maintained as windows, complete with sills, lintels, frame and glass.
 - b. The exterior surfaces of all buildings and/or structures shall be painted in a color as approved by the Architectural Review Board.
 - c. All exterior surfaces, which require paint or sealing in order to protect the underlying surface from deterioration shall be so painted or sealed.
 - d. All exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railing properly designed and maintained to minimize the hazard of falling, and the same shall be kept structurally sound, in good repair, and free of defects.
 - e. All cornices shall be made structurally sound, and rotten or weakened portions shall be removed and/or replaced to match as closely as possible the original patterns. All exposed wood shall be painted.
 - f. Where landscaping has been incorporated in the development plan of a commercial business, or where landscaping has been required by the town as part of a Development plan (including parking plans), the landscaped areas shall be maintained in a manner to equal and reflect the original landscaping approved for the development plan.

Section 2.6-9 Exemptions from Requirements for Certificate

The following activity shall be exempt from the requirements for a Certificate of Appropriateness:

1. Ordinary maintenance or repair of any exterior architectural feature which does not involve a change in the design, material, color, or outer appearance of a building or structure.
2. Construction, reconstruction, alteration, restoration or demolition of any such feature, which is determined to be a threat to the public safety. The Building Inspector shall certify in writing to the Board that such action is required for the public safety because of an unsafe or dangerous condition.
3. Replacement of materials on a like-for-like basis. Like-for-like replacement means to rebuild, repair, or replace a legally established structure or appendage. Such a like-for-like replacement shall be in the same location; have the same or smaller floor area, size, height, architectural theme, design, and bulk; and cover the same footprint as the prior legally established structure.
4. All landscaping, to include street trees.

Section 2.6-10 Deviations

Because of the wide range of locations, buildings and properties to which this section must apply, it is neither possible nor prudent to establish inflexible requirements related to minimum standards. Therefore, the Zoning Administrator and the Architectural Review Board may authorize deviations from the requirements of this section wherever they find that such deviations are necessary because of particular circumstances associated with a building, property or business. Whenever the Board and Administrator allow or require a deviation from the requirements, such deviations shall be noted on the face of the certificate of appropriateness, along with the reasons for allowing or requiring the deviation.

Section 2.6-11 Appeals from Zoning Administrator to Architectural Review Board

1. Appeals to the Board may be taken by any person aggrieved or by any officer, department or board of the Town. The appeal must be taken within thirty (30) days of a decision, by filing with the Zoning Administrator notice of appeal specifying the grounds thereof. The Zoning Administrator shall transmit to the Board all papers constituting the record upon which the action appealed from is taken.
2. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property.

3. The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice of it, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

Section 2.6-12 Appeals from Architectural Review Board to Circuit Court

Any person who may have a substantial interest in any decision of the Board or any officer or agent of the Town may appeal from any decision of the Board to the Circuit Court in accordance with Section 6-29-900 of the Code of Laws of South Carolina. The appeal must be filed within thirty (30) days after the affected party receives actual notice of the decision of the Architectural Review Board.

Section 2.7 COD, Corridor Overlay District

Section 2.7-1 Establishment; Definition

The Corridor Overlay District is hereby established adjacent to and along US 321 and SC 55 from Town limit to Town limit, extending from the rights-of-way of these streets and roads one lot deep on both sides of the road or a distance of 200 feet, whichever is less.

The Corridor Overlay District imposes requirements and standards over and above, or in addition to, those imposed by the primary or underlying zone district, and in all instances, shall be satisfied in full prior to the issuance of a building or use permit.

Section 2.7-2 Permitted uses

Permitted uses within the Corridor Overlay District are determined by the underlying Zoning District.

Section 2.7-3 Administrative Process

To expedite the review process, the Zoning Administrator is hereby authorized to review and approve all requests for zoning compliance with the provisions of this Section.

Section 2.7-4 Zoning Compliance Required

Once a property or area has been designated and included in the Corridor Overlay District, Unless expressly exempted herein, no new construction or exterior building alterations may occur without zoning compliance permit approval from the Zoning Administrator.

Section 2.7-5 General Design Standards

At a minimum, the following general design standards shall be considered by the Zoning Administrator when considering a Zoning Compliance permit:

1. **Building Design** – The design of a building shall reduce its apparent mass or bulk by dividing the building into smaller masses. A wall surface longer than 100 feet shall incorporate a series of recesses or offsets at intervals of not less than 25 feet that vary the depth of the building, and avoid the effect of a single, long massive wall.
2. **Building Façade Treatment** – Predominate exterior building materials shall include wood, brick, stone, glass and stucco. No portion of a building constructed of unadorned masonry, concrete blocks or metal siding, while also permissible, should be visible from the street.
3. **Building Façade Colors** – Façade colors shall be low-reflective, subtle, neutral or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors, approved by the Zoning Administrator. Garish colors shall not be permitted.
4. **Utility Lines** - All utility lines should be placed underground, where practical and feasible.
5. **Signage** - Except for Temporary Signs covered by Section 5.5, signage permitted in the Corridor Overlay District shall be limited to one monument sign for each lot or parcel upon which a business, institutional, or multi-family use is located, and one awning, canopy, marquee or wall sign per wall face for each business located on the site.

The monument sign shall not exceed 52 square feet in area or eight (8) feet in height, and shall display only the name or identification of the business and/or products sold on site. No monument sign may be located closer than 10 feet to the nearest property line. The maximum sign area may be increased by 25% and the height to up to twelve (12') feet provided the conditions set forth in Section 5.3, Common Signage Plan, are met.

Landscaping, consisting of a mixture of evergreen and deciduous shrubs and ground cover shall be provided at the base of each monument sign.

The awning, canopy, marquee or wall sign may be painted on or supported by the wall; provided the sign face does not extend over one foot from the wall and is no larger than 10% of wall area per side with a maximum of 200 square feet total per building.

Section 2.7-6 Certain Work Exempt From Review.

Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any building or any structure which does not require a building permit, or to prevent the demolition of any structure or building characterized by neglect in the maintenance of such building or structure to the extent that it creates hazardous or unsafe conditions.

Section 2.7-7 Development and Dimensional Standards

Dimensional requirements on Table 2 shall be applicable to the primary zone districts within the Overlay District, except that the front building setback line shall be 75', measured from the street centerline on SC 55 East, from Quinn Road eastward to the Town limits. The Zoning Administrator or Board may waive or modify any requirements on Table 2 in a particular situation.

Section 2.7-8 Required Materials

By general rule or by specific request in a particular case, the Zoning Administrator may require submission of any or all of the following information in connection with the application: architectural plans, site plans, landscaping plans, plans for the erection of signs and appropriate detail as to character and exterior lighting arrangements, elevations of all portions of buildings and structures with important relationships to public view and indications as to construction materials, ornamentation, colors and the like, and such other exhibits and data as determined necessary.

Section 2.8 Mixed Use District

In the MU Mixed Use District, residential and commercial uses shall be provided together as an integrated mixed-use development. Commercial uses and intensities are limited to those that serve local neighborhood needs, and that are compatible with adjacent and surrounding residential development. Development in the MU District must contain both residential and commercial uses. A minimum of 25% of the land area must be developed as commercial uses and a minimum of 25% must be developed as residential uses with neither category exceeding 75% of the total land area.

END OF ARTICLE 2

ARTICLE 3. CONDITIONAL USE REGULATIONS

The regulations contained in this Article are intended to ameliorate the impact and improve the siting of uses, buildings, and projects whose design and/or operational characteristics could adversely affect surrounding property and environmental conditions. To this end, standards and criteria over and above those set forth elsewhere in this Ordinance are imposed herein on all conditional uses listed on Table 1, set out below.

Conditional Use	Section Reference
Manufacturing Uses	3.1
Communication Towers and Antennas	3.2
Bed and Breakfast Inns	3.3
Street and Transient Vendors	3.4
Multi-family, Residential Care and Group Occupied Dwellings	3.5
Townhouses	3.6
Patio and Zero Lot Line Homes	3.7
Manufactured Dwellings	3.8
Manufactured Home Parks	3.9
Home Occupations	3.10
Open Storage	3.11
Temporary Uses (portable units, tents, etc.)	3.12
Shipping Containers	3.13
General Auto Repair	3.14
Accessory Apartments	3.15
Resource Recovery Facilities	3.16
Craft Breweries	3.17
Mini-Warehouses/Self-Storage	3.18
Arts, Entertainment, and Recreation	3.19
Cemeteries and Columbariums	3.20

Section 3.1 Manufacturing Uses (Division D)

The following performance standards are designed to ensure that all permitted manufacturing uses produce no injurious or obnoxious elements related to the operation of such uses beyond the premises.

1. **Vibration.** No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line; nor shall any vibration produced exceed the following particle velocity levels, measured with a vibration monitor in inches per second at the nearest:
 - a) Residential property line: 0.02
 - b) Non-residential property line: 0.10

Vibration emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these regulations.

2. **Fire and Explosives.** All activities and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion, including adequate firefighting and fire suppression equipment, as prescribed in the International Building Code.
3. **Noise.** All noise shall be muffled. In no event shall the sound pressure level of noise radiated continuously from a facility exceed at the lot line the following values in any octave band or frequency. Sound pressure shall be measured with a Sound Meter and Octave Band Analyzer conforming to specifications of the American Standards Association.

Nighttime Schedule

Maximum permissible sound pressure levels at the lot line for noise radiated continuously between the hours of 9 p.m. and 7 a.m.

Frequency Band (Cycles Per Second)			Sound Pressure Levels (In Decibels)	
			At Residential Lot Line	At Non-Res. Lot Line
20	-	75	79	65
75	-	150	60	50
150	-	300	56	43
300	-	600	51	38
600	-	1,200	42	33
1,200	-	2,400	40	30
2,400	-	4,800	38	28
4,800	-	10,000	35	20

Day Time Schedule

Maximum sound pressure levels at the lot line for noise radiated from a facility between the hours of 7 a.m. and 9 p.m. shall not exceed limits of the preceding table except as specified and corrected below.

Type of Operation in Character of Noise	Correction in Decibel*
Daytime operation only	Plus 5
Noise source operates less than 20% of any 1 hour period	Plus 5
Noise source operates less than 5% of any 1 hour period	Plus 10
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, speech, etc.)	Minus 5

* Only one of these corrections may apply.

Noises emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these requirements.

4. **Air Pollution.** The emission of visible smoke, dust, dirt, fly ash, particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the South Carolina Department of Health and Environmental Control.
5. **Odor.** When an industrial plant is operating at close to maximum production the odors emissions measured at the property line shall not exceed a D/T (Dilution Threshold) of 100. Odor samples shall be taken and tested by an independent, qualified, odor-testing laboratory using ASTM (American Society of Testing and Materials) method E679-91.
6. **Glare.** There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding or otherwise, so as to be visible in any residence.
7. **Fumes and Vapors.** There shall be no emission of any fumes or vapors of a noxious, toxic or corrosive nature, which can cause damage or irritation to health, animals, vegetation, or to any form of property.
8. **Heat, Cold, Dampness or Movement of Air.** Activity, which would produce an adverse impact on the temperature, motion or humidity of the atmosphere beyond the lot line, shall not be permitted.
9. **Toxic Matter.** The applicant of a permit for any facility which would utilize toxic matter in the process of manufacturing, fabricating, assembling, packaging, or any related activity, shall **provide** with the application a certificate from the South Carolina Department of Health and Environmental Control, indicating compliance with the rules and regulations of such agency.
10. **Compliance Guarantee.** The applicant of a permit for a manufacturing or processing plant which would produce any of the above "objectionable elements" shall acknowledge in writing his understanding of the performance standards applicable to the proposed use and shall submit with the permit application, an agreement to conform with such standards at all times. Any violation of the agreement shall constitute a violation of this Ordinance and shall be treated accordingly. Enforcement of this agreement shall be precipitated by complaint from any person allegedly aggravated by failure of the industrial use to comply with the provisions of this section. Where there is a potential problem in meeting any one of the performance criteria in this Section, the applicant shall be required to mitigate to the satisfaction of the Zoning Administrator any potential adverse impacts of such operation and/or request a variance before the Board of Zoning Appeals in accord with the provisions of Article 10.5.

Section 3.2 Communication Towers and Antennas

Where conditionally permitted as a principal use by Table 1, communication towers and antennas shall adhere to the following regulations:

1. All new towers shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements. Prior to the issuance of a permit for a new tower the applicant shall submit documentation indicating a good faith but unsuccessful effort was made to co-locate on an existing communication tower, building or other structure, and that no suitable facilities within the desired coverage area were available. Documentation shall include coverage maps, letters from adjacent tower owners, and calculations from a specialist with appropriate radio frequency credentials.
2. All applicable safety code requirements shall be met, including those of the U. S. Fish and Wildlife Service to minimize harm to birds.
3. Towers or antennas shall not be painted or illuminated unless otherwise required by state or federal regulations.
4. No tower or antenna shall be located within 2,000 feet of an existing tower or antenna, except where the applicant certifies that the existing tower does not meet the applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained.
5. The height of a tower or antenna may not exceed 199 feet. A tower or antenna mounted on a building, water tank or other structure shall not exceed 20% of the height of the structure.

Towers or antennas shall be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties. The setback will be calculated as the aggregate distance of the zoning setback, tower fall zone, and 10% of the height of the tower or antenna.

6. Permit requirements for the erection or replacement of a tower or antenna shall be accompanied by the following:
 - a. One copy of typical specifications for proposed structures and antenna, including description of design characteristics and material.
 - b. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, fall zone (as determined by a structural engineer, licensed & certified in South Carolina), photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property; [site plan not required if antenna is to be mounted on an approved existing structure].
 - c. Identification of the owners of all antenna and equipment to be located on site.

- d. Written authorization from the site owner for the application.
 - e. Evidence that a valid FCC license has been issued.
 - f. A written agreement to remove the tower and/or antenna within 120 days after cessation of use.
 - g. A certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, together with written indemnification of the affected government and proof of liability insurance or financial ability to respond to claims up to \$1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to the Town.
7. Towers no longer in service shall be dismantled and removed by the owner within 120 days of discontinuance. Towers in need of repair or reconstruction shall require a permit.

Section 3.3 Bed and Breakfast Inns

Bed and Breakfast Inns are intended to provide a unique transit lodging experience in predominantly residential environs. As a result, care should be taken to protect the environs that contribute to the experience of such lodging while promoting their use. Toward this end, Bed and Breakfast Inns, where conditionally permitted by this Ordinance, shall:

- 1. Be occupied by the resident/owner.
- 2. Only be permitted in older residential structures that are architecturally, historically or culturally significant.
- 3. Serve no regularly scheduled meal other than breakfast.
- 4. Maintain the interior architectural integrity and arrangement of the structure and shall not increase the number of guestrooms above the number of bedrooms in the original structure.
- 5. Maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the character of the surrounding area.
- 6. Provide off-street parking on the basis of one space per guest room, plus two spaces for the resident innkeeper; plus sufficient space to accommodate private gatherings, where proposed by the applicant.
- 7. Be permitted one non-illuminated identification sign, not to exceed four (4) square feet in area

Section 3.4 Mobile Vendors

The Zoning Administrator is authorized to issue a permit for a temporary vending use as specified in this Ordinance. No temporary use may be established without receiving such permit.

Temporary use permits may be renewed, provided said use will not create traffic congestion or constitute a nuisance to surrounding uses, as determined by the Zoning Administrator. Any temporary use that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the Zoning Administrator.

Street and transient vendors, including mobile food vendors, shall be governed by the following:

1. A request to establish a vending operation shall be accompanied by a letter of permission to use the property, proposed hours and length of vending operation.
2. All vending operations shall be located not less than twenty (20') feet from the nearest street right-of-way and provide at least two off-street parking spaces.
3. Only one vendor shall be allowed for each two hundred (200') feet of street frontage unless the mobile vendor is participating in a duly permitted special event. This measurement is taken along a common street frontage if on the same side of the street right of way and straight-line distance if the mobile vending unit is across the street or located on adjoining streets
4. No portion of a vending operation shall be allowed to occupy or obstruct access to any required off-street parking space.
5. No merchandise, vehicles, structures, signage, etc. shall be left on the site overnight.
6. No goods or merchandise offered for sale may be stored in or sold from a tractor-trailer.
7. Only two (2) signs per vendor shall be allowed, regardless of where they are mounted. Advertising materials attached to or painted onto automobiles shall count as one (1) sign. Other signs shall not exceed ten (10) square feet in area and shall meet all applicable sign requirements contained in Article 5.
8. At the conclusion of the vending operation, the site shall be cleaned and restored by the vendor to its original state.
9. Mobile vendors are only allowed to operate within the public right-of-way if said right-of-way is closed for a duly permitted special event or if the vendor has an encroachment permit from the SCDOT for all state-maintained right of ways,

(including streets and sidewalks), or prior written approval from the Town of Clover for Town maintained streets.

10. All mobile vendors must obtain written permission for all special events. Approval must be granted by permanently fixed structure. . Vender units must be able to be easily removed from the site.
11. Permits must be renewed annually from the date of issue and must be reinspected for compliance with the applicable building and life safety codes. Failure to renew a permit will result in the removal of the mobile vendor unit.

Section 3.5 Multi-Family Housing, Residential Care Facilities and Group Occupied Dwellings

Section 3.5-1 Development Requirements

Apartments conditionally permitted in the B-1 District shall be restricted to the upper floors of buildings; provided, the ground floor is occupied by a commercial use, further provided that off-street parking shall be provided in accord with the requirements of Table 1, except that said parking may be located off-site.

In all other districts, where conditionally permitted, apartments and multi-family housing projects consisting of five or more units or two or more residential care facilities, dormitories, rooming houses or group occupied dwellings designed to accommodate 20 or more individuals shall meet the following design standards:

1. At least one main entrance within each building must face the street, place, or the main access drive within the development. Entrances must include architectural elements that emphasize the entrance, including but are not limited to front porches, transom and sidelight windows, decorative trim and moldings, and arches.
2. Connecting walkways must be provided for internal pedestrian circulation within the site to connect to street or place sidewalks and to connect parking spaces with the main building entrance. Connecting walkways may cross parking aisles or driveways if distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, scored concrete or scored and painted asphalt to enhance pedestrian safety and comfort. Raised walkways may be installed if elevated 6 inches with tapered side slopes and meet ADA standards.
3. Sidewalks must be provided along the street. To the maximum extent feasible, provision must be made in the design of developments for connections with existing or future pedestrian systems on adjoining properties, including but not limited to connections to existing or future sidewalks, bikeways and walkways.

4. The on-site pedestrian circulation system must be illuminated to a level where the system can be used at night by residents and visitors.
5. Buildings shall be set apart not less than 30 feet.
6. Not less than 20 percent of the project site shall be designated, landscaped and permanently reserved as usable common open space, as specified in Section 4.4.
7. Buildings shall not exceed 250 feet from end to end.
8. Multiple buildings shall be oriented toward common open space, away from adjacent single-family residential uses and off-street parking areas.
9. Trash receptacles shall be screened by permanent opaque materials consistent with the colors and architectural theme of the development and oriented away and from adjacent residential uses.

Section 3.5-2 Special Development Requirements

1. **Special Parking Needs:** The storage of trailers, boats, recreational vehicles, or other major recreational equipment, as well as box trucks, cabs from tractor trailers, trailer beds from tractor trailers, and other specialized commercial vehicles must either be prohibited through management's rules or must be provided in a parking area separate from regular automotive parking for the residents. These types of vehicles will not be permitted to take up regular automotive parking spaces; the minimum required parking spaces for the development must be used for ordinary passenger vehicles driven on a regular basis. Parking lots will be reviewed for adequate distribution of spaces around each building.
2. **Amenities:** Multi-family uses must provide fully developed, targeted amenities of an appropriate size and scale with the number of units as follows:

Size of Complex	Number of Required Amenities
Fewer than 74 Units	1
74-149 Units	2
150 or more	3

- a. Allowed amenities include the following. The Zoning Administrator may approve alternative amenities that meet the intent of this section.
 - i. Indoor Amenities
 - (1) Fitness center with fitness equipment

- (2) Recreation or game room including features such as billiards tables, game tables, or movie viewing area
 - (3) Solarium, sauna, steam room, or other type of relaxation room
 - (4) Business center with conference rooms and business equipment (computers, printers, copiers, etc.)
 - (5) Common cooking and/or dining facility, which may include a fully equipped coffee and snack bar
 - (6) Swimming pool
- ii. Outdoor Amenities
- (1) Fenced dog park with dog wash station
 - (2) Bike workshop and storage area
 - (3) Community vegetable and flower garden
 - (4) Outdoor lounge area such as with a fire pit and grills or outdoor kitchen
 - (5) Playground with commercial-grade equipment
 - (6) Basketball court (full or half court); tennis court; volleyball court; or soccer field that is graded properly to an amateur or practice-level facility, is grassed, and has goals
 - (7) Putting green, bocce courts, horseshoe courts, or shuffleboard courts
 - (8) Swimming pool
 - (9) Natural or surface or paved Trails that connect to open space (Not including required sidewalks)
3. Outdoor Storage: The storage of items outside units except for items traditionally stored outside, such as bicycles, grills, and outdoor furniture, is not allowed. Outdoor items that are allowed must be located to the unit's patio or balcony area and not on adjacent grass, sidewalks, or other areas. Developers are encouraged to build storage capacity for items traditionally kept outside (such as, but not limited to, outdoor toys and bicycles) into the design of each unit to ensure that this requirement is met.

Section 3.6 Townhouses

Due to the unique design features of townhouses, the following supplemental design requirements shall apply:

- 1. Such projects shall have a minimum of 1 acre.
- 2. Not more than six (6) or fewer than three (3) townhouses may be joined together, with approximately the same (but staggered) front line.
- 3. Minimum distance between rows of buildings shall be not less than 20 feet.
- 4. Minimum lot width shall be 18 feet.
- 5. Sidewalks not less than five (5) feet in width shall be provided along the front

property line of all project buildings.

6. Not less than 15 percent of the project site shall be diverted to common open space, as specified by Section 4.4.

Section 3.7 Patio and Zero Lot Line Housing

Due to the unique design features of patio and zero lot line housing, the following supplemental design requirements shall apply:

1. Such projects shall have a minimum of 2.5 acres.
2. Minimum lot area shall be 3,000 square feet per unit.
3. Minimum lot width shall be 40 feet.
4. Where a unit is to be constructed at or on the property line, a five-foot private maintenance easement shall be provided on the adjoining lot.
5. At least one side yard extending not less than five (5) feet from the property line shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of five (5) feet.
6. The side yard of the exterior units shall be as prescribed by Table 2.

Section 3.8 Manufactured Dwellings

Section 3.8-1 Minimum Set-Up Requirements

Manufactured dwellings, where permitted by this Ordinance, shall:

1. Be built according to the Federal Manufactured Housing Construction and Safety Standards Code (245 CFR 3280), enacted June 15, 1976. Evidence of compliance shall accompany each permit request to install a manufactured home. Manufactured housing built prior to the effective date of the Code shall not be permitted for reasons of safety.
2. Be installed in accord with the Manufacturer's Installation Manual. In the absence of such a Manual, the home must be installed in accord with the requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.
3. Be under-skirted around the entire home with brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation.
4. Have installed or constructed and attached firmly to the home and anchored

securely to the ground, permanent landing steps at each exterior doorway, in accord with applicable Building Codes.

5. Have all moving or towing apparatus removed or concealed including hitch, wheels and axles.
6. Be served by a separate electric meter. It shall be unlawful for any such home to receive electricity except by use of this separate meter. It shall be unlawful for any public utility or electrical supplier to connect power to any manufactured home in the absence of all approved permits.
7. Be landscaped in accord with the requirements of Section 4.3.

Section 3.8-2 Minimum Habitability Requirements

No manufactured dwelling proposed to be located or relocated within the Town shall be permitted until the dwelling has been inspected and found to be habitable by the Building Official.

The term "habitable" as used herein means that there is no defect, damage, or deterioration to the home which creates a dangerous or unsafe situation or condition; that the plumbing, heating, and electrical systems are in safe working order; that the walls, floor, and roof are free from any holes, breaks, loose or rotting boards and are structurally sound; and that all exterior doors and windows are in place. Further, the term habitable shall include the provision of the following facilities.

1. **Sanitary Facilities.** Every home shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and free from defects, leaks, and obstructions.
2. **Hot and Cold Water Supply.** Every home shall have connected to the kitchen sink, lavatory, and tub or shower cold and hot running water. All water shall be supplied through an approved distribution system.
3. **Heating Facilities.** Every home shall have heating facilities which are properly installed and maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a central heating system is not provided, each home shall be provided with an alternative system, approved by the Building Official.
4. **Cooking and Heating Equipment.** All cooking and heating equipment and facilities shall be installed in accordance with applicable codes.

5. **Smoke Detector.** Every home shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer's recommendations and listing.

Section 3.8-3 Compliance Required

No manufactured home shall be used or occupied unless and until the home has been installed in accord with these regulations and inspected for compliance by the Building Official.

Where upon inspection by the Building Official, a manufactured home is found not to meet the minimum requirements of habitability described herein, said official shall take appropriate action to require the owner to make the necessary improvements to render the unit habitable; or block the use and placement of said unit by refusing to issue an installation permit, and denying electricity to the unit.

Failure to secure inspection and approval prior to occupying such unit shall be a violation of this Ordinance and processed accordingly. The Building Official may grant exceptions to this requirement in hardship cases, not to exceed 30 days.

Section 3.9 Manufactured Home Parks

The establishment and operation of a manufactured home park shall comply with the following design and development standards:

1. The park site shall be not less than five (5) acres, and have not less than 150 feet frontage on a public dedicated and maintained street or road.
2. The park shall be served by public water and sewer, a system of storm drainage, and refuse disposal facilities, plans of which shall be approved by local DHEC officials.
3. All manufactured home spaces shall abut upon an interior all weather roadway of crushed stone, asphalt, cochina, concrete, slag or other all-weather material of not less than sixteen (16) feet in width which shall have unobstructed access to a public street or road. All on-site roadway intersections shall be provided with a streetlight.
4. Each individual home site shall be at least 25 feet from any other site and at least 25 feet from the right-of-way of any street or drive providing common circulation.
5. All homes shall be installed in accord with the installation requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.
6. Not less than 20 percent of the park site shall be set aside and developed for common open space and recreation usage, in accord with Section 4.4.

7. Space Numbers: Permanent space numbers shall be provided on each manufactured home space and shall be located so as to be visible from the street or driveway. Signs identifying space locations shall be provided at each street or driveway intersection.
8. The maximum number of manufactured home spaces shall not exceed seven (7) per acre.
9. Two parking spaces shall be provided for each designated manufactured home space. Parking may be provided at the designated space or in community parking areas.
10. Existing trees and other natural site features shall be preserved to the extent required by Section 4.5.
11. Bufferyards shall be provided on the perimeter of the park or court in accord with the requirements of Section 4.1.
12. A Certificate of Occupancy shall be required to open or operate a manufactured home park and shall be subject to annual renewal. Said certificate may be revoked by the Zoning Administrator for a violation of this Ordinance or other applicable ordinances and regulations governing the operation of such uses.

A Site Plan showing the above required data, and in all other respects meeting the minimum requirements for a building permit shall accompany all applications to establish a manufactured home park.

Section 3.10 Home Occupations

Home occupations, as defined by this ordinance, shall meet the following requirements:

1. 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.
2. Not more than twenty-five (25%) of the floor area of the dwelling unit shall be used in the conduct of the occupation.
3. An accessory building may be used for home occupations provided it is no larger than five hundred (500) square feet for all zoning districts except R-5 where the maximum shall be two hundred fifty (250) square feet.
4. Only one (1) non-illuminated wall sign, two (2) square feet or less in size, is allowed.

5. No merchandise or articles shall be displayed so as to be visible from outside the building.
6. Only members of the family residing on the premises shall be engaged in the occupation.
7. There is no alteration of the residential character of the building(s) and/or premises.
8. The occupation shall not involve the retail sale of merchandise manufactured off the premises, except for sale of goods incidental to the provision of services
9. The occupation will not, in the opinion of the Code Enforcement Officer, create a nuisance or cause undue disturbance in the neighborhood due to noise, fumes, or other impacts from the operation of the occupation.

Section 3.11 Open Storage Areas

Open storage as an accessory use may be permitted where indicated by Table 1, provided such storage area does not occupy over 20 percent of the buildable area, is not located in any required setback area, and is screened from public view. Open storage does not include retail sales items such as vehicles, boats etc.

Section 3.12 Temporary Uses

Section 3.12-1 Permit Required

The Zoning Administrator is authorized to issue a permit for temporary uses as specified in this Ordinance. No temporary use may be established without receiving such permit.

Temporary use permits may be renewed, provided said use will not create traffic congestion or constitute a nuisance to surrounding uses, as determined by the Zoning Administrator. Any temporary use that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the Zoning Administrator.

Section 3.12-2 Type and Location

The following temporary uses and no others may be permitted, subject to the conditions herein. All temporary use structures must be removed from the site when the event is completed, or the structure must meet all Zoning and Land Development Ordinances and Building and Life Safety Code Requirements. After a temporary use is removed, the site shall be cleaned and restored by the permit holder to its original state.

1. Tents and other temporary structures for sales and publicly sponsored events are allowed in the Business Districts only. Tents allowed for sales events shall be limited to merchandise of the same type as that sold indoors of the business displaying the merchandise. The permit period shall not exceed seven (7) days, at intervals of not less than ninety (90) days. The use of tents for private use is not regulated by this section.
2. Contractor's office and equipment shed, in any district, for a period covering construction phase of a project not to exceed one (1) year unless re-permitted; provided that such office be placed on the property to which it is appurtenant.
3. Portable classroom buildings in any district for cultural or community purposes, educational or religious purposes for an indefinite period provided all required setbacks for the district in which the structures are located shall be met and the structure shall be located on the same site as the principal structure.
4. Temporary office trailers for the conduct of business in any non-residential zone district where the principal building is being expanded, rebuilt, or remodeled.
5. Community and publicly sponsored special events providing for one (1) or more of various types of cultural, social, or recreational uses intended to serve the surrounding community, i.e. church or school activities. The term publicly sponsored means that an investment by the Town, local school, civic organization or local church is involved in some fashion in the sponsorship of the event. Special events must comply to the Town's policies on special events.
6. Festival, carnival, circus, fair or outdoor concert for a period not to exceed 14 days. The event must comply with the Town's policies on special events.
7. Open lot sale of Christmas trees may be permitted in the B-2 and B-4 zoning districts only for a period not to exceed 45 days.
8. Model home and/or real estate office to be used for the sale of lots or housing within the same development in which the office is located in any district provided no cooking or sleeping accommodations are maintained in the structure. Permit shall expire when 95% of the lots have been sold.
9. Portable storage units not to exceed 130 square feet may be permitted in any District not to exceed 60 days; provided not more than one such unit shall be allowed at one time and said unit shall not be located in any required setback area or the public right-of-way. Applicable sign regulations notwithstanding, leasing information may be displayed on the storage facilities.
10. Fireworks stands may be permitted in the B-2 zoning district only for a period not to exceed thirty (30) days prior to a commemorative holiday such as Fourth of July, and must be removed within thirty (30) after the holiday.

11. Garage and Yard Sales shall be permitted in residential districts only for not more than two days at intervals of not more than once per month. Further, no more than one directional off premise sign may be erected and the sale shall discontinue at 6:00 pm. No new merchandise shall be brought in for the sale.

12. Collection boxes for donations.

Section 3.13 Shipping Containers

Where conditionally permitted by Table I, the use and storage of shipping containers shall be governed by the following:

1. Shipping containers shall not be used as a principal use or structure.
2. Shipping containers shall not be located in front of any principal building or structure.
3. Shipping containers shall be screened from public view.
4. Shipping containers shall not be stacked.
5. Shipping containers shall not be located in any required side or rear yard setback area.
6. The number of accessory shipping containers shall not exceed one per establishment or lot, except where the building to which it is accessory exceeds 20,000 square feet, then an additional shipping container may be established for each 20,000 square feet or fraction thereof; provided they meet the above requirements.
7. Shipping containers shall not be placed or stored on any lot or parcel for sale or distribution.
8. Shipping containers shall be rust and damage free.

Section 3.14 General Auto Repair

General auto and other motor vehicle repair operations shall be conducted within fully enclosed buildings. There shall be no open storage of junked vehicles, dismantled parts, scrap parts or other salvage material other than outdoor storage of not more than 10 disabled vehicles with current license plates. Servicing shall be conducted in areas that can be cleaned.

Section 3.15 Accessory Apartments and Tiny Houses

Accessory apartments and tiny houses, where permitted as conditional uses, shall meet the following conditions:

1. The principal structure (dwelling) must be owner occupied.
2. The apartment or tiny house, whether attached or detached, cannot exceed 50 percent of the gross floor area of the principal dwelling, or contain more than two bedrooms.
3. The apartment or tiny house must be a complete living space, with kitchen and bathroom facilities separated from the principal unit.
4. An accessory apartment or tiny house may be accessory only to a single family dwelling, and not more than one apartment shall be allowed per dwelling or lot.
5. Minimum lot size shall be at least 50 percent greater than the minimum lot requirement for the district in which the apartment or tiny house is to be located.
6. The apartment or tiny house shall meet all yard setback requirements and, where detached from the principal dwelling, shall be setback not less than 10 feet from the principal dwelling.
7. Evidence of the accessory apartment or tiny house should not be apparent from the street.
8. An additional off-street parking space shall be required.
9. Neither the primary residence nor the accessory apartment or tiny house shall be a manufactured home.

Section 3.16 Resource Recovery Facilities; Solid Waste Collection, Storage and Transfer Facilities

In keeping with the goals of the State's Solid Waste Policy and Management Act of 1991 to reduce the amount of solid waste being received at public landfills and incinerators, to promote recycling of waste resources, and to promote land use compatibility in the process, the above referenced facilities, where conditionally permitted, shall meet the following siting and location criteria:

1. No such use shall be located closer than 1,000 feet to any residence, church, school, historical place, or public park, and shall have direct access on an arterial street.
2. No material shall be placed in open storage areas in such a manner that it may transferred out by the elements.

3. All materials and activities shall be screened in such fashion as not to be visible from off-site. Screening may be accomplished by any combination of fences, walls, berm or landscaping. Where plants are to be used, they shall be evergreens of sufficient size to accomplish screening at installation.

Section 3.17 Craft Breweries

1. Maximum Annual Production: Craft breweries are limited to production of 15,000 barrels (465,000 US gallons) per year.
2. Facility Size: The overall facility size is limited to 10,000 square feet of production area, up to 3,000 square feet of tasting room/brewpub, and up to 3,000 square feet of outside seating and activity area. All support functions (restrooms, storage, offices, etc.) must be contained within this overall space limitation.
3. Loading, Unloading, and Circulation: There must be specific provisions to accommodate truck loading and unloading compatible with the circulation of customer parking. Space for food trucks or similar vendors must be provided independent of customer parking and circulation, and is considered part of the overall facility area.
4. Parking: Tasting room/brewpubs must provide parking as required for a restaurant, including provision of spaces to serve outside seating or activity areas.
5. Pedestrian connections: Shall be provided between the public sidewalks and the primary entrance(s).
6. Screening: All mechanical equipment visible from the street (excluding alleys), an adjacent residential use or residential zoning district shall be screened using architectural features consistent with the principal structure.
7. Outdoor storage: Shall not be allowed, including the use of portable storage units, cargo containers and tractor trailers.
8. Setback from Residential District for Outdoor Seating: Any outdoor seating/activity area must be located no closer than 100 feet from any single-family attached or detached dwelling.
9. Hours of Operation: Deliveries or outside production operations are limited to between 6 a.m. and 6 p.m. Hours of operation for tasting room/brewpubs are limited to between 11 a.m. to midnight.
10. With Outdoor Areas: Craft breweries having outdoor areas for seating, music/live entertainment, or outdoor games must comply with the following standards:

- a. The outdoor area must be designed and located so as not to obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
- b. The outdoor area must be located at least 100 feet from all existing residential uses, all undeveloped residential zoning districts, and all undeveloped portions of a Planned Development District (PDD) zoning district designated for residential use.
- c. This standard does not apply when the use that necessitates the separation is located in the Central Commercial District (B-1), Highway Commercial (B-2) or Mixed Use (MU) zoning district, or a Planned Development District (PDD) where the Terms and Conditions contemplate a mix of uses.
- d. Outdoor areas located within 200 feet of any of the following must not operate the outdoor portions of the use after 10 p.m.: any existing residential uses, any undeveloped residential zoning districts, and any undeveloped portions of a Planned Development District (PDD) zoning district designated for residential use. [This standard does not apply when the use that necessitates the separation is located in the Central Commercial District (B-1) or Mixed Use (MU) zoning district, or a Planned Development District (PDD) where the Terms and Conditions contemplate a mix of uses.]
- e. The outdoor area must provide parking using the restaurant standard.

11. Music or Entertainment: Small-scale entertainment can be provided as an accessory use, but may not be located or amplified to the degree that it creates a nuisance to adjoining properties.

12. Exceptions to These Standards: Establishments wishing to have exceptions to these standards, such as to exceed public area size limitations or to stay open after the above hours, must meet the requirements for a bar or for an extended hours restaurant serving alcohol, whichever is applicable. Establishments wishing to exceed production size requirements must meet the standards of limited manufacturing.

13. Management of Impacts Plan: Craft breweries must provide a written plan to manage potential impacts on the surrounding neighborhoods and businesses, including:

- a. Acknowledgement of the Town noise ordinance standards and monitoring noise created by the establishment and its patrons.
- b. Provision of lighting to secure parking lots and other outside areas while complying with the lighting standards of *Article 6*.

- c. Provision of appropriate security to control crowds based on size and type of activity, including the discouragement of parking lot loitering.
- d. Advising patrons to park only in appropriate locations on the establishment's property or neighboring properties where written permission has been granted.

Section 3.18 Mini Warehouses/Self-Storage

1. **Lot Area:** Self-storage uses must have at least 3 acres.
2. **Hours of Operation:** Hours of public access to a self-storage use adjacent to any of the following are restricted to between 6 a.m. and 10 p.m.: any existing residential use, any undeveloped residential zoning district, and any undeveloped portions of a Planned Development (PDD) or Mixed Use (MU) zoning district designated for residential use.
3. **Not considered a Legal Address:** Individual storage bays or private postal boxes within a self-storage facility use will not be considered premises for the purpose of assigning a legal address.
4. **Commercial Uses Permitted On-Site:** Commercial uses unrelated to self-storage cannot take place at self-storage facilities. Examples of prohibited activities include the manufacturing, fabrication, or processing of goods; the service or repair of vehicles, small engines, or electrical equipment; the conducting of garage sales or retail sales of any kind; and the practicing of music or the holding of concerts.
5. **Security of Caretaker Quarters:** Only one security or caretaker quarters may be developed on the site.
6. **Lighting:** Outdoor lighting must be the minimum necessary to provide security and to discourage vandalism and theft.
7. **Architectural Standards:** In addition to meeting the design standards set forth in Article 2 for the Historic Overlay and Corridor Overlay zoning districts, self-storage uses must provide each of the following:
 - a. Face storage doors away from any abutting property located in a residential district or visible from any public street to the extent practical.
 - b. Provide uniform architectural treatment on the exterior façades of all structures, including masonry, stucco, and painting of surfaces. The colors selected must be compatible with the character of the neighborhood.
 - c. Shall not use corrugated metal. (However, architectural-grade metal may be allowed with stucco finish.)

8. Outdoor Storage: All property must be stored entirely within enclosed buildings, except that recreational vehicles, travel trailers, boats and other vehicles may be stored outdoors, provided that the following standards are met:

- a. The storage occurs only within a clearly delineated, designated area.
- b. The storage area does not exceed 25% of the buildable area of the site.
- c. The area is located on the site such that it is minimally visible from surrounding property.
- d. The area is screened with an opaque fence at least 6 feet tall along with perimeter landscaping around all sides that are visible from public view according to the fencing standards of Article 4 Appearance, Lighting and Greening Regulations.
- e. Storage shall not occur within the area set aside for minimum building setbacks.
- f. Dry stacking of boats is not permitted.
- g. Vehicle washing is not allowed, unless within a designated and approved wash area.
- h. All vehicles stored on site must be licensed and operational.
- i. No tractor trailers or box containers will be stored on site.

9. Additional Standards (Exterior Storage Doors): Buildings with Exterior Storage Doors shall comply with each of the following:

- a. Height: With the exception of a structure used as security or caretaker quarters, the maximum height of a self-storage facility is 20 feet. In addition, a parapet wall must be constructed to screen roof-mounted heating and air conditioning and other equipment, if any. The combined height of the building and the parapet wall must not exceed 25 feet.
- b. On-Site Circulation: Drive aisles of at least 24 feet between storage bays must be provided. Appropriate access and circulation by vehicles and emergency equipment must also be ensured through the design of internal turning radii of drive aisles.
- c. Screening: The area is screened with an opaque fence at least 6 feet tall along with perimeter landscaping around all sides that are visible from public view according to the fencing standards of Article 4 Appearance, Lighting and Greening Regulations.

10. Additional Standards (Interior Storage Doors): Buildings with Interior Storage Doors (such as climate-controlled storage buildings) shall comply with each of the following:

- a. Building Design: On facades that are visible off-site, the building must comply with the design standards of Section 2.7 COD, Corridor Overlay District.
- b. Primary Entrances: All units must be accessed through one or more primary entrances that may be separate from the office entrance. Access may also be provided from the office when it is open.
- c. Loading Area: The loading area, including adequate turnaround space for emergency vehicles, must be located to the side or rear of the proposed structure and, if necessary, screened by a permanent architectural or landscape feature from view of public rights-of-way and public areas of adjoining sites.

Section 3.19 Arts, Entertainment and Recreation

All uses identified under NAICS Sector 71 use codes (Table 2) must meet the zoning and land development requirements of Section 10.3, Table 9 and Table 10 for Major Land Developments.

Section 3.20 Cemeteries and Columbariums

All new cemeteries established within the Town limits shall be perpetual care cemeteries, as defined by S.C. Code Ann. § 40-8-30(17).

1. Setbacks.

- a. Location of Burial Sites, Mausoleums, and Columbaria. All burial sites, mausoleums, and columbaria shall be located at least 50 feet from all property lines.
- b. Location of All Other Structures. All other structures shall meet the setback requirements of the zoning district.

2. Screening.

- a. A lot used for cemetery purposes shall be screened with a Type D buffer.

3. Vehicular And Pedestrian Circulation And Parking.

- a. Circulation and Parking Plan. The applicant for a cemetery use shall submit a vehicular and pedestrian circulation and parking plan that demonstrates:
 - i. Safe pedestrian access will be provided throughout the publicly-accessible portions of the cemetery, including from parking areas to burial sites, mausoleums, columbaria; and

- ii. The manner in which parking is proposed to be accommodated within the cemetery grounds (e.g., along the edges of drive aisles, in small parking areas dispersed throughout the cemetery); and
 - iii. The proposed vehicular routing and parking plan for funerals, which may vary based on the location within the cemetery of the burial or interment site; and
 - iv. The site design provides sufficient drive aisle width, turning radii, and vertical clearance for access by fire and emergency apparatus.
- b. Parking Areas.
- i. If the cemetery has an administration or management building, off-street parking shall be provided to serve the building in accordance with Article 6: Parking.

4. Regulatory Compliance.

All cemeteries shall comply with S.C. Code Ann. Title 40, Chapter 8: South Carolina Perpetual Care Cemetery Act and other applicable local, state, and federal laws and permitting requirements.

END OF ARTICLE 3

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ARTICLE 4. APPEARANCE, LIGHTING AND GREENING REGULATIONS

The regulations contained in this Article are intended to ensure land use compatibility, promote the greening of development, improve aesthetics, ensure adequate provision of open space, and protect trees. In particular, this Article provides for physical standards and guidelines for site and building design. Design regulations are not intended to replicate existing built form or achieve a specific stylistic result, but to allow creative design that respects the neighborhood context.

It is the specific intention of this Article to provide guidance so that development:

- Is compatible with surrounding areas;
- Supports the unique visual character and streetscapes in Clover;
- Utilizes architectural styles which respect the existing historic character of the town;
- Spatially defines streets, open spaces, and parks through careful building placement and site design;
- Encourages walking by orienting buildings to public streets, providing easy pedestrian connections, and bringing activities and visually interesting features closer to the street.

Section 4.1 Bufferyards

Section 4.1-1 Definition

The bufferyard is a unit of yard together with the planting, fences, walls, and other screening devices required thereon.

Section 4.1-2 Purpose

The purpose of a bufferyard is to ameliorate possible adverse impact between adjacent land uses and to promote land use compatibility.

Section 4.1-3 Where Required

Bufferyards shall be required for new uses or substantially expanded uses (over 50% gross floor area) in accord with the requirements of Table 3.

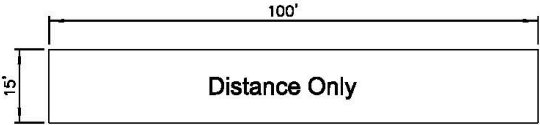
**TABLE 3
BUFFERYARD REQUIREMENTS**

Proposed Land Use	Existing Adjacent Land Use												
	Low Density Single-family detached (R-20, R-12)	Single-family, mobile homes, duplexes	Townhouses, multi-family, apartments, etc.	Hotels, Motels, Room and Boarding Houses	Manufactured home parks	Stables, barns, etc.	Religious, recreation, education, child care facilities and nursing homes	Office and institutional	Commercial	Industrial	Vacant land	Street	All other
Low Density Single-family detached residence (R-20, R-12)	*	*	*	*	*	*	*	*	*	*	*	*	*
Single-family detached residence, individual mobile homes and duplexes	B	*	*	B	*	*	*	B	B	B	*	*	*
Townhouses, multi-family, apartments and other residential uses	D	D	*	B	C	*	B	B	B	B	A	A	A
Hotels, Motels, Rooming & Boarding Houses quarters	D	D	C	B	C	*	B	*	*	*	A	A	A
Manufactured home parks	E	E	E	C	*	*	C	B	B	B	A	A	A
Stables, barns, animal pens etc.	F	F	F	D	D	*	D	C	C	C	B	B	C
Religious, recreation, education, child care facilities and nursing homes	C	C	C	B	C	*	*	A	A	B	A	A	A
Office and Institutional	D	D	D	*	B	*	B	*	*	*	A	A	A
Commercial	D	D	D	*	B	*	B	*	*	*	A	A	A
Industrial	F	F	F	D	D	*	E	B	B	*	B	B	B
All other uses, not specifically identified	D	D	D	B	B	*	B	*	*	*	A	A	A
*No bufferyard required													

BUFFER YARD A

Plant Unit
Multiplier

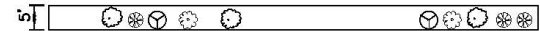
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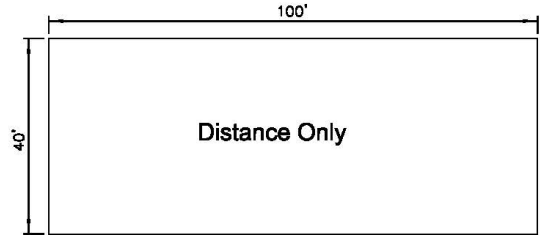


STANDARD PLANT UNITS/100'

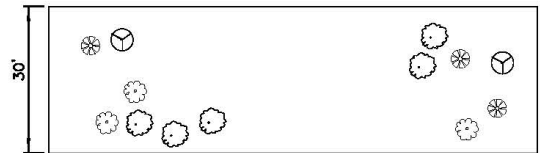
- 2 CANOPY TREES
- 2 UNDERSTORY TREES
- 3 SHRUBS
- 3 EVERGREEN/CONIFERS

BUFFER YARD B

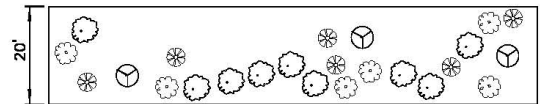
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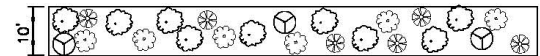
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1.0



Higher Intensity Use

Lower Intensity Use

F 3

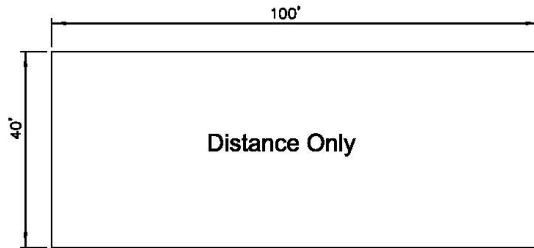
STANDARD PLANT UNITS/100'

- 3 CANOPY TREES
- 6 UNDERSTORY TREES
- 9 SHRUBS
- 6 EVERGREEN/CONIFERS

BUFFER YARD C

Plant Unit
Multiplier

0.0



STANDARD PLANT UNITS/100'

4 CANOPY TREES



6 UNDERSTORY TREES



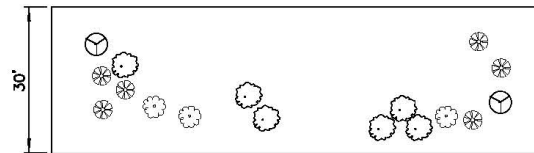
12 SHRUBS



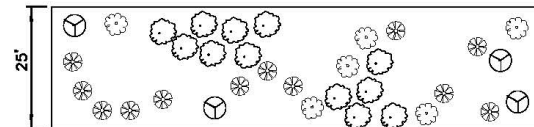
12 EVERGREEN/CONIFERS



0.5

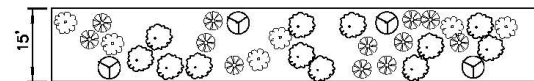


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Higher Intensity Use

1.0



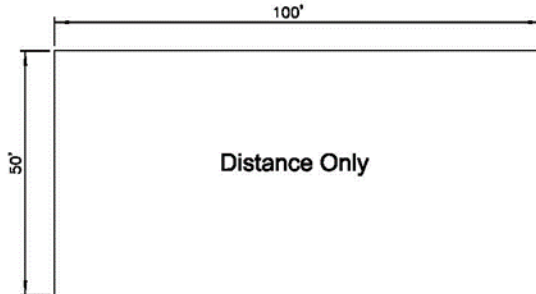
Lower Intensity Use

F4-8' WOODEN FENCE

BUFFER YARD D

Plant Unit
Multiplier

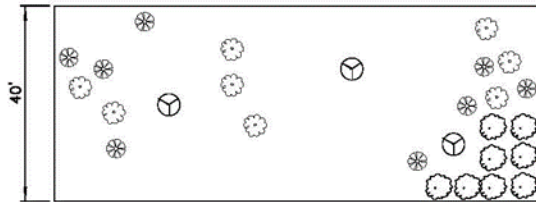
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STANDARD PLANT UNITS/100'

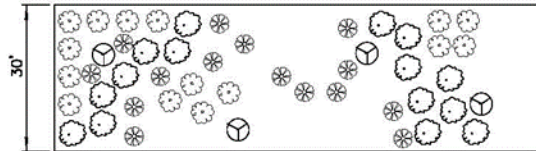
- 5 CANOPY TREES 
- 15 UNDERSTORY TREES 
- 15 SHRUBS 
- 15 EVERGREEN/CONIFERS 

0.5



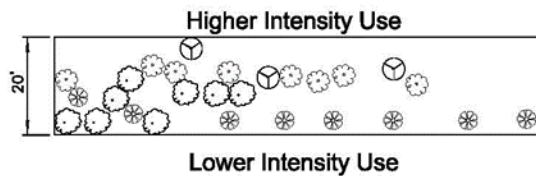
F₃-6' WOODEN FENCE

1.0



F₄-8' WOODEN FENCE

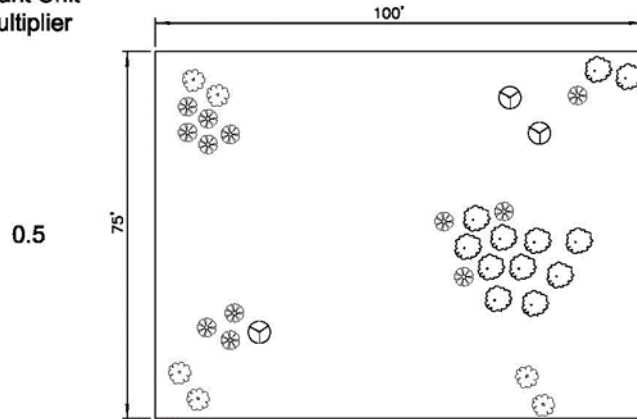
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F₅-6' MASONRY FENCE

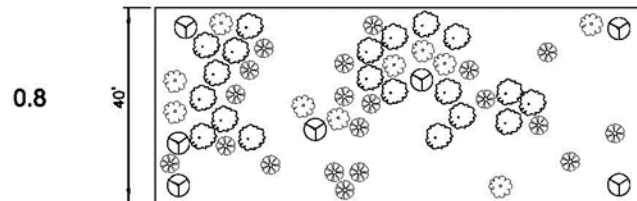
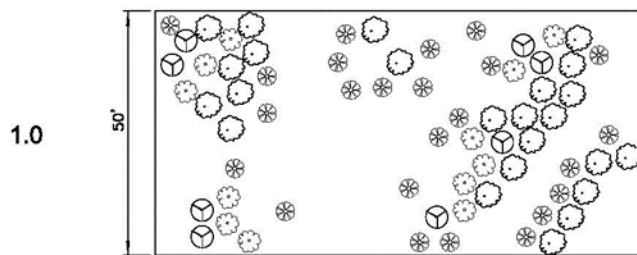
BUFFER YARD E

Plant Unit
Multiplier

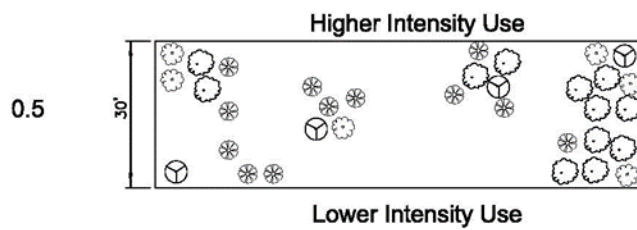


STANDARD PLANT UNITS/100'

- 6 CANOPY TREES
- 12 UNDERSTORY TREES
- 24 SHRUBS
- 24 EVERGREEN/CONIFERS



F5-6' MASONRY FENCE

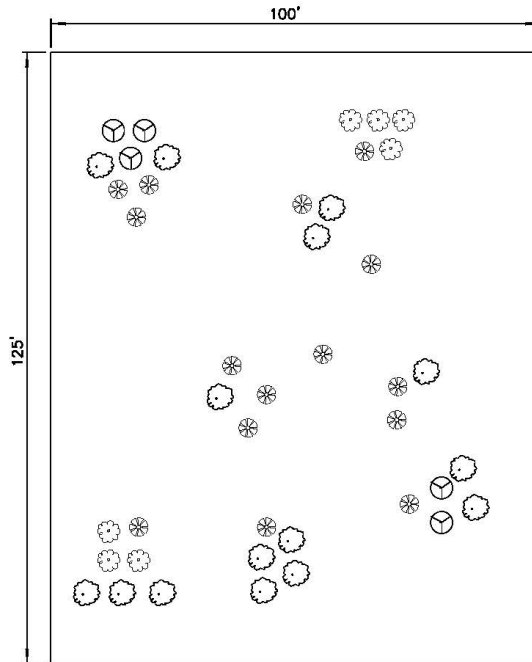


F6-8' MASONRY FENCE

BUFFER YARD F

Plant Unit
Multiplier

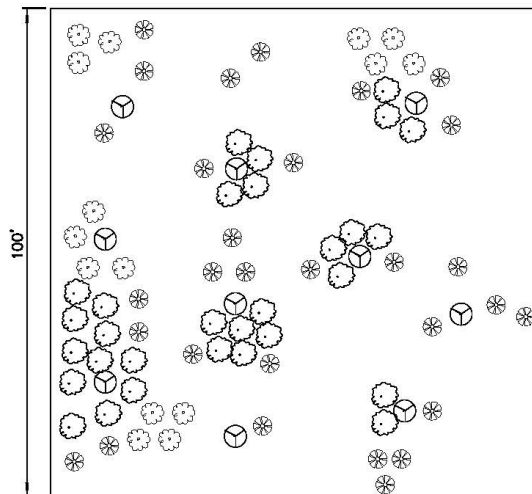
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STANDARD PLANT UNITS/100'

- 10 CANOPY TREES 
- 15 UNDERSTORY TREES 
- 30 SHRUBS 
- 30 EVERGREEN/CONIFERS 

1.0



F_e-8' MASONRY FENCE

Walls and Fencing Illustration

F₃ 6'

F₄ 8'



WOOD STOCKADE

F₅ 6'

F₆ 8'



MASONRY WALL

(POURED CONCRETE, CEMENT BLOCK, BRICK, ETC.)

Section 4.1-4 Specifications and Options

From Table 3, match the abutting use with the proposed new or expanded use to determine the type of bufferyard required. Should a question arise as to the land use classification of a proposed or abutting use, the Zoning Administrator shall determine the classification. Next, refer to the Bufferyard Illustrations attached hereto to determine the amount of bufferyard required. Several options of landscaping are available under each bufferyard. The requirements are given in 100-foot units as measured along the property line. Whenever a wall or fence is required, the location of the structure may be on either side of the required bufferyard.

The length of a bufferyard shall extend the length of the property line separating two uses, except for property lines in excess of 200 feet, where the bufferyard need only extend 100 feet beyond either end of the existing building or use to be buffered.

Section 4.1-5 Use of Existing Vegetation

Existing vegetation, including all trees of any dimension, shall be retained to the extent practical and feasible. In no event shall a developer clear-cut the site of a required bufferyard. Instead, the developer shall conduct an Existing Tree Inventory, identifying the location, species, and diameter (breast high) of all trees in the bufferyard, and complement the presence of such trees with appropriate shrubs and other vegetation to meet all requirements of this Section. Existing vegetation meeting the requirements set forth in Section 4.1-7 shall count towards the required bufferyard. If the existing vegetation provides a screen equal to or greater than that which would be planted, no other plant material shall be required.

Section 4.1-6 Materials

To achieve the desired results, drought resistant plants, suitable for local conditions, shall be used. When structures are used, the materials shall be durable and suitable for screening.

Section 4.1-7 Plant Size and Caliper

The minimum tree at planting shall be greater than 6 feet in height and two (2) inches in diameter at breast height. The minimum shrub shall be greater than 2 feet in height. Both trees and shrubs shall be nursery stock with well-developed root systems unless plants found in place can be used.

Section 4.1-8 Substitutions

The following substitutions for opaque walls, fences, and plant materials may be made:

1. Any existing plant material that otherwise satisfies the requirements of this section may be substituted and counted toward satisfying the requirements of this section.

Section 4.1-9 Fence and Wall Specifications

All fences and walls used as part of the bufferyard requirement must have the finished side facing outward. Fences shall be wooden or other durable or opaque material approved by the Zoning Administrator. Wooden fences shall be made of rot resistant material such as locust, cedar or redwood. If made of pine, the post shall be rated for soil contact and the boards rated for outside use. Chain link fences are expressly prohibited as bufferyard material. Walls must be made of masonry materials including poured concrete, concrete block covered with stucco, and/or brick.

Section 4.1-10 Responsibility

It shall be the responsibility of the proposed new use to provide the bufferyard where required by this Ordinance.

Section 4.1-11 Required Maintenance

The maintenance of required bufferyards shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Dead trees shall be removed; debris and litter shall be cleaned; and berms, fences, and walls shall be maintained at all times. Failure to do so is a violation of this Ordinance and may be remedied in the manner prescribed for other violations.

Section 4.1-12 Use of Bufferyards

A bufferyard may be used for passive recreation and may be encroached upon by access driveways not exceeding 20 feet in width (exceptions for uses requiring wide curb cuts may be approved by the Zoning Administrator). All other uses are prohibited, including off-street parking.

Section 4.2 Screening

Section 4.2-1 Definition

Screening is a type of buffer that is designed to block or obscure a particular element or use from view.

Section 4.2-2 Purpose

The purpose of screening is to minimize if not eliminate entirely the visual impact of potentially unsightly open storage areas and refuse disposal facilities.

Section 4.2-3 Where Required

Screening specified by this section shall be required of all open storage areas not devoted to retail sales visible from any public street, including open storage areas for shipping containers, building materials, appliances, trash containers of 4 or more cubic yards, salvage materials and similar un-enclosed uses.

Section 4.2-4 Type Screening Required

Screening shall be accomplished by an opaque divide not less than six (6) feet high or the height of the object to be screened, whichever is greater. Screening may be accomplished by the use of sight obscuring plant materials (generally evergreens), earth berms, walls, fences, proper siting of disruptive elements, building placement or other design techniques approved by the Zoning Administrator.

Section 4.3 Landscaping

Section 4.3-1 Definition

Landscaping and landscaped areas are permanently devoted to and maintained for the growing of shrubbery, grass, other plants and decorative features to the land.

Section 4.3-2 Purpose

The purpose of landscaping is to improve the appearance of buildings and structures and vehicular use areas; to enhance environmental and visual characteristics; to promote the greening of development, the reduction of noise pollution, storm water runoff, air pollution, and artificial light glare; and to safeguard property values, protect public and private investments and promote high-quality development.

Section 4.3-3 Where Required

No proposed or new residential, commercial, institutional, industrial or other non-residential use, or multi-family project or manufactured home park, shall hereafter be established nor shall be re-established in an existing building or structure and subsequently used, unless landscaping is provided in accord with the provisions of this section. No existing building, structure, or vehicular use area shall be enlarged by 50 percent or more unless the minimum landscaping required by the provisions of this section is provided throughout the building site.

Section 4.3-4 Landscaping Plan

A landscaping plan shall be submitted as part of the application for a building permit. The plan shall:

1. Designate areas to be reserved for landscaping. The specific design of

landscaping shall be sensitive to the physical and design characteristics of the site. The design shall minimize the use of grass in favor of more native and drought-tolerant landscaping, with ground cover or low landscaping to reduce the need for fertilizer and pesticide applications that can be washed into waterways.

2. Direct storm water drainage from driveways, sidewalks and gutters into well vegetated areas rather than to pavement.
3. Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.

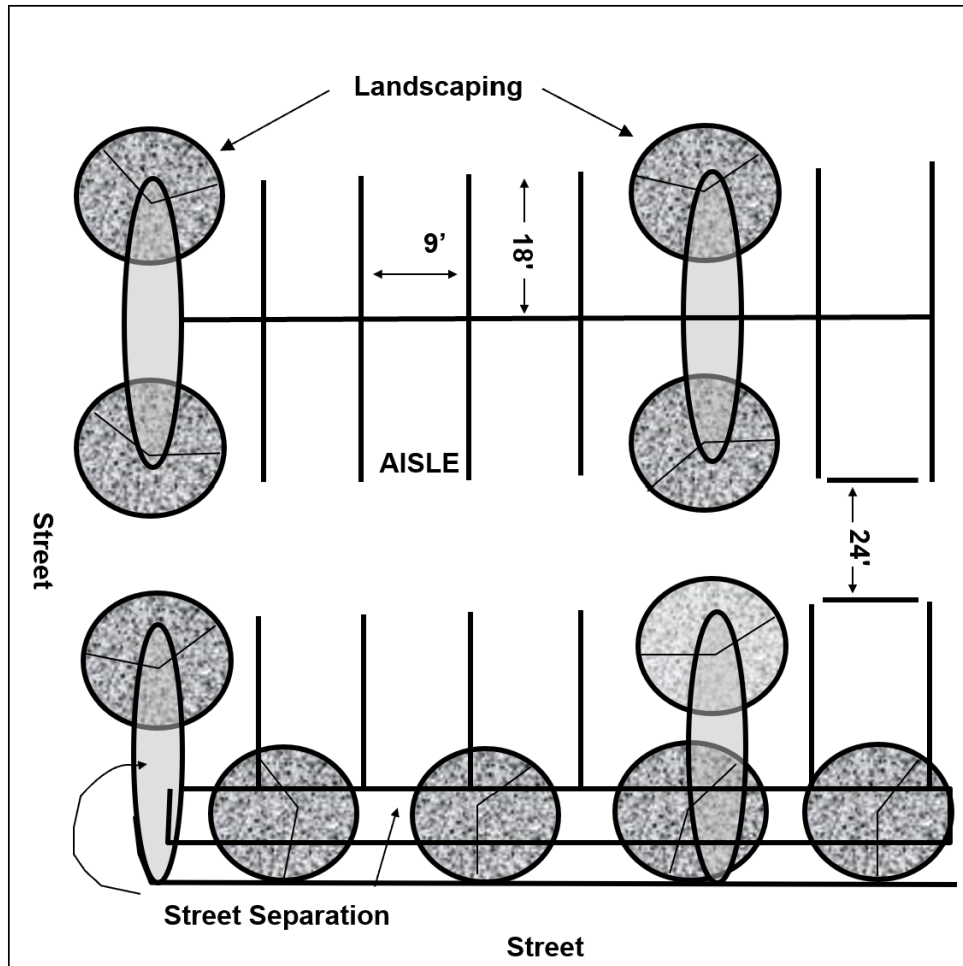
Section 4.3-5 Landscaping Requirements

Required landscaping shall be provided as follows:

1. Along the outer perimeter of a lot or parcel, where required by the bufferyard provisions of this Article. The amount specified shall be as prescribed by Section 4.1, Bufferyards.
2. Within the interior, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing 10 or more parking spaces. Landscaped areas shall contain one medium to large maturing shade tree per 10 parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and direction.
3. Elsewhere, landscaped areas shall be designed to soften and complement the building site, and where a retention pond is included in the site design, said pond shall be properly landscaped per SCDHEC standards.
4. Street trees shall be planted along all public streets outside the right-of-way. Tree species selection and spacing shall be determined by the specifications in the *South Carolina Urban Tree Species Guide*.
5. Foundation plantings along the front façade of buildings and side elevations that are visible from public streets.

Section 4.3-6 Landscaped Areas

All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of six (6) inches in height. The barrier need not be continuous. Landscaped areas must be at least 36 square feet in size or, where required in parking areas pursuant to 4.3-5(2), must be a minimum of 175 square feet.



Section 4.3-7 Required Maintenance

The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure their survival and aesthetic value, and shall be provided with an irrigation system or a readily available water supply. Where feasible, the water supply shall consist of improved irrigation systems, such as drip and microspray that prevent street and sidewalk overspray. Failure to monitor such areas is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

Section 4.4 Common Open Space

Section 4.4-1 Definition

Common open space is land and/or water bodies used for recreation or amenity; it shall be freely accessible to all residents and property owners of a development, where required by this Ordinance. Common open space shall not be occupied by buildings or structures, roads, or parking other than those in conjunction with the use of open space,

nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.

Section 4.4-2 Purpose

The purpose of this section is to ensure adequate common open space for residential development; to integrate recreation, landscaping, greenery, and/or natural areas into such projects; to promote the health and safety of residents of such projects; and to compensate for the loss of open space inherent in residential projects.

Section 4.4-3 Common Open Space Plan

Proposed uses/projects set forth in 4.4-4 shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall:

1. Designate areas to be reserved as open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site.
2. Designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, etc.
3. Specify the manner in which common open space shall be perpetuated, maintained and administered.

Section 4.4-4 Where Open Space Required

The following uses/developments consisting of eight (8) or more dwelling units, and commercial developments shall provide common open space in the amounts prescribed:

Proposed Uses/Developments	Ratio (% Lot)	Note: Up to 25% of landscaped buffer areas provided to meet the requirements of Section 4.1 for multi-family residential projects and manufactured home parks may be applied toward meeting the above requirements.
Single-family Residential		
Major Subdivision	25%	
Townhouse Projects	20%	
Manufactured Home Parks	20%	
Multi-family Projects	20%	
Commercial		
Major Land Development	15%	

New Sites: No proposed development, building or structure in connection with the above shall hereafter be erected or used unless common open space is provided in accord with the provisions of this section.

Existing Sites: No existing development, building or structure in connection with the above shall be expanded or enlarged unless the minimum common open space required by the provisions of this section are provided to the extent of the alteration or expansion.

Section 4.4-5 Types of Common Open Space, Required Maintenance, and Maximum Ratio

The types of common open space which may be provided to satisfy the requirements of this Ordinance, the maintenance to be provided by the developer, owner or other responsible party, and the maximum ratio of each type are as follows:

Type of Common Open Space	Required Maintenance ¹	Maximum Ratio
Natural areas are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas.	Maintenance is limited to removal of litter, dead trees, plant materials, and brush. Natural watercourses are to be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.	50%
Recreational areas are designed for specific active recreational uses such as playgrounds, picnic areas, sporting fields, splash pads, swimming pools, and similar uses. Recreational areas shall be accessible to all residents of the development.	Maintenance to include abating hazards, nuisances, or unhealthy conditions.	50%
Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths and footpaths. Connecting greenways between residences and recreational areas are encouraged.	Maintenance is limited to a minimum of removal and avoidance of hazards, nuisances, or unhealthy conditions.	50%
¹ Required maintenance shall be performed prior to final plat for subdivisions and final plan approval for all developments, and is an on-going activity by the owner or other responsible party.		

Section 4.4-6 Preservation of Open Space

Land designated as common open space may not be separately sold, subdivided or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this section by any of the following mechanisms or combinations thereof:

1. Dedication of and acceptance by the Town.

2. Common ownership of the open space by a homeowner's association that assumes full responsibility for its maintenance. The homeowners association shall be registered with the SC Secretary of the State. The homeowner association's bylaws and the covenants and restrictions of the development shall provide that the responsibility for maintenance may be enforced by the Town of Clover.
3. Deed restricted, private ownership, which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.
4. Deed restricted and dedicated to land conservation organization.

Section 4.5 Tree Protection

Section 4.5-1 Purpose

The purpose of this section is to protect and sustain the intrinsic value of trees and their ability to promote the public safety, health, and welfare through the benefits such vegetation provides, including, but not limited to:

1. Absorbing carbon dioxide and returning oxygen,
2. Reducing air pollution,
3. Providing shade and making outdoor areas more habitable,
4. Reducing soil erosion and increasing infiltration, and
5. Providing wildlife habitat, thus helping control insects.

Section 4.5-2 Protected Trees and Protected Tree Areas

Any tree measuring 24" DBH or larger (Diameter Breast High is measured at 54" above grade) shall constitute a "significant tree" for purposes of this section and shall be protected to the extent practical and feasible. Any tree measuring 32" DBH or larger shall constitute a "grand tree," the removal of which shall be prohibited, except as provided by this section. Together, significant trees and grand trees shall be called Protected Trees. To this end, no person, firm, organization, society, association or corporation, or any agent of representative thereof shall directly or indirectly destroy or remove any tree in violation of the terms of this section.

Protected Tree Areas shall consist of required setback areas and yards, bufferyards and required open space. Trees located outside of these designated areas shall not be subject to the requirements of this section.

Section 4.5-3 Exceptions

The following uses are exempt from the requirements of this Section:

1. Farming and agricultural operations,
2. Existing developed single-family lots and parcels, and
3. Utilities

Section 4.5-4 Tree Survey

Prior to grading or clearing a lot or parcel for development and the issuance of a grading or building permit, the developer/owner applicant shall have conducted a tree survey identifying the location of all Protected Trees. Said trees shall be shown on a survey plat and physically marked with brightly colored tape or other markings.

Section 4.5-5 Site Design

The design of any land development project or subdivision shall take into consideration the location of all Protected Trees identified on the tree survey. Lot and site design shall minimize the need to fell Protected Trees, of which no more than 25 percent may be removed from the site. All practical configurations of a site design shall be considered before the approval of a permit to fell a Grand Tree shall be issued, irrespective of the location of said tree(s), in or out of the buildable area. The Zoning Administrator and/or the Planning Commission, as specified by the authorizing State Code, shall have the authority to adjust and mitigate all applicable setback and development regulations and require within reason a developer to redesign a project to save a Grand Tree.

The site design shall be presented on a site plan showing:

1. Existing location and size of all Protected Trees
2. Trees to be removed
3. Trees to be preserved

Site plan approval by the Zoning Administrator and/or the Planning Commission as specifically designated by the authorizing State Code shall be prerequisite to the issuance of a grading and/or building permit.

Section 4.5-6 Tree Protection and Replacement

Prior to Development. Where a grading permit, building permit or subdivision approval has not been issued, the destruction of any Protected Tree, as defined by this Ordinance, without prior approval of the Zoning Administrator or Planning Commission, which approval shall not be unreasonably withheld, shall be prohibited.

During Development. During grading and construction, a tree protection area equal to one foot for every inch of DBH of each tree shall be provided within which paving, grading, or the storage of dirt, building materials, debris, or any other materials or any other equipment shall not be allowed. Each protected area shall be enclosed by a barrier constructed in a manner required and approved by the Zoning Administrator prior to

issuance of a grading permit. Failure to maintain barriers may result in revocation of the building and/or grading permit. For projects not requiring a grading permit, the required barriers shall be constructed by the property owner and approved by the Zoning Administrator prior to issuance of a building permit. Protective barriers shall be maintained until issuance of a Certificate of Occupancy. The Zoning Administrator may reduce the protected area or allow intrusions into it if such actions would not adversely affect the survival and health of the tree.

After Development. No person shall break, damage, remove, cut, kill or cause to be killed any Protected Tree, except under one or more of the following circumstances:

1. In the event that any tree shall be determined to endanger the public health, safety or welfare and require removal, written authorization may be given by the Zoning Administrator and the tree or parts thereof (i.e. dead limbs) removed.
2. During the period of an emergency, such as a hurricane, tornado, ice storm, flood or any other act of nature, the Zoning Administrator may waive the requirements of this section.
3. Where due to unusual site conditions or circumstances, the requirements of this section pose a constraint to development and/or the use of a site or parcel, the Zoning Administrator may adjust the requirements as necessary to moderate the constraint.
4. Trees involved in wetland mitigation.
5. Pine trees may be cut and removed from any site without regard to size.
6. Diseased (unhealthy) or nuisance trees, with approval of the Zoning Administrator.

Nothing in this section shall be construed to prevent an individual home owner from cutting down a Protected Tree on his or her residential property without review and approval of the Zoning Administrator.

Section 4.5-7 Protected Trees Removed Without Permits

Where Protected Trees have been removed or where removal is necessitated at any time due to acts of negligence, or where sites were cleared of Protected Trees in violation of this section, replacement trees shall be planted in accord with a replacement schedule approved by the Zoning Administrator, who shall specify the number, species, DBH, and location of replacement trees, using the following criteria: Combined DBH of replacement trees is equal to or greater than three (3) times the DBH of the tree removed or; Individual replacement trees are of the largest transplantable DBH available.

Section 4.6 Outdoor Lighting

Section 4.6-1 Purpose

The purposes of these outdoor lighting standards are to regulate exterior lighting to ensure the safety of motorists and pedestrians and minimize adverse impacts on adjacent properties. More specifically, this section is intended to:

1. Regulate Lighting. Regulate lighting to assure that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists;
2. Adequate on-site Lighting. Ensure that all site lighting is designed and installed to maintain adequate lighting levels on-site while limiting negative lighting impacts on adjacent lands; and
3. Provide safety and security for persons, property and vehicular interface.

Section 4.6-2 Applicability

The provisions of this Section shall apply to all development in the Town of Clover including, but not limited to lighting for: Streets, Parking Areas, Walkways, Signs/Billboards, Buildings and Structures, Outdoor Displays/ Sales Areas, and Equipment Storage Areas unless exempted in accordance with the Exemptions Section below (Exemptions).

Section 4.6-3 Demonstration of Compliance.

A lighting plan shall be included with all Certificate of Zoning Compliance applications for new construction and when new lighting fixtures are being erected on an existing developed lot. Such plan shall include manufacturer's catalog cut diagram specifications and descriptions of the lighting fixtures to be used, a detailed site plan which shows the location of all existing and proposed improvements, the location of the lighting fixtures, a point-by-point foot-candle array, and a certification by a qualified lighting design professional that the lighting plan complies with all the requirements contained herein. The Zoning Administrator must issue a certificate of approval/denial within 30 days from receipt of the plan. The applicant may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals.

Section 4.6-4 Design Standards for Exterior Lighting

1. Exterior architectural, display and decorative lighting shall be generated from a concealed (cut-off) light source with low-level fixtures.
2. Any light fixture shall be of such design to minimize the amount of ambient lighting perceptible from adjacent properties.

3. Lighting shall not impair the vision of motorists.
4. All interior lighting shall be designed to prevent the light source or high levels of light from being visible from a public right-of-way.
5. Entrances into developments from any street may be lighted for traffic safety reasons, provided such lighting is approved by the agency maintaining the roadway and does not exceed the applicable foot-candle requirements specified in the most current version of the American Association of State Highway and Transportation Officials (AASHTO) Roadway Lighting Guide.
6. All exterior lighting shall be limited to a maximum illumination value of one-half (0.5) foot-candles or less at lot lines adjacent to single-family dwellings or developments and two and one-half (2.5) foot-candles or less at lot lines adjacent to all other uses.
7. All commercial light fixtures shall be located at least five (5) feet from all property lines.
8. Strobe, flashing, blinking, pulsing, and revolving lights are prohibited.

Section 4.6-5 Light Fixtures

All light fixtures shall be a cutoff luminaire whose source is completely concealed with opaque housing and shall not be visible from any street. This provision includes lights mounted on poles and buildings, as well as architectural display and decorative lighting visible from streets. Examples of fully-shielded fixtures are provided in the figure below.

1. Fixtures shall be mounted in such a manner that the cone of light is not directed at any property line of the site.
2. Wall packs on the exterior of the building shall be fully-shielded (e.g., true cutoff or light source not visible from off-site) to direct the light vertically downward and have a light output of 1,000 lumens or less. Wall pack light sources visible from any location off the site are prohibited.
3. Only incandescent, fluorescent, metal halide, LED, or mercury vapor light sources may be used. The same type of lighting must be utilized for all fixtures and light sources on the site.
4. Only white or off-white may be used for any light source.
5. Flood type lighting is prohibited for new installations

Section 4.6-6 Illumination Standards

Illumination Standards			
Location or Type of Lighting	Minimum Level (FC)	Average Level (FC)	Maximum Level (FC)
Landscape and decorative	0.0	0.50	5.0
Commercial parking areas	0.6	2.40	10.0
Multi-family residential parking areas	0.2	1.50	10.0
Areas for display of outdoor merchandise	1.0	5.0	15.0
Walkways and streets	0.2	1.0	10.0
Notes: Minimum and maximum levels are measured at any one point. Average level is not to exceed the calculated value, and is derived using only the area of the site included to receive illumination. Points of measurement shall not include the area of the building, or areas which do not lend themselves to pedestrian traffic. If the major portion of the lighting is placed in front of the building, the average level light should not be affected by adding any additional lighting elsewhere on site.			

Section 4.6-7 Specific Use Standards

1. Gas Station/Convenience Store Canopies

Light fixtures for canopies shall be recessed and have a flat lens mounted flush with the surface (ceiling) or the canopy so as to minimize off-site glare and light trespass. Surface mounted fixtures are acceptable so long as they incorporate a flat lens and provide a full cut-off or fully shielded light distribution. The average-maintained illuminance level shall not exceed IES recommendations. All area lighting shall be full cut off fixtures.

2. Sports/Recreational Lighting

Illumination of outdoor sports fields and performance areas. Lighting of outdoor sports fields and performance areas shall comply with the following standards.

- Glare control package. All lighting fixtures shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.
- Hours of operation. The hours of operation for the lighting system for any game or event shall not continue for more than one hour after the end of the game or event.
- Height of fixtures. Light fixtures shall not exceed a height of 80 feet.
- Buffers adjacent to residential properties. A landscaped buffer yard sufficient to prevent light and glare spillover to adjacent residential properties may be required by the Director.

3. Signs

Top mounted and fully shielded fixtures that direct light downward is required where feasible. When top mounted fixtures are not feasible, up lighting is permissible as long as the fixtures are fully shielded, carefully located and aimed so that the light is directed only onto the sign so as to prevent direct glare, light trespass and up light.

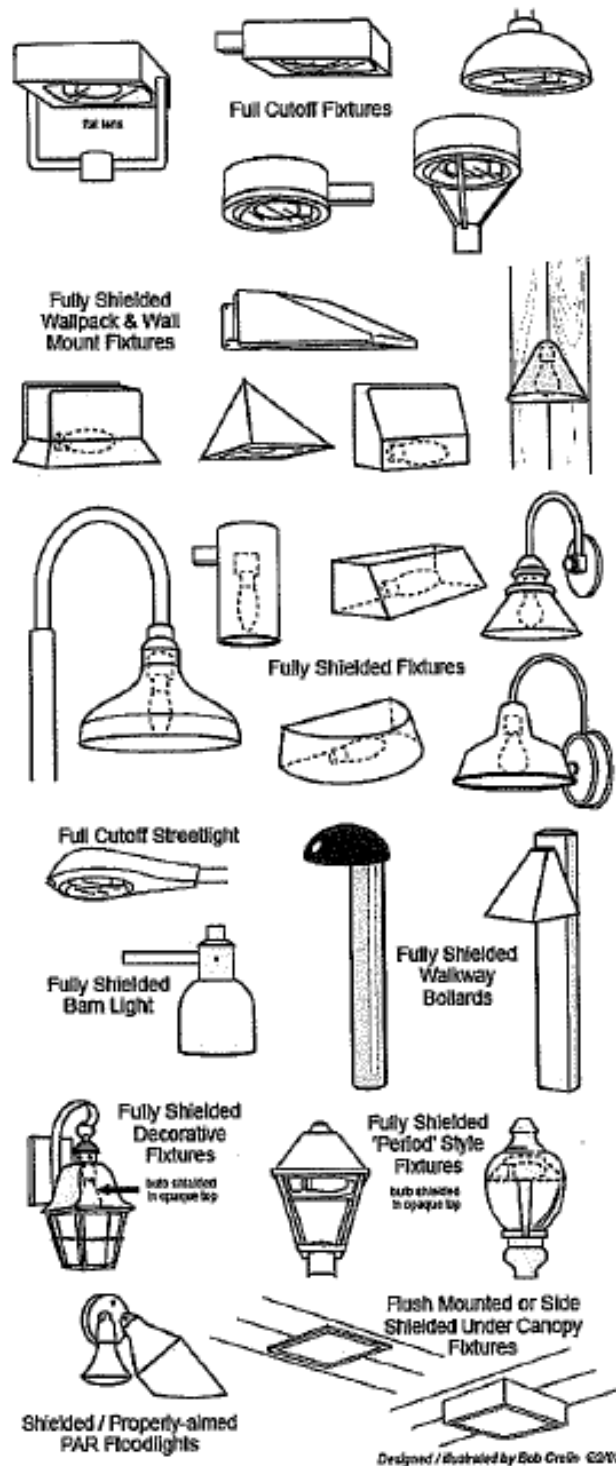
Section 4.6-8 Exceptions

1. Temporary lighting used by the police, fire department or emergency services.
2. Federal hazard warning lights.
3. Individual homeowners.
4. Cut-off fixtures are acceptable for historical lighting where deemed appropriate by the Planning Commission.

Section 4.6-9 Grandfathering

Any fixture lawfully in place prior to this ordinance shall be exempt until the fixture is replaced, moved, modified or upgraded.

Figure 1: Examples of fully-shielded fixtures



Section 4.7 Architectural Compatibility

Section 4.7-1 Infill Development

In any zoning district or subdivision which has a majority of the lots built upon, all subsequently permitted buildings must substantially conform to the architectural standards established by the majority of existing structures. By determination of the Zoning Administrator, subsequent structures must conform as to architectural style, general design, square footage of living area (exclusive of garages and porches), external siding materials and overall treatments.

However, compatibility does not equate to conformity. Exterior variations are encouraged as a means of making a subdivision or zoning district more interesting and appealing.

Any person aggrieved or having a substantial interest in any decision of the Zoning Administrator regarding architectural compatibility of infill development may appeal such decision to the Architectural Review Board, as provided in Section 2.6-11.

Section 4.7-2 Architectural Style and Features

Major Subdivisions and Major Land Developments are subject to the provisions of this section to preserve community character and promote aesthetics.

1. **Front façade** – all residential buildings shall have the appearance of a brick or stone foundation that extends at least 24 inches above the finished grade. This can be accomplished by using crawlspace construction or water table detailing.
2. **Garage** – a garage is allowed and a side-loaded design is preferred. A front-loaded garage design is permitted provided that one of the following options is used:
 - a. The garage is recessed at least two (2) feet behind the front façade.
 - b. The garage may be in line with the front porch or covered front stoop. The minimum depth of a front porch is eight (8) feet. The minimum dimensions of a front stoop are six (6) feet by six (6) feet.
3. **Exterior cladding** – materials for all residential buildings shall be selected from the following:
 - a. Brick, stone, fiber cement board, or stucco shall comprise at least one-third ($\frac{1}{3}$) of the street-facing façade of residential dwelling units.
 - b. Vinyl siding shall have a minimum thickness of 0.046 inches.
4. **Variation** – building design variety is encouraged. The front façade of a single-family residence shall not be repeated within three units on the either side of the street.

END OF ARTICLE 4

ARTICLE 5. SIGN REGULATIONS

The purpose of this Article is to protect the dual interest of the public and the advertiser. The regulations herein are designed to protect public safety and welfare and to ensure the maintenance of an attractive physical environment while satisfying the needs of sign users for adequate identification, communication, and advertising.

Section 5.1 Applicability and Conformance

This Article regulates the number, size, placement, and physical characteristics of signs; allows certain signs without permits; prohibits certain signs; and requires permits for certain signs.

From and after the adoption of this Ordinance, no sign may be erected or enlarged within the jurisdiction of this Ordinance unless it conforms to the requirements of this Article.

Section 5.2 Signs on Private Property

Signs shall be allowed on private property in accord with Table 4. If the letter "A" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning district represented by that column. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning district represented by that column. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning district represented by that column under any circumstances.

All signs permitted by Table 4, including those designated by an "A", shall meet the conditional requirements of Table 5, as well as all other applicable requirements of this Section.

TABLE 4 REGULATION OF SIGNS BY TYPE, CHARACTERISTICS, AND ZONING DISTRICTS A=Allowed P=Permit Required N=Not Allowed N/A=Not Applicable								
District	R-20 R-12	R-7 R-5	B-1	B-2	B-4	MU	ID	INS*
Permanent Signs								
Freestanding								
Residential	A	A	N/A	A	N/A	A	N/A	N/A
Other	N	N	N	P	P	P	P	P
Incidental	N	A	A	A	A	A	A	A
Building								
Canopy	N	N	P	P	P	P	N	N
Identification	A	A	A	A	A	A	A	A
Incidental	N	N	A	A	A	A	A	A
Marquee	N	N	P	P	P	P	N	N
Monument	N	P	N	P	P	P	P	P
Murals (see Sec. 5.6)	N	N	P	P	N	N	N	N
Projecting	N	N	P	P	P	P	N	N
Residential	A	A	N/A	A	N/A	A	N/A	N
Roof	N	N	P	P	N	P	N	N
Roof, Integral	N	N	P	P	N	N	N	N
Wall	N	N	P	P	P	N	P	N
Window	N	N	A	A	A	A	A	N
Historically Significant	A	A	A	A	A	A	A	A
Temporary Signs (See Section 5.5)								
A-Frame/Sandwich	N	N	P	P	P	A	N	A
Banners	N	P	P	P	P	P	P	A
Posters	A	A	A	A	A	A	A	A
Yard	A	A	A	A	A	A	A	A
Portable	N	N	N	P	N	N	N	A
Inflatable	N	N	N	P	N	N	N	N
Pennant	N	N	P	P	P	P	P	N
Identification	A	A	A	A	A	A	A	A
Special Event	A	A	A	A	A	A	A	A
Flags – institutional	A	A	A	A	A	A	A	A
Flags, Feather	N	N	P	P	P	P	P	P
Sign Characteristics								
Animated	N	N	P	P	P	N	N	N
Digital/Changeable copy	N	N	P	P	P	P	P	P
Illumination Indirect	A	A	A	A	A	A	A	A
Illumination Internal	A	A	A	A	A	A	A	A

*This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential zoning districts.

**TABLE 5
NUMBER, DIMENSION, AND LOCATION OF PERMITTED SIGNS,
BY ZONING DISTRICT**

	R-20 R-12	R-7 R-5	B-1	B-2	B-4	MU	ID	INS (A)
Freestanding Signs: Number Permitted								
Residential (C)	1 (B)	(B)	N/A	(B)	N/A	(B)	N/A	N/A
Other (C)	N/A	N/A	N/A	(C)	(C)	(C)	(C)	(C)
Incidental	N/A	2	2	(D)	2	2	2	2
Maximum Sign Area (s.f.)	6 (B)	6 (B)	75	75	75	75 (B)	75	24
Minimum Setback from Property Line	5'	5'	0	5'	5'	5'	5'	5'
Maximum Height (E)	8.5'	8.5'	8.5'	8.5'	8.5'	8.5'	8.5'	8.5'
Building Signs								
Number Permitted	1	1	N/A	N/A	N/A	N/A	N/A	1
Maximum Sign Area (s. f.)	2	6	N/A	N/A	N/A	N/A	N/A	10
Maximum Wall Area	N/A	N/A	25% (F)	25% (F)	25%	25%	25%	N/A
Maximum Window Area	N/A	N/A	10%	10%	10%	10%	N/A	N/A
Temporary Signs (G)	See Section 5.5							

Table Notes: N/A= Not Applicable s.f.= square feet

- (A) This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in Residential Zoning districts.
- (B) One identification sign, not to exceed 24 square feet, is permitted for each entrance of a subdivision or residential complex or project.
- (C) One per developed lot only. Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
- (D) The number of incidental signs on a lot shall be 10% of the number of on-site parking spaces on the lot up to a maximum of ten (10) incidental signs.
- (E) Height of free-standing signs shall be measured from street level.
- (F) Maximum wall area coverage for a mural, where permitted by Table 4, shall be determined by the proposed mural image and approved by the Architectural Review Board.
- (G) Maximum number at any one time shall be two; provided, however, this limit shall not apply to banners associated special public and/or seasonal sporting events when posted at the location of the event, i.e. at the field, stadium, etc.

Section 5.3 Common Signage Plan Required

A Common Signage Plan shall be prerequisite to the issuance of any sign permit involving:

1. Two or more contiguous lots or parcels under the same ownership,
2. A single lot or parcel with more than one principal use or building (not including accessory uses or buildings) or qualifying on the basis of street frontage for more than one free-standing sign, and
3. A PDD (Planned Development District) project.

The Plan shall contain all information required for sign permits generally (Section 10.15-4) and shall specify standards for consistency among all signs on the lot affected by the Plan with regard to:

- Lettering or graphic style;
- Lighting;
- Location of each sign on the buildings;
- Material; and
- Sign proportions.

A Common Signage Plan shall limit the number of free-standing signs to a total of one for each street on which there is frontage and shall provide for shared or common usage of such signs; however the maximum sign area may be increased by 25% and the height to twelve (12') feet.

Once approved by the Zoning Administrator, the Common Signage Plan shall become binding on all businesses and uses occupying the affected lots, but may be amended by filing a new or revised Plan in conformance with the requirements of this Ordinance.

If any new or amended Common Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three years, all signs not conforming to the proposed amended Plan or to the requirements of this Ordinance in effect on the date of submission.

Section 5.4 Signs in the Public right-of-way

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

1. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate traffic;
2. Public informational signs;
3. Signs, in accordance with state law section 57-25-140;

4. Historical signs and markers;
5. Emergency signs;
6. Transit stop signs erected by a public or private transit agency and bench and bus shelter signs in association therewith;
7. Directional signs of a temporary nature not to exceed three (3) square feet in area and 72 hours in duration for such events as yard sales, auctions, public gatherings, etc.; provided they are not located in the median or flower beds on Main, Bethel and Kings Mountain Street and are spaced not less than 500 feet apart.

Section 5.5 Temporary Signs

Where permitted by Table 4, the placement and use of temporary signs shall be governed by Table 6, as follows.

TABLE 6 TEMPORARY SIGNS				
Sign Type	Display Period	Display Intervals	Dimensions	Conditions
A-Frame	Hours of operation	Off-hours	12 sq. ft.	A
Banner	30 days (H)	14 days	None	B
Posters	30 days	14 days	3 sq. ft.	C
Yard	30 days (I)	30 days	6 sq. ft.	C
Portable	30 days	11 Months	32 sq. ft.	D
Inflatable	30 days	1 year	None	E
Pennants	30 days	6 months	None	B
Identification	90 days, or project completion	None	200 sq. ft.	F
Special Event	30-days	6 months	32 sq. ft	G
Flags, feather	60 days	30 days	None	B
Flags, institutional	Not Applicable	Not Applicable	Not applicable	B

(Table 6 Notes on following page)

Table 6 Notes:

- A. A-Frame or sandwich signs, where located on sidewalks, shall be located in such a manner as not to obstruct pedestrian movement.
- B. Banners, pennants and flags shall be properly secured, not allowed to discolor, and be properly maintained at all times, and shall not interfere with pedestrian or vehicular movement.
- C. Posters shall not be allowed on any telephone or power poles or any public right-of-way, and shall be placed no closer than five (5) feet from a street or curb.
- D. Portable signs shall be limited to one per establishment, shall have no colored or flashing lights, shall not be wired so as to obstruct or hinder pedestrian or vehicular traffic or pose any potential for such hindrance (i.e. exposed drop cord), shall not exceed six (6) feet in height, shall be anchored in accord with the Building Code, and shall not be converted to a permanent sign.
- E. Inflatable signs shall be properly anchored and shall not interfere with power lines.
- F. Temporary subdivision and work under construction identification signs shall adhere to Section 5.8, Development Standards.
- G. Special event signs shall be removed within five (5) days after the event.
- H. 30 days, except that banners associated with special public and/or seasonal sporting events may remain in place for the duration of the event, provided they adhere to the requirements of B above.
- I. Real estate signs may remain in place until the property is sold or rented.

Section 5.6 Murals

Murals permitted in the B-1 and B-2 Districts by Table 4 and further regulated by the requirements of Table 5, also shall adhere to the following:

1. The owner of record of the building on which a proposed mural is to be placed shall, in writing, consent to the placement of the mural on the property, agree to maintain the mural and consent to restore the wall or façade upon which the mural is placed to its prior existing condition if the mural is not properly maintained.
2. Murals that depict the history, heritage, culture, or events of the local area are to be encouraged. The colors and themes of murals must be compatible with nearby historic buildings and sites and should complement the prevailing architectural style and ambiance of the surrounding area.

Section 5.7 Prohibited Signs

All signs not expressly permitted by this ordinance are prohibited. Such signs include, but are not limited to:

1. Signs painted on or attached to trees, fence posts, telephone or other utility poles, stationary vehicles, or natural features.
2. Signs displaying intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, rescue vehicles or other warning signals, and signs using the words “stop”, “danger”, or any other word, phrase, symbol, or character in a manner that might mislead or confuse motorist.
3. Signs that have been abandoned and no longer correctly direct or exhort any person, advertises a bona fide business, lessor, owner, product, or activity conducted or product available.

4. Signs that have fallen into disrepair, are not properly maintained, are insecure or otherwise structurally unsound, have defective parts in the support, guys and/or anchors, or which are unable to meet minimum safety requirements of the International Building Code.

Section 5.8 Development Standards for Signs

Section 5.8-1 Visual Area Clearance

No sign shall be located within a vision clearance area as defined in Section 8.6.

Section 5.8-2 Vehicle Area Clearance

When a sign extends over an area where vehicles travel or park, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas.

Section 5.8-3 Pedestrian Area Clearance

When a sign extends over a sidewalk, walkway, or other space accessible to pedestrians, the bottom of the sign structure shall be at least 8 feet above the ground.

Section 5.8-4 Sign Materials; Code Compliance

Permanent and temporary identification signs must be constructed in accord with all applicable provisions of the Building Code and National Electrical Code, and consist of durable all-weather materials.

Images, logos, graphics, etc. painted on permanent signs or buildings must be performed in a professional and workmanlike manner.

Section 5.8-5 Sign Illumination

Sign illumination shall meet the lighting requirements of Section 4.6-6. Further, illuminated signs shall not directly shine on abutting properties. No illumination simulating traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on and off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.

Section 5.8-6 Free-Standing Sign Standards

All free-standing signs shall be monument or ground mounted. No free-standing sign shall be erected on a pole or post.

Section 5.9 Sign Measurement

Section 5.9-1 Sign Face Area

The area of a sign enclosed in frames or cabinets is determined by measuring the outer dimensions of the frame or cabinet surrounding the sign face. Sign area does not include foundations or supports. Only one side of a double-faced or V-shaped, free-standing sign is counted.

1. For signs on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used in the measurement, unless it is clear that part of the base contains no sign related display or decoration.
2. For painted wall signs and signs constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn around the entire sign area. Windows incorporated into and made a part of the sign shall be included in the sign area calculation.
3. For sign structures containing multiple modules oriented in the same direction, the modules are counted as one sign face.
4. The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.
5. For signs incorporated into awnings, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign related display or decoration.

Section 5.9-2 Clearances

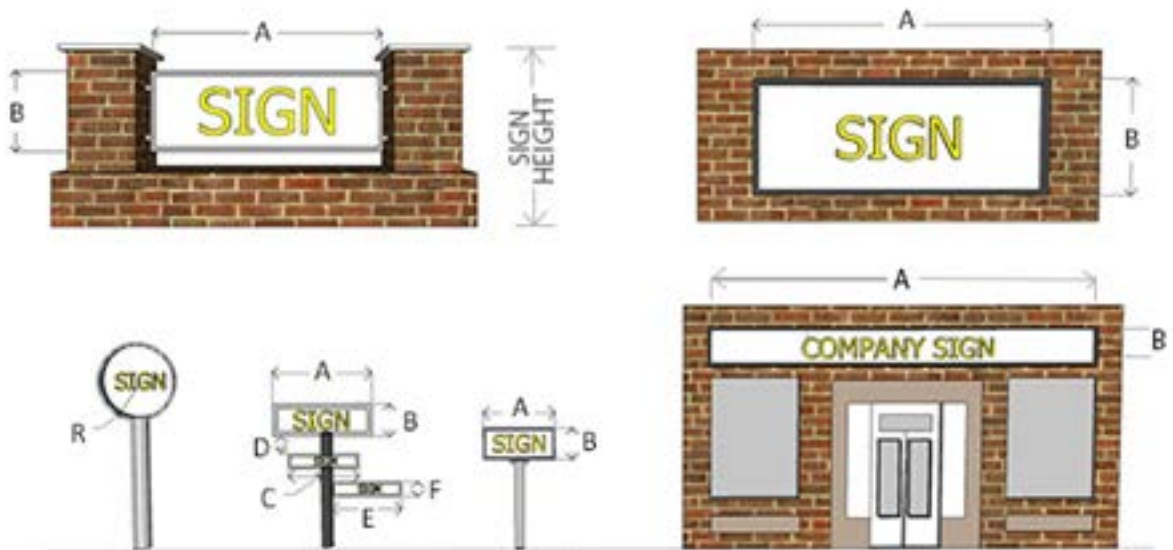
Clearances are measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face.

Section 5.10 Removal of Signs

1. The lawful use of any permanently mounted sign existing at the time of the enactment of this Ordinance may be continued although such sign does not conform with the regulations herein, except those declared abandoned, in disrepair, or dangerous, which shall be removed or remedied within thirty (30) days of notification by the Zoning Administrator. Replacement shall be in accord with these regulations.
2. Non-conforming permanent signs shall be removed or brought into conformity whenever the following occurs:

- a. Property changes ownership resulting in signage change regarding the name of the business, or
 - b. The occupancy classification of the building is changed.
3. Any non-conforming temporary sign shall be removed or brought into conformity no later than seven (7) days upon notification by the Zoning Administrator. Non-conforming or illegal temporary signs removed by the Town from the public right-of-way will be held for ten (10) days during which time the owner may recover the sign. If the sign is not claimed within said period, the Zoning Administrator may dispose of the sign without compensation to the sign owner.
4. An order under this Section shall be issued, in writing, to the owner or responsible party of any such sign, or of the building or premises on which such sign is located, to comply within thirty (30) days. Upon failure to comply with such notice, the Zoning Administrator may cause the sign to be removed and any costs incurred in the process may be collected in a manner prescribed by law.

Sign Measurement Illustration



Multiple Sign Faces Area = $(A \times B) + (C \times D) + (E \times F)$

Round Sign Area = $\pi (3.14) R^2$

END OF ARTICLE 5

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ARTICLE 6. SUPPLEMENTAL OFF-STREET PARKING AND LOADING REGULATIONS

The provisions of this Article shall supplement the off-street parking requirements contained in Table 1 of this Ordinance.

Section 6.1 General Requirements

1. Wherever a building or use, constructed or established after the effective date of these regulations or is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
2. Off-street parking areas provided to comply with the provisions of this Ordinance shall not be reduced below the requirements of this Ordinance.
3. Off-street parking areas shall be designed, developed and maintained in accordance with the requirements of this Article, and the setback requirements of Article 8 Table 7.
4. The Zoning Administrator is authorized to reduce the amount of required parking spaces in accord with the provisions of Section 6.2.
5. Required parking spaces, entrances and exits shall be ready for use and approved by the Zoning Administrator prior to issuance of a Certificate of Occupancy.
6. Where application of the requirements of Table 1 result in a fractional space requirement, the next larger requirement shall apply.

Section 6.2 Location of Required Parking

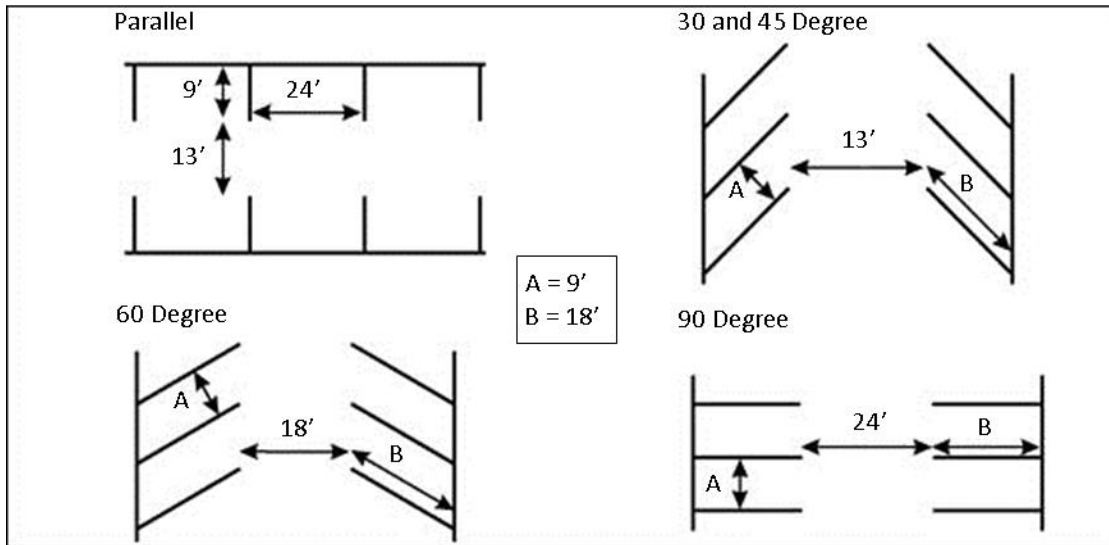
1. Except as expressly stated in this Section, all required off-street parking spaces must be located on the same lot as the principal use.
2. Off-site parking is defined as the required parking not located on the parcel which the principal use is located. Shared parking is parking for uses with different operating hours or peak business periods that share required off-street parking spaces. Shared parking may or may not be off-site parking. Off-site and shared parking are allowed provided they meet the following standards:

- a. A maximum of 50% of the required parking spaces may be off-site, however, off-site parking may not be used to satisfy the off-street parking standards for residential uses, restaurants, convenience stores or other convenience-oriented uses unless approved as part of a mixed use development (Section 6.5).
 - b. Required parking spaces reserved for persons with disabilities shall not be located off-site.
 - c. Shared or off-site parking must be located within 500 feet from the primary entrance of the use served. Shared or off-site parking spaces may not be separated from the use that they serve by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway or other traffic control is provided.
 - d. In the event that off-site parking area is not under the same ownership as the principal use served, a written agreement will be required. A notarized copy of the agreement between the owners of record must be submitted to the Zoning Administrator.
 - e. Shared parking areas must be connected by a continuous network of sidewalks.
 - f. Shared or off-site parking for one principal use cannot create a non-conforming parking situation for another business or use.
3. Residential developments shall have the option to provide off-street parking areas that accommodate up to one parking space per dwelling provided that its location is within 500 feet of the dwelling served.

Section 6.3 Design Standards

1. **Parking Dimensions:** Parking spaces shall be not less than nine (9) feet by eighteen (18) feet, except that the dimensions of all parallel parking spaces shall be not less than nine (9) feet by twenty-four (24) feet. Minimum aisle width shall be as follows:

Parking Dimensions Illustration



1. **Construction, Paving:** Where 10 or more off street parking stalls are required by this ordinance, such stalls and all ingress and egress drives shall be surfaced. Expansive surface parking lots shall be avoided. Instead parking lots shall be broken down into sections as appropriate for the type and size of development, and shall be separated by landscaped divider strips, berms, and similar devices. Entrance and exit drives serving unpaved parking lots accessed from a paved street must be paved from the street pavement to the edge of the right-of-way.

2. **Drainage:** Parking lots shall be designed to incorporate green infrastructure, including but not limited to bioretention area or permeable pavement surface that allows stormwater to infiltrate the soil rather than sheet flow across the parking lot.

Parking lots shall be designed so as not to drain into or across public sidewalks or on to adjacent property, except into a natural watercourse or a drainage easement. In developed areas where this condition may be impossible to meet, the Zoning Administrator may exempt the developer from this requirement, provided that adequate alternative provision is made for drainage.

3. **Separation From Walkways and Streets:** Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys, and required yards and buffer areas by a wall, fence, curbing, or other protective device approved by the Zoning Administrator. Off-street parking spaces must be accessible without backing into or otherwise re-entering a public right-of-way.
4. **Entrances and Exits:** Landscaping, curbing, or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. All off-street parking areas shall be designed so that all movement onto a public street is in a forward motion. Entrance and exit driveways to public streets in the

vicinity of street intersections must be located at least fifty (50) feet, measured along the curb line, from the intersection of the nearest curb line. Parking lot entrance and exit curb cuts will not be more than 30 feet in width. Entrances or exits which include a median strip to separate traffic flow in opposite directions may be expanded to 60 feet.

5. **Marking:** Parking lots containing 20 or more spaces shall be marked by painted lines, curbs, or other means to indicate individual spaces. Signs or markers may be used as necessary to ensure efficient traffic operation of the lot.
6. **Lighting:** Adequate lighting shall be provided if off-street parking spaces are to be used at night. Such lighting shall be installed in accord with the Outdoor Lighting provisions of Section 4.6.
7. **Landscaping:** Off-street parking areas shall be landscaped in accord with the provisions of Section 4.3.

Section 6.4 Maintenance

All off-street parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling, servicing or long-term storage of any vehicles, boats, motor homes, campers, or building materials or equipment, except for sales, service and repair businesses.

Section 6.5 Mixed Uses

Where more than one principal use, whether with the same or different parking requirements occupy the same building or premises or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

However, up to 50 percent of the parking spaces required for (1) theaters, public auditoriums, bowling alleys, dance halls, clubs, churches and religious institutions may be provided and used jointly by (2) financial institutions, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during the same hours as those listed in (1); provided however, that written agreement thereto is properly executed and filed with the Town.

Section 6.6 Parking Spaces for the Physically Handicapped

When off-street parking is required for any building or use, except for residential dwellings with fewer than 20 units, parking for the handicapped shall be included when calculating the overall parking requirements for such building or use, based on the following formula:

Number of Required Parking Spaces	Number Reserved for Handicapped Persons
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
Each additional 100 spaces or fraction thereof	1 space

Parking spaces for the physically handicapped shall measure 12 feet by 20 feet or 8 feet in width, with an adjacent access isle 8 feet in width, and shall be located as close as possible to ramps, walkways, and entrances. Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, and walkways.

Section 6.7 Off-Street Loading

All uses shall provide off-street loading space sufficient for their requirements. Such space shall be arranged so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street or sidewalk.

Off-street loading and unloading space shall in all cases be located on the same lot or parcel of land as the structures they are intended to serve.

Section 6.8 Electric Vehicle Charging Stations Parking Standards

Electric Vehicle (EV) Charging stations shall be permitted in traditional public and private off-street parking lot facilities subject to the following standards:

1. All EV Spaces must be sized to meet the minimum standards set forth in this Article
2. EV Spaces shall not be included in the minimum required parking calculation. The EV spaces may be permitted only if the minimum number of parking spaces is met or if alternative parking locations can provide the minimum number of spaces per Section 6.2 Location of Required Parking.

3. EV Spaces shall only be designed as a 90-degree space adjacent to aisles that are a minimum of 24'.
4. Electric charging equipment shall not be located within the required landscape buffer or setbacks.

Section 6.9 Storage and Use of Recreational Vehicles and Boats in Residential Zones

No recreational vehicle or boat in excess of seventeen (17) feet shall be parked or stored in any required front or side yard setback area or within five (5) feet of the property line; however, such use may be parked anywhere on a residential lot for a period not to exceed twenty-four (24) hours during loading or unloading. No more than one recreational vehicle may be parked or stored in public view from a street.

A recreational vehicle may be used for temporary lodging in a residential district for no more than thirty (30) days in any one calendar year. Where a valid building permit for construction of a new home or repair/reconstruction of an existing home has been issued by the Development Services Department, a recreational vehicle may be used as temporary lodging during construction or reconstruction for a period not to exceed the duration of the permit.

Section 6.10 Parking, Storage, and Use of Non-Residential Vehicles and Equipment in Residential Zones

No automobile, truck, or trailer of any kind or type, without current license plates, shall be parked and construction equipment shall not be stored on any lot in a residential zone, other than in completely enclosed buildings or physically removed from vision from the public street serving the property.

Parking of vehicles, implements and/or equipment used for commercial, industrial, or construction purposes in residential zones shall be limited to one vehicle per residence, with a capacity no greater than two (2) tons.

Vehicles with capacity greater than two (2) tons and used for commercial, industrial, or construction purposes are prohibited from parking in residential zones, including the street/highway right-of-way, when not actively involved in commerce.

END OF ARTICLE 6

ARTICLE 7. LAND DEVELOPMENT REGULATIONS

Section 7.1 Purpose

The purpose of this Article is to advance the objectives of the South Carolina Local Planning Enabling Act of 1994, as amended to require harmonious, orderly, and progressive development of land in pursuit of public health, safety, economy, good order, appearance, convenience, morals, and the general welfare. In furtherance of these objectives, the regulation of land development in the Town of Clover is designed to:

1. Encourage economically sound and stable development;
2. Assure the timely provision of required streets, utilities, and other facilities and services to new land development;
3. Assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian in and through new land developments; and
4. Assure, in general, the wise and timely development of new areas in harmony with the Town of Clover Comprehensive Plan.

Section 7.2 Site Design Standards, Generally

1. Site Analysis

An analysis shall be made of characteristics of the development site, such as site context, geology and soil, topography, ecology, existing vegetation, structures, and road networks, visual features, and past and present use of the site.

2. Site Design Considerations

Site design shall take into consideration all existing local and regional plans, and shall be based on the site analysis. To the extent practical, development shall be located to preserve any natural features on the site, to avoid areas of environmental sensitivity, to minimize negative impacts and alteration of natural features, to avoid adversely affecting ground water and aquifer recharge, to reduce cut and fill, to avoid unnecessary impervious cover, to prevent flooding, to provide adequate access to lots and sites, and to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities on neighboring properties.

The following specific areas and resources shall be preserved to the extent consistent with the reasonable utilization of the site.

- a. Unique and/or fragile areas, including wetlands as defined in Sec. 404, Federal Water Pollution Control Act Amendments of 1972, as determined by the U.S. Corps of Engineers.
- b. Protected Trees identified by Section 4.5-2.
- c. Flood plain areas, as determined by FEMA (Federal Emergency Management Agency) and delineated on Flood Boundary and Floodway Maps for Clover Town.
- d. Habitats of endangered wildlife, as identified on federal and state lists.
- e. Historically significant structures and sites, as listed on federal, state, and/or local lists of historical places.

Section 7.3 Site Design Standards for Conventional Subdivisions

Section 7.3-1 Streets, Public

1. Circulation System Design

Street systems shall be designed to permit the safe, efficient, and orderly movement of traffic; to have a simple and logical pattern; to respect natural features and topography; to present an attractive streetscape; and to permit linkage of streets and subdivisions. Streets shall be designed and constructed in accordance with the South Carolina Department of Transportation Standard Specifications for Highway Construction, latest edition, and the Town of Clover Road Design and Quality Control Standards.

Street connections shall be provided to existing or future street networks on adjoining properties, including but not limited to the extension of streets and street stub-outs.

The number of external street connections shall be provided per the following table:

Development Type	Minimum Number of Access Points
Residential	
≤ 80 units	1
81-159 units	2
≥160 units	3
All others	
<2,500 estimated trips per day	1
≥2,500 estimated trips per day	2*
*Note: One additional access point for every additional 5,000 trips over 5,000.	

2. Street Lighting

Street lighting shall be provided on all interior streets in proposed new residential subdivisions and developments, in accord with the following standards:

- a. Height: The minimum finished height of street light poles shall be a minimum of 10 feet but shall not exceed 20 feet.
- b. Utility Line Location: All appropriate conduit and wiring shall be installed underground.
- c. Materials: Poles should be metal or fiberglass and decorative in nature.
- d. Location: Street lights shall be located at a minimum ratio of one (1) light per six (6) residential lots.

Street Lights shall be installed prior to final plat approval and shall be energized and illuminated upon installation.

Section 7.3-2 Streets, Private

Private streets in a subdivision shall be allowed under the following conditions.

1. The developer shall furnish proof to the Planning Commission that said streets will be maintained in perpetuity as private streets and that a Homeowners Association will be established and fully empowered to ensure perpetual maintenance of said streets. The Homeowners Association shall be registered with the office of the Secretary of State.
2. The Planning Commission shall be provided such documents as may be required to ensure that the foregoing provisions will ensure the maintenance of said private streets. Such documents shall be in form suitable for recordation in the office of the Clerk of Circuit Court and shall be approved by the Town Attorney.
3. All private roads shall meet the same design and construction standards required of comparable public roads.
4. An appropriate permanent sign identifying such streets are private shall be erected by the developer or owners at all locations where the private streets intersect with public streets.

Section 7.3-3 Shoulders and Ditches

Shoulders shall consist of stabilized turf or other material acceptable to the Town and shall be prepared in compliance with Section 209 of the Standards Specifications Manual for Highway Construction, latest edition.

Section 7.3-4 Storm Water Drainage

All new subdivisions shall be provided with a storm drainage system designed and developed in accord with the following requirements.

1. All roadway ditches shall be designed to contain, at a minimum, the peak flow from a 25-year frequency storm using SCS design method. All roadway curb and gutter and pipe networks shall be designed to carry the ten year storm designed using the "Rational Method" for a ten year storm event. All channel and diversion ditches shall be able to handle the ten year storm event with non-erosive velocities less than 5 feet per second or with a lining system suitable for velocities greater than 5 feet per second. Hydraulic analysis and design shall comply with SCDHEC Stormwater Section Guidelines.
2. Where adequate existing public storm sewers are reasonably accessible, the Planning Commission may require that the system proposed for the land being subdivided be connected thereto.
3. All streets shall be provided with an adequate storm drainage system. The use of asphalt valley sections for street drainage may be allowed where approved by the Planning Commission. The Planning Commission may require concrete curbs and gutters.
4. Where curb and gutters and catch basins are provided or required, they shall be designed in accordance with specifications contained in the South Carolina Department Transportation Standard Specifications for Highway Construction, latest edition.
5. The off-street system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage and shall be designed in accordance with the following requirements.
6. When the drainage system is outside of the street right-of-way, the developer shall provide all required easements in accordance with the provisions of this Ordinance.
7. Open ditch drainage may be used. However, when open ditches are used to meet these requirements, they shall be adequately protected from erosion with vegetation, rip-rap, concrete lining, or other approved method.

Section 7.3-5 Erosion and Sedimentation Control

The developer shall take measures to ensure that the amount of off site sedimentation runoff and erosion does not increase from pre-construction levels.

The Preliminary Plan shall include a plan for erosion and sedimentation control in accordance with SC DHEC regulations.

Section 7.3-6 Easements

Easements shall be reserved and dedicated as follows.

1. Drainage Easements

Drainage easements shall be provided whenever a subdivision or development is traversed by a water course, drainage way, channel, or stream, conforming substantially with the lines of such water course, and must be of sufficient width, as determined by the Town Engineer, to carry off storm water and provide for maintenance and improvements of the water course provided however, that the minimum width shall be 20 feet. No permanent or temporary structures shall be located within these easements.

2. Utility Easements

When it is necessary and desirable to locate public utilities lines in other than street rights-of-way, easements for underground utilities shall not be less than 20 feet centered on the side lines and, where possible, shall be centered on rear or side lot lines. In no case shall total easements between two lots be less than 20 feet. No other utilities shall be located within 3' on either side of water and sewer mains (2" and up). No permanent structures shall be built within a utility easement. All sewer, water, power, telephone, cable TV and similar utilities must be underground. All transformers and utility pedestals may be surface mounted. All run-outs for future connections shall be installed prior to street paving. Water and sewer easements must be provided at key locations and connect to adjoining property for future connections.

3. Easement Clearance

All stumps, debris, trash, and fallen trees within the easement right-of-way shall be cleared and removed.

4. Maintenance of Easements

Covenant restrictions placed in the deed of a lot which contains a utility easement shall stipulate that the Town or utility company with lines in such easement shall have full right of access.

The Town shall maintain only those easements specifically accepted for public maintenance.

Section 7.3-7 Sidewalks

Sidewalks shall be required on both sides of each street in all subdivisions containing more than eight (8) lots. Sidewalks also may be required by the Planning Commission to continue an existing sidewalk in an adjacent subdivision or along an existing street to access nearby commercial areas, schools and/or public recreation areas. Sidewalks shall be at least five (5') feet wide.

Sidewalks, where constructed, shall be done in accordance with the South Carolina Department of Transportation Standard Specifications for Highway Construction, latest edition.

Sidewalks shall be installed when the driveway is poured for each house. Corner lots will require sidewalks on each street frontage. When 80% of the buildable lots in a subdivision have been sold, the developer must provide the sidewalks on the undeveloped lots, or place the construction of the remaining sidewalks under bond to the Town of Clover.

Section 7.3-8 Lots

1. Accessibility

All lots shall be accessible by a Town approved street, and shall be accessible by private driveways, the maximum width of which shall be 20 feet at the street with accommodation for three (3) parked vehicles excluding garages or carports, and when provided on a corner lot shall be not less than 50 feet from the corner intersection of street right-of-way lines.

2. Design

- a. Lot size, width, depth, shape, grade, and orientation shall be in proper relation to street and block design, to existing and proposed topographical conditions, and for the type of development and use contemplated. Maximum width-to-depth ratios shall be 1:5 for residential subdivisions. Side lot lines shall be at right angles to straight street lines and radial to curved street lines.
- b. Residential Subdivisions involving new streets, where proposed for areas adjacent to an arterial street, shall be denied direct access to and separated from such street by double or through frontage lots. Residential double or through frontage lots shall have a minimum rear yard of 50 feet, next to the arterial street, measured from the shortest distance of the proposed back building line to the street right-of-way and shall within such rear yard and

immediately adjacent to the right-of-way, have a non-access planting screen easement of at least 20 feet in depth.

- c. **Common Open Space.** All parcels intended for open space, stormwater-related facilities, required buffers, amenity areas, ponds, flood plains, and the like shall be recorded as fee simple lots on the final plat and maintenance shall be the responsibility of the homeowner's or business owner's association. Parcels designated as common open space may not be further developed or platted into another parcel that is not platted as open space unless first approved by the Planning Commission.

3. Dimensions

All lots shall meet the minimum lot area and dimensional requirements of Table 2. Corner lots shall be of sufficient size to permit required front yard setbacks on both streets.

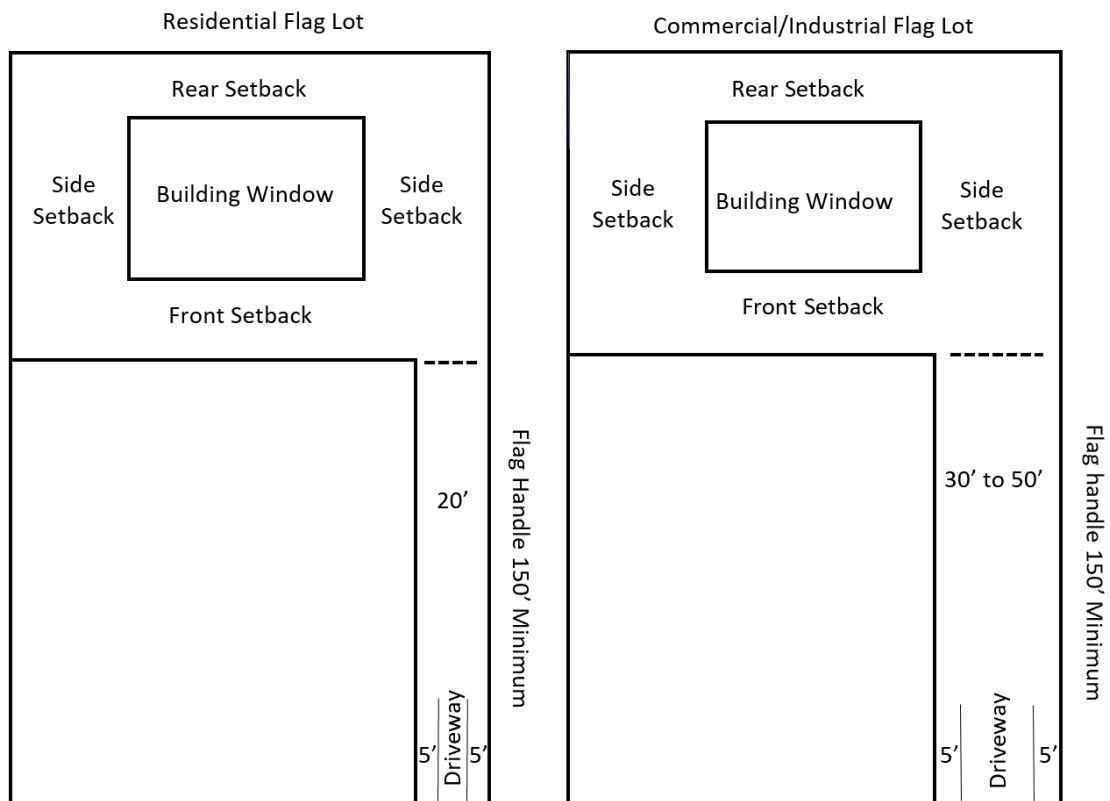
4. Flag Lots

Flag lots shall only be permitted in those locations where because of geometric, topographic, or other natural features, it would be impractical to extend a public street. Flag lots shall have a panhandle extending to a publicly dedicated street for the purpose of access, and shall have two conforming lots adjoining the flag lot.

Flag lots shall meet the following development standards:

- a. Flag lots shall have a panhandle for a minimum distance of 150 feet from a publicly dedicated street.
- b. In no case shall more than two flag lots be contiguous to each other at the publicly dedicated street.
- c. The maximum number of flag lots permitted shall not exceed 15%.
- d. A driveway must be located within the panhandle of the deeded property for a flag lot. Also, the driveway for a flag lot shall be located at a minimum of five (5) feet from each lot line, unless approved by the Planning Commission. For two contiguous flag lots with a common driveway, a joint access easement shall be shown across the entire width of both panhandles containing the common driveway on the Final Plat.
- e. The non-flag portion of a flag lot shall be subject to the lot width/ depth requirement for non-flag lots. The flag pole or panhandle portion of the lot shall not be included in calculating lot size.
- f. Approved flag lots may not be further subdivide.

- g. Flag lots may have only one residential unit per lot regardless of size of flag lot.
- h. Flag lots in residential subdivisions shall have twenty feet (20') of frontage on a publicly dedicated street. In the case of two contiguous flag lots, there shall be thirty feet (30') of frontage on a publicly dedicated street with a common driveway. With two contiguous flag lots, a deeded 15 foot strip of land for each lot is required with a common unobstructed access easement for a shared driveway to the public street.
- i. Flag lots in commercial and industrial subdivisions shall meet the following additional standards:
 - (1) Flag lots shall have a minimum of thirty feet (30') of frontage and a maximum of fifty feet (50') of frontage on a publicly dedicated street.
 - (2) In the case of two contiguous flag lots, there shall be a minimum of thirty feet (30') of frontage and a maximum of fifty feet (50') of frontage, for both lots combined, on a publicly dedicated street with a common driveway.
 - (3) With two contiguous flag lots, a deeded strip of land that is at least 15 feet (15') wide, but not greater than twenty five feet (25') in width, is required for each lot with a common unobstructed access easement for a shared driveway to the public street.



Section 7.3-9 Blocks

1. Block size and shape shall reflect the physical characteristics of the site regarding topography, applicable zoning requirements, natural growth and soil conditions and shall permit access, circulation, control and safety of traffic.
2. Blocks should not be greater than 1,000 feet nor less than 600 feet in length unless the unusual characteristics of a particular site dictate otherwise.
3. In general, blocks used for residential purposes shall be of sufficient width to allow for two tiers of lots of appropriate depth, except where reverse frontage lots are required along a major street, or where prevented by size, topographical conditions, or other inherent conditions of property, in which case the approval of the Planning Commission is required.
4. Blocks in commercial and industrial areas may vary from the elements of design previously detailed if required by the nature of the use, subject to the approval of the Planning Commission.

Section 7.3-10 Areas Subject To Flooding

If the area being developed, or any part thereof, is located within the boundary of a designated Flood Hazard Areas, as delineated on FEMA Maps for the Town of Clover, adequate plans and specifications for protection from flooding shall be provided as required by Clover Code of Ordinances, Title 15, Chapter 151, Flood Damage Prevention.

Section 7.3-11 Water Supply

All development and lots within subdivisions shall be provided by the developer with water supplies and systems approved by the South Carolina Department of Health and Environmental Control (SCDHEC) and the Town of Clover Public Works Director.

1. When Required to Connect to Public Supply System

Residential subdivisions shall be required to connect to a public water supply system if public service is available within two hundred (200') feet.

2. System Requirements

The water supply system shall be adequate to handle domestic demand including fire flow, based on complete development and must conform to the requirements, rules, and policies of SCDHEC and the Town of Clover Water and Sewer System Design Standards.

3. System to Include Fire Hydrants

The developer shall install fire hydrants in accord with Section 7.3-13.

Section 7.3-12 Sanitary Sewerage Facilities

All development and lots within subdivisions shall be provided by the developer with sanitary sewerage facilities approved by the South Carolina Department of Health and Environmental Control (SCDHEC) and the Town of Clover Public Works Director.

1. When Required to Connect to Public Sewerage System

Residential subdivisions shall be connected to a public sanitary sewer system if public service is available.

If a public system is not in place or cannot be extended, the developer must provide individual subsurface disposal systems, subject to applicable SCDHEC regulations and approval.

2. System Requirements

The sanitary sewer system shall be adequate to handle the necessary flow based on complete development and must conform to the requirements, rules, and policies

of SCDHEC and the Town of Clover Water and Sewer System Design Standards and/or Low Pressure Sewer Policy.

Section 7.3-13 Fire Hydrants

Fire hydrants shall be installed and spaced throughout each subdivision to maintain a 500' radius between hydrants. The location and spacing shall be approved by the Clover Fire Department.

Section 7.3-14 Maintenance

The developer shall make such adequate provisions as shall be required by the Planning Commission for the perpetual maintenance of all sewer and water facilities until and unless such obligations have been assumed by the Town.

The maintenance of all storm drainage systems and easements, as defined by the Ordinance, and properly identified on the plat as such, shall be the responsibility of the Town from and after final approval by the Commission, and acceptance of such easement ownership by the Town into its maintenance program.

Section 7.3-15 Survey and Markings

All land developments within the jurisdiction of this Ordinance shall be surveyed, platted, and marked in accord with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, as promulgated by the Code of Laws of South Carolina, 1976, Title 40, Chapter 21. This Manual is hereby adopted by reference and is as much a part of this Ordinance as if contained herein.

Section 7.4 RESERVED

Section 7.5 Site Design Standards For Major Land Developments

Major Land Developments, including shopping centers; apartments or condominiums; commercial, office, and industrial parks; manufactured home parks; and other multi-use or multi-occupant projects, should be designed in harmony with its physical surroundings and in such manner as to ensure land use compatibility and shall adhere to the following design criteria.

1. Ingress and egress to the project site shall be designed to maximize automotive and pedestrian safety and facilitate traffic flow.
2. Off-street parking, off-street loading, refuse, and service areas shall be designed to minimize their visual and physical impact on neighboring property. Off-street parking shall not exceed 110 percent of required parking.
3. Street right-of-way, and pavement design and construction shall be adequate to accommodate the type and volume of traffic anticipated. The developer, using the IDT, Trip Generation Manual, latest edition, shall provide traffic impact calculations. If the major land development will generate in excess of 1,600 AVT (average vehicle trips per day) on a Collector Street or 3,000 AVT on an Arterial Street, the Planning Commission may require modifications of the project, as necessary to mitigate the potential impact on the traffic flow and carrying capacity of the impacted street(s).
4. Where the project will create a need for off-site improvements, including improvements to streets, drainage systems, sidewalks, and curbs, the Planning Commission may require the installation of such improvements as a condition of approval.
5. Major Land Developments shall meet where applicable the requirements of Section 7.3.

Section 7.6 Dedications and Reservations

The responsibility for installing improvements required by this Section rests with the developer/applicant. Upon installation of these improvements, steps shall be taken by the developer/applicant to dedicate said improvements to the Town of Clover and have them accepted by Town Council, as follows.

Step 1: Prepare a deed conveying the improvements to the Town.

1. Use standard deed forms for property conveyance.
2. The title of conveyance shall be: "Town of Clover, South Carolina, a body politic and corporate, and a political subdivision of the State of South Carolina."

3. In the conveyance of streets and/or easements the deed must stipulate that "...and appurtenances to said premises belonging or in any way incident or appertaining to."
4. A derivation clause must be included in the deed, referencing tax map, block, parcel numbers, recordation date, book and page number of the related plat.
5. Prior to acceptance of any conveyance deed, it shall be submitted for recommendation to the Zoning Administrator, who will refer it to the Town Attorney and Planning Commission with a recommendation.

Step 2: Provide title certification and affidavit.

1. The developer/applicant shall provide to Town Council title certification by an attorney licensed in South Carolina, certifying that the developer/applicant owns fee simple title to such improvements, free and clear of liens and encumbrances. Should exceptions be noted, they must be specifically recited and recognized before acceptance by Town Council.
2. Prior to acceptance of title to a newly constructed street (one completed within 2 years of consideration for acceptance by Council), the developer/applicant and the street contractor shall provide Town Council with an affidavit stating that all construction costs have been paid and that the street is clear of all encumbrances.

Step 3. Record dedicated improvements.

Recording an approved final plat constitutes a dedication of all public streets to public use, a dedication of all neighborhood parks and other public areas to public use, and a reservation for possible future public acquisition of such areas as may be required by the Zoning Administrator, Planning Commission or Town Council.

Step 4. Response of Town Council.

The offer to dedicate streets and other improvements does not impose an obligation on Town Council until it has made an actual acceptance by resolution, by entry or by improvement.

Acceptance of streets into the Town maintenance system shall be contingent on the following:

1. All street construction standards must be met.
2. The street serves a public purpose, connects to an existing public street, and is open to use by the public at all times.
3. The street serves at least three (3) tax parcels and has at least three (3) dwellings fronting said street, under separate ownership, and in place at least two years prior to the request for acceptance.
4. Unpaved streets will not be accepted.

5. Acceptance will be based on a priority system which rewards public benefit, addresses safety issues, and considers the order in which requests are submitted.

Step 5. Submittal of Maintenance Bond

Prior to the acceptance of new streets, drainage facilities, parks, storm water detention facilities and related appurtenances into the Town maintenance system, the developer/applicant shall furnish a maintenance bond to secure the maintenance of said improvements for a period of one (1) year. The bond shall be in a form approved by the Town attorney.

END OF ARTICLE 7

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ARTICLE 8. GENERAL AND ANCILLARY REGULATIONS

The regulations set forth in this Article are intended to clarify, supplement, or modify the regulations set forth elsewhere in this Ordinance.

Section 8.1 Application of Regulations

The various zoning district regulations established herein are declared to be the minimum requirements necessary to carry out the purpose of this Ordinance. These regulations apply to each class or kind of structure or land, and are the minimum standards for all site clearing, development, buildings, structures, or alterations to land or structures within the jurisdiction of this Ordinance.

No part of a yard, open space, or off-street parking required in connection with any building for the purpose of complying with the regulations of this Ordinance shall be included as part or all of the required yard, open space, or off-street parking for another building or structure, except as hereinafter provided.

Section 8.2 Exceptions and Modifications

1. Setbacks - Corner Lots

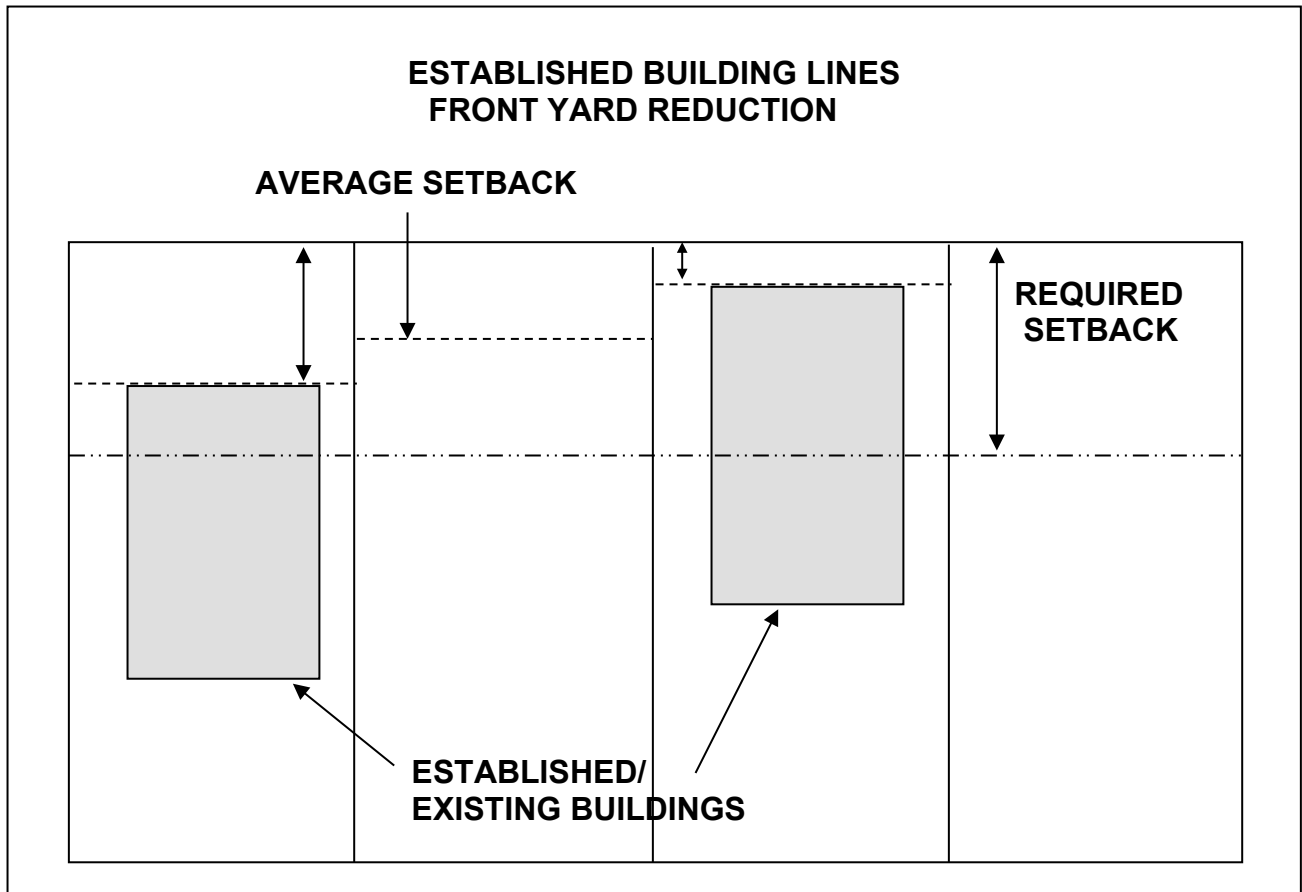
The setback from the street upon which the principal building will face and upon which the side of the building will face shall be the minimum required front yard setback for the street type upon which it is contiguous.

2. Setbacks - Through or Double Frontage Lots

Front yard setbacks for double frontage lots shall be provided for both streets upon which the lot has frontage, and any accessory use(s) shall be prohibited from the required front yard setback of the street upon which the principal building fronts.

3. Setbacks - Partially Developed Areas

Where the majority of lots in a block fronting on the same side of a street between two intersecting streets are lawfully occupied with buildings having greater or lesser front yard depth than required by these regulations, no building hereafter erected or altered shall vary in the front yard setback by more than ten feet from the average depth of said existing front yard setbacks without a variance from the Board of Zoning Appeals.



4. Setbacks – Multiple Buildings on Lot

Whenever more than one main building is to be located on a lot, the required yards shall be maintained around the group of buildings and a horizontal distance that is at least equal to the height of the highest adjacent building shall separate buildings.

5. Setbacks – Accessory Uses – See Section 8.5

6. Height

The height limitations of this Ordinance shall not apply to the following:

Belfries	Flag Poles
Chimneys	Ornamental towers and spires
Church spires	Public Monuments
Cupolas	Public utility poles
Domes	Smoke stacks
Fire towers	Silos

Such features shall be erected only to such height as is necessary to accomplish the

purpose they are intended to serve and no height extension shall serve as a place for human habitation.

Refer to Section 3.2 for height requirements of communication towers and antennas.

7. Projections

The space in any required yard shall be open and unobstructed except for the ordinary projections of windowsills, cornices, eaves, window air conditioning units, and other architectural features, provided that such features shall project no more than two feet into any required yard.

Steps and heating and cooling units may project into a required yard a distance not to exceed 5 feet but no closer than three feet of a property line.

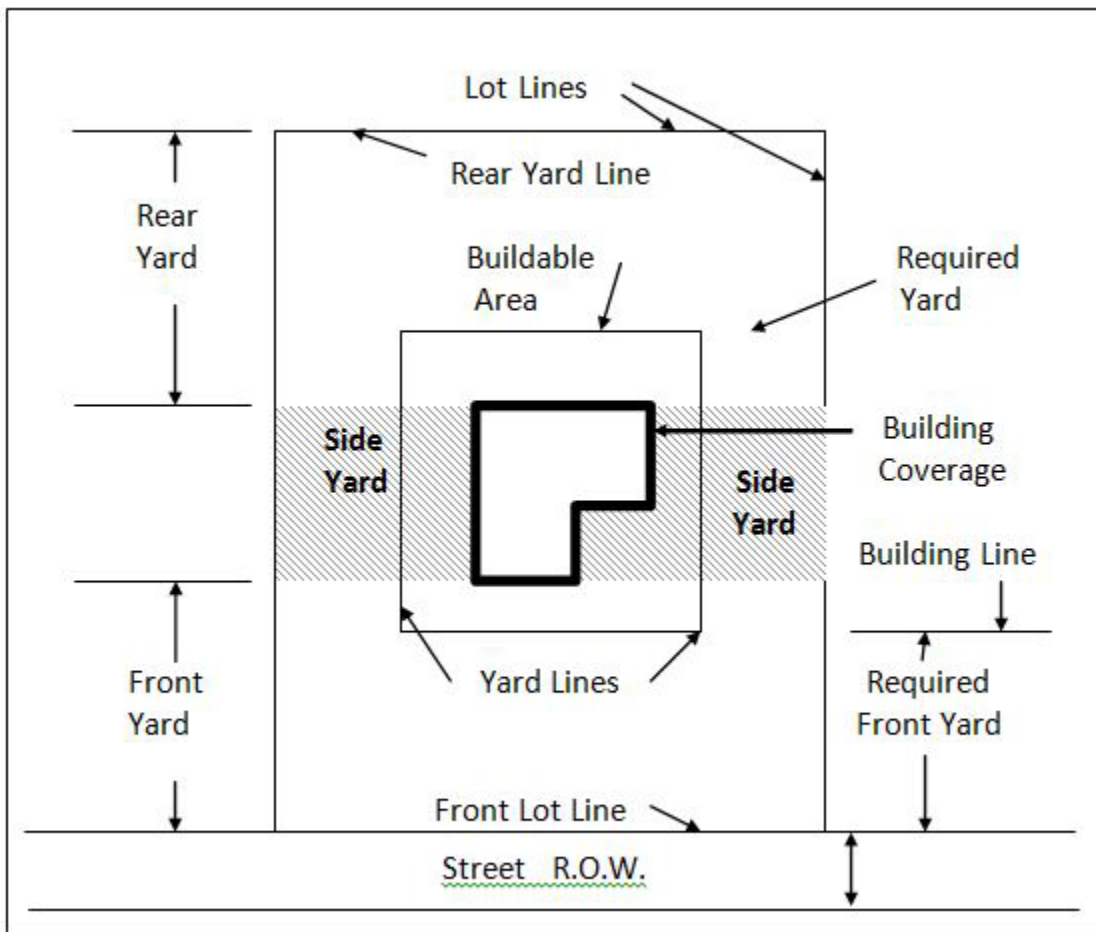
Section 8.3 Measurements

1. Yards, Setbacks, Buildable Area

The required front, side, and rear yards for individual lots, as set forth in Table 2, shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the “buildable” area within which the approved structure(s) shall be placed.

2. Height

The height of a building or structure shall be measured from the average grade elevation within 20 feet of the structure to the highest point of the building or structure.



Section 8.4 Number of Principal Buildings/Uses on a Lot

1. Not more than one principal building or use may occupy a lot of record in the R-20 and the R-12 Districts.
2. There is no limit to the number of principal uses and buildings on a lot in all other zone districts; provided such uses shall meet lot area, setback, density and all other applicable requirements of this ordinance.

Section 8.5 Accessory Buildings and Uses

1. The number of accessory buildings shall not exceed two (2) in any Residential zoning district provided, however that up to four (4) accessory buildings shall be allowed on publicly owned property that is used for Arts, Entertainment and recreation to include public parks and golf courses.
2. Accessory buildings in residential districts shall not be used for storage in connection with a trade.
3. The total square footage of all accessory buildings shall not exceed 50 percent of the gross floor area of the principal building or use.
4. No mobile unit, manufactured home or shipping container shall be used as an accessory building in a residential zone. Shipping containers are permitted as accessory uses in all non-residential zones in accord with the setback requirements for Buildings and Structures, Table 7.
5. When located within the buildable area, accessory building may be constructed to a height of 20 feet. If located in a required setback area, said buildings shall not exceed 12 feet in height.
6. No accessory use shall occupy any part of a required bufferyard.
7. Micro-farms are allowed in R-20, R-12, R-7 and R-5 zones provided the lot size is 10,000 square feet or greater and there is only one dwelling unit on the lot. Micro-Farms consisting of the following animals up to the maximum number listed shall be allowed provided that the total number of animals shall not exceed four (4): four (4) chickens (no roosters allowed), one (1) pot belly pig, and two (2) pygmy goats; provided such animals are kept and housed in the rear yard only, and there is at least 100 square feet of permeable land per animal in the rear yard area.
8. No more than four (4) domestic animals (dogs) may be housed or kept on a lot. Where micro-farm animals are also maintained on the same lot, the total combined number of domestic and micro-farm animals shall not exceed four (4); provided the animals shall be housed in the rear yard and there is at least 100 square feet of permeable land per animal in the rear yard area.

**TABLE 7
SETBACKS FOR ACCESSORY USES**

Accessory Uses	Required Setback Area			
	Front	Side	Corner Lot	Rear
To Residential Uses				
Bathhouses, Cabanas, Decks	BL	10'	10'	10'
Domestic Animal Shelters	BL	5'	5'	3'
Micro-Farm Animal Shelters/Pens	BL	20'	20'	20'
Non-commercial greenhouses	BL	5'	5'	3'
Detached garage & carport	BL	5'	5'	3'
Fences & walls	(B)	(B)	(B)	(B)
Swimming pool, tennis courts	BL	10'	10'	10'
Auxiliary shed, workshop, storage building, etc.	BL	5'	5'	3'
Off-street parking	10'	0'	10'	0'
Horticulture, gardening	0'	0'	0'	0'
Family day care home	BL	BL	BL	BL
Satellite dishes, etc.	BL	3'	3'	3'
Shipping Containers	BL	BL	BL	BL
To Non-Residential Uses				
Buildings, structures	BL	(A)	BL	(A)
Open Storage	BL	BL	BL	(A)
Off-street parking area	0'	(A)	(A)	(A)
Off-street loading area	0'	(A)	(A)	(A)
Free standing signs	3'	3'	3'	3'

Note: Minimum setback shall be not less than the requirements of Table 2 if a bufferyard is required.

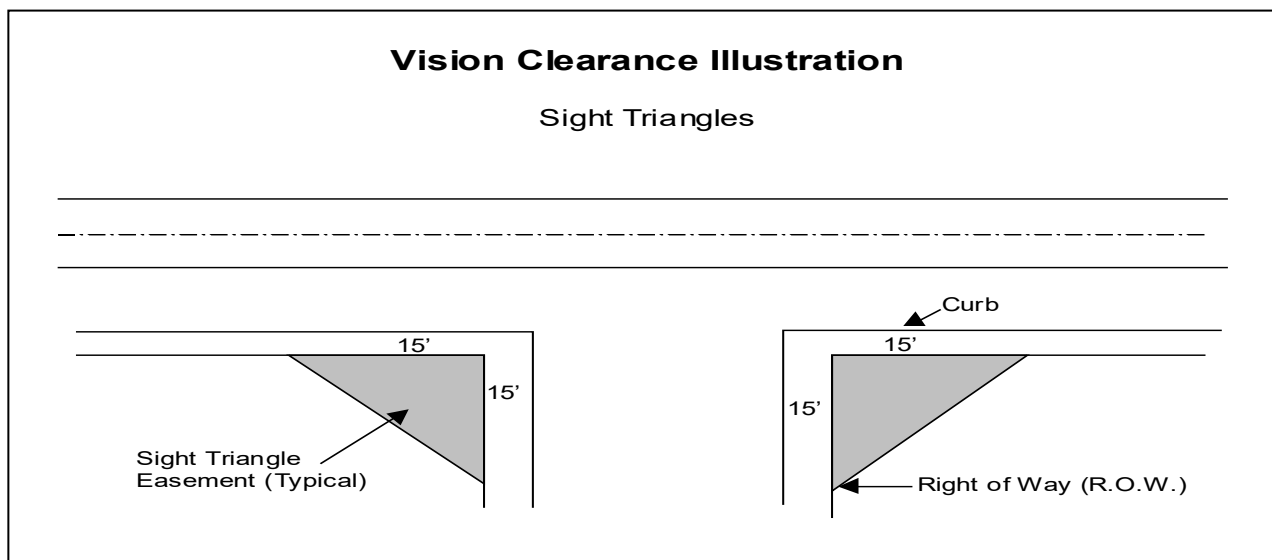
(A) Minimum Setbacks:	<u>Side Yard</u>	<u>Rear Yard</u>
From Residential Zoned Property Line	20'	20'
From all other Property Lines	0'	0'

(B) Fences and walls may be located in all required yards along any property line provided the structure shall meet the visibility requirements of Section 8.6; further provided that the structure shall not exceed 6 feet in height and opaque fences shall not be constructed in the front yard setback area unless approved by the Zoning Administrator.

BL = Required Building Line for principal use.

Section 8.6 Visibility at Intersections

On any corner lot in any district, no planting shall be placed or maintained and no fence, building, wall, or other structure shall be constructed at any point between a height of two and a half (2 ½) feet and ten (10) feet above the upper face of the nearest curb (or street center line if no curb exists) and within the triangular area bounded on two sides by the street right-of-way lines extending 15' in each direction of a corner and on the third side by a straight line connecting points on the two street right-of-way lines as required by the site triangular and vertical vision clearance illustration. However, poles and support structures less than 12" in diameter may be permitted in such areas.



Section 8.7 Non-conformities

Section 8.7-1 Continuation

Non-conforming uses, buildings, or structures are declared by this Ordinance to be incompatible with permitted construction in the districts in which they are located.

However, to avoid undue hardship, the use of any such use, building, or structure at the time of the enactment, amendment, or revision of this Ordinance may be continued (Grandfathered) even though such use, building, or structure does not conform to the provisions herein.

Section 8.7-2 Modification

A proposed change or modification to a non-conforming use shall be governed by the following:

1. Change of Non-conforming Use

If a change from one non-conforming use to another is proposed and no structural alterations are involved, the change may be permitted, provided:

- a. Non-conformity of dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking shall not be increased; and
- b. The proposed change will have little discernable impact over the existing non-conforming use.

If a change to a permitted use is proposed which is non-conforming only as to dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking, the change may be permitted, provided that all applicable requirements that can be reasonably complied with are met.

Compliance with a requirement is not reasonably possible if it cannot be achieved without adding land to the lot of the non-conforming use or moving the use if it is on a permanent foundation.

Whenever a non-conforming use of land or building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed back to a less restricted or non-conforming use.

2. Enlargement or Expansion of Non-conforming Use

Enlargement or expansion of a non-conforming building, use, or structure shall be permitted; provided such enlargement shall meet all applicable setbacks, bufferyard, and off-street parking requirements for the district within which it is located.

3. Repair or alteration of Non-conforming Use, Building, or Structure

The repair or alteration of a non-conforming use shall in no way increase the non-conformity of said use, except as otherwise permitted by Subsection 2 above.

4. Replacement of Non-conforming Use

Any non-conforming structure, or any structure containing a non-conforming use, which has been damaged by fire or other causes may be reconstructed and used as before, if a building permit is secured within six (6) months of the date of such damage, unless fifty (50) percent or more of the structure, as determined by the Building Official, has been destroyed. If more than fifty (50) percent of the structure has been destroyed, future use of the structure or site must be in conformance with the zoning district regulations. Destroyed or damaged structures not repaired or replaced or in the process of being repaired or replaced within one (1) year of the damage shall be cleared and the property and grounds properly restored.

Non-conforming mobile or manufactured homes may be replaced within thirty (30) days of removal except in cases where fifty (50) percent or more of the structure has been destroyed. Replaced mobile or manufactured homes must meet required setbacks and the requirements of Section 3.8 of this Ordinance. If fifty (50) percent or more of the mobile or manufactured home has been destroyed or if the unit is not replaced within thirty (30) days, the non-conforming status is forfeit and future use of the property must be in conformance with the zoning district regulations.

Section 8.7-3 Discontinuance

No building or portion thereof used in whole or in part for a non-conforming use which remains idle or vacated for a continuous period of six months, shall again be used except in conformity with the regulations of the district in which such building or land is located. Discontinuance of use shall be determined by removal of equipment, structures, lack of business license and/or disconnect of utilities.

When seeking relief under this section, it shall be the responsibility of the owner, manager or tenant of a nonconforming use to establish continuous existence of such use.

Section 8.7-4 Lot of Record

Where the owner of a lot at the time of the adoption of this Ordinance does not own sufficient land to meet the setback requirements of this Ordinance, such lot may nonetheless be used as a building site provided applicable setback requirements are not reduced by more than 40%. Setback reductions greater than 40% shall be referred to the Board of Zoning Appeals for consideration.

Section 8.8 Cluster-style Mailboxes

In situations where the United States Postal Service determines that individual mail delivery will not be available to a new development, the following requirements shall apply.

1. General Standards

- a. Installation of cluster-style mailbox kiosk(s), as well as any associated shelters, lighting, parking, and other related amenities shall be the responsibility of the developer.
- b. Maintenance of the cluster-style mailbox kiosk(s), shelter, lighting, parking, landscaping and other related amenities shall be the responsibility of the home owners association (HOA) of the neighborhood. Where no HOA exists, maintenance and associated costs shall be the responsibility of the homeowners served by the mailbox unit(s).

- c. Cluster-style mailbox kiosks shall be exempt from the setback requirements of the zoning district; however, all structures shall require a building permit and must meet or exceed applicable building codes.

2. Design Standards

- a. All cluster-style mailbox units shall be incorporated into a cluster-style mailbox kiosk unless the cluster-style mailbox units are located interior to a building or as may be approved by the Zoning Administrator.
- b. Cluster-style mailbox kiosks shall be compatible with other streetscape elements and be architecturally enhanced with building materials and details typical of the architectural style of the neighborhood/development.
 - I. Cluster-style mailbox kiosks shall be located away from any location where, by reason of the position, shape or color, it may interfere with, or obstruct the view of or be confused with any authorized traffic control device.
 - II. Provide a 4-foot-wide impervious surface parallel to the kiosk and a roof overhang for a weather free standing location wherever the individual mailboxes are to be accessed.
 - III. Provide landscaping consistent with the landscape theme of the neighborhood/development.
 - IV. Provide lighting.
- c. Cluster-style mailbox kiosks shall have a base of a width not less than the width of the cluster mailbox structure itself.
- d. Cluster-style mailbox kiosks shall have a minimum 4-foot-wide concrete/masonry or stone access from the street and/or sidewalk.
- e. Cluster-style mailbox kiosks shall provide access compliant with the Americans with Disability Act (ADA).
- f. Cluster-style mailbox kiosks shall provide a paved area with ingress/egress to allow vehicles to pull off, park and re-enter the roadway safely while retrieving mail.
- g. Cluster-style mailbox kiosks shall be located in areas that will best allow for vehicle parking. Parking layout is to be designed in a manner so as to not create pedestrian safety or vehicle safety issues as determined by the Zoning Administrator.

- h. Minimum required parking shall be required as follows:

Cluster-style Mailbox Kiosk Off-street Parking Requirements	
Number of Mailboxes	Parking Spaces Required
0-20	0
21-60	2
61-80	3
81-100	4
101 or more	4 plus 1 per each additional 50 mailboxes

- i. Access drives and parking areas shall be construction to Town of Clover road standards.

3. Location Standards

- a. The location of the cluster-style mailbox is to be shown on the preliminary and final plat and shall be approved by the Town and by the USPS.
- b. Cluster-style mailbox kiosks shall be prohibited from being located within the public right-of-way.
- c. Clustered mailboxes shall be placed so as to not adversely affect the privacy of residents.
- d. Cluster-style mailbox kiosks shall not be installed within a cul-de-sac bulb.
- e. Cluster-style mailbox kiosks shall be located away from the intersection of any street and in no case closer than 75 feet measured from the street centerline in order to prevent obstruction of free and clear vision.
- f. Clustered mailboxes shall be centrally located, offering easy pedestrian access to all residents. Cluster-style mailbox kiosks shall be located no more than ¼ mile from the property line of those residents served by the cluster-style mailbox kiosk. Distance shall be measure as a radius drawn from the cluster-style mailbox kiosk.
- g. No driveway or street access shall be constructed within 5 feet of a cluster-style mailbox kiosk and vice versa.

END OF ARTICLE 8

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ARTICLE 9. ESTABLISHMENT, POWERS AND DUTIES OF OFFICIALS, COMMISSIONS AND BOARDS RESPONSIBLE FOR ADMINISTRATION OF THIS ORDINANCE

Section 9.1 Educational Requirements

Unless expressly exempted as provided for in §6-29-1350 of the SC Code of Laws, each appointed official and professional employee must meet the educational requirements of §6-29-1350 through §6-29-1380 of said Code.

Section 9.2 Zoning Administrator

The Town Administrator, or his/her designee, shall act as the Zoning Administrator for the Town of Clover. The Zoning Administrator is hereby designated and duly charged with the authority to administer and enforce the provisions of this Ordinance.

The Zoning Administrator shall accept and examine all applications for construction, land use or reuse, and shall issue permits where such applications are in accord with the provisions of this Ordinance and applicable building codes. He/she shall direct parties in conflict with this Ordinance, and cause to be kept records and files of any and all matters referred to him.

If the Zoning Administrator finds that any one of the provisions of this Ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/She shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; and shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Section 9.3 Planning Commission

Section 9.3-1 Establishment

The Clover Planning Commission is re-established under the provisions of the SC Code, §6-29-320.

Section 9.3-2 Powers and Duties of the Planning Commission

The Planning Commission shall have the powers and duties provided in S.C. Code Section 6-29-310, et seq.

Section 9.3-3 Composition of the Commission

The Planning Commission shall consist of seven (7) members, who shall be residents of the Town of Clover and shall be appointed by the Town Council for overlapping terms of three (3) years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the original appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Commission.

To the extent possible, membership shall be representative of the racial and gender composition of the Town, and represent a broad cross section of the interests and concerns of the Town. No member shall be the holder of an elected public office in Clover.

Section 9.3-4 Removal of Members

Members of the Planning Commission may be removed at any time by Town Council for cause. The existence of cause shall be discussed by the Council in executive session as permitted by the Freedom of Information Act, SC Code, §30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact that, in the discretion of Council, is deemed to adversely affect the public interest, including lack of attendance at meetings or maintenance of educational requirements, may constitute cause.

Section 9.3-5 Organization and Rules of Procedure

The Planning Commission shall organize, elect officers, and adopt rules of procedure as required by S.C. Code, §6-29-360.

Section 9.4 Board of Zoning Appeals (BZA)

Section 9.4-1 Establishment

The Board of Zoning Appeals is hereby re-established under the provisions of S. C. Code §6-29-780.

Section 9.4-2 Composition of the Board

The Board of Zoning Appeals shall consist of five (5) members, who shall be residents of the Town of Clover and shall be appointed by the Town Council for overlapping terms of three (3) years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the original appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Board.

To the extent possible, membership shall be representative of the racial and gender composition of the Town, and represent a broad cross section of the interests and concerns of the Town. No member shall be the holder of a public office or position within the Town of Clover.

Section 9.4-3 Removal of Members

Members of the Board of Zoning Appeals may be removed at any time by Town Council for cause. The existence of cause shall be discussed by the Council in executive session as permitted by the Freedom of Information Act, SC Code, §30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact that, in the discretion of Council, is deemed to adversely affect the public interest, including lack of attendance at meetings or maintenance of educational requirements, may constitute cause.

Section 9.4-4 Organization and Rules of Procedure

The Board of Zoning Appeals shall elect a chairman and a vice-chairman from its members who shall serve for one (1) year or until re-elected and appoint a secretary, who may be a Town Officer, an employee of the Town, or a member of the Board of Zoning Appeals. The Board shall adopt rules and by-laws in accordance with the provisions of this Ordinance and of the General Statutes of South Carolina, Title 6, Chapter 29, Article 5, Code of Laws of S.C., 1976 as amended. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public.

Section 9.4-5 Decisions

The concurring vote of a majority of the members of the Board of Zoning Appeals present shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation of this Ordinance. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record. On all appeals, applications and matters brought before the Board of Zoning Appeals, the Board shall inform in writing all the parties involved of its decisions and reasons thereof.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. Notice of the time and place of the public

hearing shall be published in a newspaper of general circulation in the Town at least fifteen (15) days in advance of the scheduled hearing date. At the hearing, any party may appear in person or by agent or attorney. Notice shall also be posted on the affected property, with at least one such notice being visible from each public thoroughfare that abuts the property.

All questions arising in connection with the enforcement of the Ordinance shall be presented first to the Zoning Administrator. Questions shall be presented to the Board of Zoning Appeals only on appeal from a decision of the Zoning Administrator.

Section 9.4-6 Powers and Duties

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

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination by the Zoning Administrator in the enforcement of this Ordinance.
2. To hear and decide appeals for variance from the requirements of the Zoning Ordinance when strict application of the provision of the Ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - b. These conditions do not generally apply to other property in the vicinity;
 - c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
 - d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

3. To remand a matter to the Zoning Administrator, upon motion by a party or the Board's own motion, if the Board determines the record is insufficient for review. A party's motion for remand may be denied if the Board determines that the record is sufficient for review. The Board must set a rehearing on the remanded matter

without further public notice for a time certain within 60 days unless otherwise agreed to by the parties. The Board must maintain a list of persons who express an interest in being informed when the remanded matter is set for rehearing, and notice of the rehearing must be mailed to these persons prior to the rehearing.

4. All final decisions and orders of the Board must be in writing and be permanently filed in the office of the Board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board, which must be delivered, to parties of interest by certified mail.
5. In exercising the above powers, the Board of Zoning Appeals may reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in execution of the duties for which appointed, may subpoena witnesses and, in case of contempt, may certify such fact to the Circuit Court having jurisdiction.

Section 9.5 Ex Parte Communications Prohibited

1. Ex parte contacts and communications are defined, for the purposes of this section, as the receipt, either directly or indirectly, of verbal, visual, or written communications outside a duly noticed, open public hearing or meeting at which all parties and all board or commission members have an opportunity to be present.
2. Members of the Planning Commission, Board of Zoning Appeals, Architectural Review Board, or any other Town adjudicatory or quasi-judicial board or commission shall refrain from permitting ex parte contacts or communications with any person regarding any matter pending before or which may be reasonably expected to be pending before them.
3. All members of the Planning Commission, Board of Zoning Appeals, Architectural Review Board, or any other Town adjudicatory or quasi-judicial board or commission shall adhere to the following in their receipt and deliberation of any matter coming before them. In contested matters, a decision maker shall not engage in ex parte communications with a party of record or any person who has a direct interest in the matter to be decided. A decision made at a hearing or a decision based on the review of a record is voidable if the decision-maker engaged in a substantive written or oral ex parte communication with a party or a person who has a direct interest in any issue in the matter unless the decision maker promptly notifies the parties of the ex parte communication, makes the ex parte communication a part of the record and provides the parties an opportunity to rebut the ex parte communication prior to a final decision being rendered.

4. The prohibition against ex parte contacts remains in effect as long as a matter may reasonably be expected to come before the board or commission, until after all appeal and remands for further consideration and reconsideration have concluded, or the time for such proceedings has expired.

END OF ARTICLE 9

ARTICLE 10. ADMINISTRATION, APPLICATIONS AND REQUIRED PERMITS

Section 10.1 Intent

This Article sets forth the procedures required for obtaining certificates of zoning compliance, building permits, grading permits, sign permits, and certificates of occupancy. It also defines the duties, powers, and limitations of officials, departments, commissions, boards, and other groups, which are or may be involved in the administration and enforcement of this Ordinance.

Section 10.2 Responsibility

All requests for permits and licenses required by this Ordinance, and legislative change or relief from the terms of this Ordinance shall be in the form of an application. The provisions of this Article shall govern the basic requirements for processing different types of applications from initiation to final action and issuance of a permit or certificate.

It shall be the responsibility of the Zoning Administrator or his/her designee to administer the requirements for processing applications and issuing permits in accord with the provisions of this Ordinance.

It shall be the responsibility of an applicant to provide the required information to process a permit application, secure or renew a license, and present facts about circumstances which would justify a proposed change or modification to the terms and/or application of this Ordinance.

Section 10.3 Types of Applications

Types of applications for processing matters subject to the requirements of this Ordinance include:

Applications to Develop or Alter the Use of Land

This includes all land use and development activity covered by this Ordinance. Applications to develop or alter the use of land are classified for administrative purposes into five (5) categories.

Minor Subdivision - is one which does not involve (a) the creation of more than eight (8) lots, (b) is no larger than 10 acres, (c) does not involve the creation of any new street or substantial change of an existing street, and (d) does not require an extension of public facilities or the creation of any public improvements.

Major Subdivision - is any subdivision other than an exempt or minor subdivision.

Minor Land Development - is any land development or land altering activity requiring a permit from the Town other than a subdivision or Major Land Development. This includes development requiring a grading permit, building permit, certificate of occupancy or sign permit.

Major Land Development - includes commercial and industrial parks and subdivisions, shopping centers, manufactured home parks, condominium and apartment complexes, NAICS Sector 71 Uses (Arts, Entertainment and Recreation) and similar developments.

Applications for Change or Relief

This includes applications for changes to and/or relief from any part or provision of this Ordinance, of which there are three types of applications:

1. **Amendment** - is a change to the text of the Ordinance or the Zoning Map.
2. **Variance** - is an adjustment or modification of any regulation alleged to impose an unnecessary hardship on the use or development of land.
3. **Appeal** - is a petition by an applicant to reverse or modify a decision of an administrative officer, board, commission or council.

Section 10.4 Eligible Applicants

Parties and individuals required and/or eligible to initiate an application to alter, develop, subdivide or utilize land for purposes and activities regulated by this Ordinance, or to seek relief from or change requirements of this Ordinance are identified on Table 8.

Parties not listed may petition the Planning Commission and/or Council to initiate a change, but the petitioned party is not bound to act on behalf of the petitioner.

Section 10.5 Application Procedures/Requirements

The procedures for processing applications are outlined in the Application Procedure Chart set forth herein.

1. The process is initiated by filing a complete application, including all information required by Section 10.9, payment of all required fees, and assignment of the application to the proper staff member, agency, board, or commission for review and processing as outlined in Section 10.7.
2. When a public hearing is required, public notice of the hearing shall be announced in the Rock Hill Herald, Town Website, Town Newsletter, and notice posted on Town Hall and the Clover Community Center at least 15 days but not more than 30 days, depending on the appropriate action to be taken, prior to the time the application is scheduled for a public hearing. The notice shall state the nature of the application and the time, date and place of the public hearing.
3. The Town shall send public hearing notice to all adjacent properties and shall post public hearing signs every two hundred (200) feet of street frontage or portion thereof for all Rezoning, Annexations, Appeals, and Variances. Such notice shall be posted at least 15 days prior to the hearing and shall indicate the nature of the proposed action, Tax Parcel number, and time, date and place of the hearing.
4. When rezoning requests consist of 10 or more properties, the posting of each property is not required. In lieu of posting, a written notice of the hearing shall be mailed at least fifteen (15) days before the date of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned to the address of such owners appearing on the latest published tax parcel list. The failure to deliver the notice, as provided in this Section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers.

Table 8 - Applicant Requirements/Eligibility					
	Applicants to Develop or Alter Use of Land	Applicants for Change and/or Relief From Ordinance Requirements			
Eligible Applicants		Amendment Map	Text	Variance	Appeal
Property Owners	YES	YES	NO	YES	YES
Agent of Property Owner*	YES	YES	NO	YES	YES
Option Holder	YES	NO	NO	NO	NO
Aggrieved Person or Party	NO	NO	NO	NO	YES
Officials Administering this Ordinance	NO	YES	YES	NO	YES
Planning Commission	NO	YES	YES	YES**	NO
Town Council	YES	YES	YES	NO	YES

* Must have written authorization.

** Subdivisions & Major Land Developments only.

Section 10.6 Findings of Fact

In its deliberations on a zoning change, the Planning Commission shall consider and report to Town Council all factors relevant to the petition including, but not limited to the following:

1. Compliance with the Comprehensive Plan;
2. The potential for setting a precedent inconsistent with good zoning practice, i.e. spot zoning;
3. The potential impact on traffic conditions and the carrying capacity of existing streets, and other public facilities including water and sewer, schools and the environment.

Section 10.7 Assignment of Applications

Final authority to grant approval of or relief from any land development regulation contained in this Ordinance shall reside with the following Town divisions, unless appealed to Circuit court, as provided for in Table 8.

TABLE 9 APPROVAL AND RELIEF AUTHORITY ASSIGNMENT							
Review & Approval Authority			Variances		Appeals		
Proposed Use, Projects, Developments	Zoning Administrator	Planning Commission	Appeals Board	Planning Commission	Appeals Board	Planning Commission	Circuit Court
Subdivisions							
Minor	YES			YES		YES	YES
Major		YES		YES			YES
Land Developments							
Minor, to include							
Single-family dwelling & duplexes	YES		YES		YES		YES
Manufactured home	YES		YES		YES		YES
Manufacturing Use	YES		YES		YES		YES
Home Occupation	YES		YES		YES		YES
Shipping Containers	YES		YES		YES		YES
General Auto Repair	YES		YES		YES		YES
Accessory Apartments	YES		YES		YES		YES
Open Storage	YES		YES		YES		YES
Resource Recovery Facilities	YES		YES		YES		YES
Communication Towers	YES		YES		YES		YES
Bed and Breakfast Inns	YES		YES		YES		YES
Signs	YES		YES		YES		YES
Street & Transient Vendors	YES		YES		YES		YES
Temporary Uses	YES		YES		YES		YES
Single Occupancy Building Projects	YES		YES		YES		YES
Major, to include							
Townhouse Projects		YES		YES			YES
Patio Home Project		YES		YES			YES
Multi-Family Project		YES	YES	YES			YES
Manufactured Home Park		YES	YES	YES			YES
Industrial Park & Subdivision		YES		YES			YES
Shopping Center		YES	YES				YES
Office Park		YES		YES			YES
Medical Parks		YES		YES			YES
Multiple Occupancy Building Projects		YES	YES				YES
NAICS Sector 71 Uses		YES	YES				YES

**TABLE 9A
APPLICATION PROCESS**

Application Type	Pre-Submittal Meeting Required	Staff, Board, or Commission	Public Meeting Notice	Final Decision	Public Hearing Notice Period	Appeal Body	Appeal Period	Appeal Body	Appeal Period
Minor Land Development (Zoning Compliance)	No	A	No	A		ZBA	15 Days	CC	30 Days
Major Land Development	Yes	PC	Yes	PC		CC	30 Days		
Minor Subdivision Plat	No	A	No	A		PC	15 Days	CC	30 Days
Major Subdivision									
Preliminary Plat	Yes	PC	Yes	PC		CC	30 Days		
Final Plat	No	PC	Yes	PC		CC	30 Days		
Annexation	Yes	PC	Yes	TC	15 Days	CC	30 Days		
Text Amendment	No	PC	Yes	TC	15 Days	CC	30 Days		
Rezoning	Yes	PC	Yes	TC	15 Days	CC	30 Days		
Variance	No	BZA	No	BZA	15 Days	CC	30 Days		
Zoning Administrator Appeal	No	BZA	No	BZA	15 Days	CC	30 Days		
Comprehensive Plan Amendment	No	PC	Yes	TC	30 Days	CC	30 Days		
Certificate of Appropriateness	No	ARB	Yes	ARB	15 Days	CC	30 Days		
A = Administrative; ARB = Architectural Review Board; BZA = Board of Zoning Appeals; CC = Circuit Court; PC = Planning Commission; TC = Town Council									

Section 10.8 Subdivision Exemptions

Subdivisions exempt from the requirements of this ordinance shall meet the following conditions:

1. Involves the division of land into parcels of five (5) acres or more where no new street is involved; or
2. Includes the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the lot size standards of this Ordinance and other applicable regulations.
3. Involves cemetery lot.
4. Includes the division of land by will or inheritance under the statute of descent and distribution, or by gift conveyed by deed. Such exemption shall be limited to the conveyance of land from one member to another member of the same immediate family (mother, father, children, grandchildren, brothers, sisters).

Applicants of exempt subdivisions shall nonetheless submit to the Zoning Administrator three copies of said exempt plat, drawn to the requirements of the Minimum Standards Manual for

the Practice of Land Surveying in South Carolina. The Zoning Administrator shall indicate such exempt status on each copy of the plat for recording: **“This plat is exempt from the requirements of the Clover Zoning and Land Development Ordinance”** and signed by the Zoning Administrator.

Section 10.9 Application Requirements and Fees

All applications shall be filed on forms provided by the Town and contain or be accompanied by the information required by Table 10. Preliminary plats and major land development projects shall be submitted not less than six (6) weeks preceding the regularly scheduled Planning Commission meeting, and shall show the submission date on the plan.

Fees to help cover the cost of processing land development and subdivision applications shall be as established by Town Council. A schedule of all required fees is available at Town Hall.

The Planning Commission may decide that because of the size and/or complexity of the proposed Subdivision or Land Development additional review is required. The Commission may then require outside review by professionals (engineers, architects, land planners, environmental consultants, scientists, attorneys, etc.). The applicant will be responsible for such costs. An initial deposit fee of \$2,000.00 shall be required. When the outside review costs exceed this initial fee, the applicant shall be so notified and shall be responsible for the additional amount. If the initial deposit fee exceeds the actual outside review costs, the applicant will be reimbursed by the Town. This fee is in addition to any other required fees. The applicant shall be afforded an opportunity to review and comment on the scope of work and the proposed fees.

Table 10
Information Required to Support Application

<u>MAJOR LAND SUBDIVISION</u>	Information Required (Requirements are Cumulative)
Preliminary Plat	Five (5) printed copies of plat and one PDF copy at scale not less than 1" = 200', showing or specifying: 1. All information required of General Property and Closing Surveys, in accord with the <u>Minimum Standards Manual for the Practice of Land Surveying in South Carolina</u>, promulgated under authority of the Code of Laws of South Carolina 1976, 40-21-110; 2. Land acreage; number of lots, and minimum lot size; 3. Tax parcel number of property to be subdivided; 4. Proposed layout and dimension of all streets, rights-of-way, pavement widths, lot lines, and easements, specifying purpose of easements; 5. Minimum front and rear yard setback lines and zoning classification; 6. Proposed bufferyards, open space, landscaping & tree protection plan; 7. Utilities on and adjacent to tract, proposed connections and plans, including light pole materials and specifications for interior residential streets, where proposed ; 8. Land within flood plain; 9. All existing physical features within or adjoining the tract, including lakes, streams, ditches etc.; 10. Detailed street cross section and center line showing profiles for each street at minimum scale of 1' = 50'; 11. A tentative road plan for an entire tract where only part of the tract in which a developer has an interest is proposed for development; 12. Location and identification of off-site streets, public facilities, major physical features, names of owners and subdivisions contiguous or in proximity to the subdivision;
Final Plat	13. Revised plat amendments as required by the Planning Commission; 14. Exact locations, bearings and distances of all political lines, tract boundary lines, pavement widths, right-of-way widths, road centerlines, easements, lot lines, monuments and markers; 15. Type of water supply and sewerage connection; 16. Drainage, erosion and sediment control plan by qualified professional showing all structures and easements; 17. Certification of survey accuracy, ownership and dedication of all streets, parks, sidewalks, and other sites and facilities to public use, and final approval by the Planning Commission; 18. Supporting documents, to include the following: a. Final detailed as built plans for all improvements on a plat and in GIS format, b. A copy of all restrictions (covenants) to run with land, c. A resolution by Town Council accepting dedicated improvements or a performance guarantee in accord with Section 10.13-2, d. DHEC approval of water and sewer systems, e. Town engineer approval of installation and construction work, or Planning Commission acceptance of performance guarantee, f. Financial Guarantee in accord with Section 10.13-2, if applicable.

Table 10
Information Required to Support Application

<u>MINOR LAND SUBDIVISION</u>	1. Information required by 1-9 above.
<u>MINOR LAND DEVELOPMENT</u>	1. Information required by 1, 5, 6, and 8; 2. Location of all proposed structures, including free standing signs; 3. Required off-street parking; 4. All information specified by Article 3, Conditional Uses, as applicable.
<u>MAJOR LAND DEVELOPMENT</u>	1. Information required by 1, 4, 5, 6, 7, 8, 9 and 12 above for preliminary plat approval; and all requirements for final plat approval; 2. Location of all proposed structures, including free standing signs; 3. Required off-street parking; 4. All information specified by Article 3, Conditional Uses, as applicable.
AMENDMENT	1. Draft new text to be added and existing text to be deleted; 2. State reasons for change; 3. Advertise and post property to be rezoned, if map amendment.
VARIANCE	1. State nature of variance; 2. Provide evidence of unnecessary hardship; 3. State necessity of variance.
APPEAL	State reasons for appeal, with specific reference to action being appealed.

Section 10.10 Preliminary Plat

1. *Required.* Submission and approval of a Preliminary Plat is the first formal stage of a subdivision application review. Preliminary Plat approval is required before site improvements may commence.
2. *Rights afforded by approval.* Issuance of a Preliminary Plat authorizes the owner to proceed with the installation of site improvements provided all necessary permits have been obtained and construction drawings have been approved by the Town. Preliminary Plat approval does not authorize the sale or transfer of lots.
3. *Information required for review.* Preliminary Plats shall include the information detailed in Table 10. The Zoning Administrator and/or Planning Commission may request additional information or documentation to make an application complete and eligible for review.
4. *Criteria for review.* The application for Preliminary Plat approval must contain all required information. Incomplete applications will be rejected and returned to the applicant without review. Fees set by Town Council must be paid by the applicant at the time of submission.
5. *Duration.* Approval of a Preliminary Plat is valid for two (2) year from the date of approval. Where a subdivision is being developed in sections, the two (2) year shall be

measured from the date of the most recent final approval granted to a portion of the subdivision. Prior to the expiration of a preliminary plat, the developer may apply for a one (1) year extension of time by the Planning Commission. There is no right to receive an extension, and the Planning Commission has the discretion to require the subdivider to apply for a new preliminary plat; the Planning Commission shall consider the applicant's progress or lack thereof in proceeding with the development and any change of circumstances and restrictions in deciding whether to grant an extension.

Section 10.11 Final Plat

1. *Required.* Submission and approval of a Final Plat is the final stage of a subdivision approval process. Such approval is required before a certificate of occupancy will be issued.
2. *Rights afforded by approval.* Approval of a Final Plat authorizes the owner to sell or transfer lots, and to commence construction of structures provided all necessary permits have been obtained therefor, and further authorizes issuance of a certificate of occupancy upon compliance with all requirements of 10.15-5.
3. *Information required for review.* Final Plats shall include the information detailed in Table 10. The Zoning Administrator and/or Planning Commission may request additional information or documentation to make an application complete and eligible for review.
4. *Criteria for review.* The application for Final Plat approval must contain all required information. Incomplete applications will be rejected and returned to the applicant without review. Fees set by Town Council must be paid by the applicant at the time of submission.

Section 10.12 Certifications and Recording Final Plat

1. The following Certifications, shall be inscribed by the developer/applicant on reproducible copies of the Final Plat:

- a. Certificate of Final Approval

The subdivision plat shown hereon has been found to comply with the Town of Clover Zoning and Land Development Ordinance and has been approved for recording in the office of the Clerk of Court of York County, South Carolina.

_____, 20____

- b. Engineer's or Surveyor's Certification

This property lies within a Zone ____ (shaded) & Zone ____ (unshaded) area as designate on Federal Insurance Rate Map Community Panel and Last Revised

_____.

I hereby state that to the best of my knowledge, information, and belief, that the survey shown herein was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements of a Class ____ survey as specified therein: also there are no visible encroachments or projections other than shown.

Date

(Seal)

Signed

Reg. No.

c. Owner's Certification

(I) (We) hereby certify that (I am) (We are) the owner(s) of the property shown and described hereon and that (I) (we) hereby dedicate all streets, alleys, walks, parks, and other sites to public or private uses as noted.

Date

Owner

2. Upon approval of a final plat and within 30 days of the satisfaction of all requirements, conditions and contingencies of such approval, the applicant shall record the final plat with Clerk of Court of York County.
3. One paper copy of the approved final plat, along with all certifications inscribed thereon, shall be retained by the Zoning Administrator.

Section 10.13 Performance Guarantee

Section 10.13-1 Policy

It shall be the general policy of the Town of Clover that all improvements required by this ordinance be completed prior to final plat approval. However, recognizing that completion of all required improvements prior to obtaining final plat approval may not in some cases be feasible, practical, or financially possible, this section provides a mechanism by which final approval may be granted, contingent upon certain required improvements being completed as and when specified by the Planning Commission and upon the applicant providing financial guarantees for the completion of such other required improvements.

Section 10.13-2 Financial Guarantees

Where final plat or major land development application approval is requested by the applicant-developer prior to the completion of all required improvements, the Zoning Administrator shall recommend to the Planning Commission financial guarantees of such type and in such amounts (not less than 125 percent of cost of materials and installation) sufficient to guarantee with reasonable certainty that the required improvements will be completed as and when required by Planning Commission. Said financial guarantees to be used for such purposes may include one or more of the following types, if approved by the Town Attorney and acceptable to the Planning Commission:

- Security Bond from a surety bonding company authorized to do business in South Carolina.
- Letter of Credit from a bank or other reputable institution.

- Escrow Account readily convertible into cash, payable to the Town.
- Improvement Guarantee or agreement acceptable to the Town.
- Other Financial Assurances. Such other financial assurances that the Planning Commission finds will reasonably guarantee the satisfactory completion of the required improvements as and when required.

Any document providing such financial guarantee required by the Planning Commission under this section shall be in such form and substance as specified by and satisfactory to the Town Attorney. The required financial guarantee (completed and fully executed) shall be a condition of Final Plat approval.

Upon approval of guarantee for completion of improvements, the Planning Commission shall give approval, approval with modifications, or disapproval of the Final Plat. When a guarantee is used in lieu of completion of improvements, the Planning Commission shall stipulate the period of time within which all of the required improvements shall be installed and approved by the appropriate agencies. In no event shall this time be longer than two (2) years. Final approval will be based on a satisfactory on-site inspection by the Town Engineer and the Public Works Department and acceptance and approvals of all as-builts and testing reports. The Town acceptance shall be accomplished through the acceptance of easement and right-of-way deeds. The Town accepts no responsibility for the streets and drainage system until the deeds are executed by both parties and recorded. Final acceptance of improvements by the Town shall not occur for thirty-six (36) months after final approval of the installation of the improvement. Any deficiencies occurring within this time frame shall be the responsibility of the developer. Final acceptance of improvements is at the discretion of the Town. The Developer may petition the Town to accept improvements before the thirty-six (36) month period has expired.

As a prerequisite to the Town acceptance before the thirty-six (36) month period has expired, the developer shall provide the Town with a guarantee in an amount equal to the construction cost, with surety and conditions satisfactory to the Town, as a warranty for a period of three (3) years. The warranty shall pertain to the design and construction of the streets and drainage system in accordance with these standards and their satisfactory performance during the warranty period. The warranty period shall commence with the formal approval of the roads by the Town. The grantor (or assigned agent thereof) is not responsible for repairing damage done to the roads subsequent to acceptance that was not a result of design or construction failure.

Section 10.13-3 Option To Refuse Guarantee

The Planning Commission shall have the right to refuse any of the optional financial guarantees and require construction and installation of all improvements by the developer, where:

1. Past performance of the developer is unsatisfactory,
2. The selected option is unacceptable, or
3. For other reasons so stated.

Section 10.13-4 Allocation of Guarantee

Any funds received from financial guarantees required by this Section shall be used only for the purpose of making the improvements for which said guarantees are provided. When the improvements or any part thereof have been completed in conformity with these regulations, a commensurate portion of the cost will be released and returned to the developer.

Section 10.13-5 Default of Guarantee

In the event the developer fails to install or construct the required improvements during the specified time allotted and in conformity with these regulations, the improvement guarantee shall be forfeited to the Town to be used for completion of the improvements.

Section 10.13-6 Extension of Guarantee

If it appears to the developer that he may not complete construction of the required improvements before expiration of his Improvement Guarantee, it shall be his responsibility, at least 45 days prior to the expiration period, to submit an extended guarantee request. Such extension, if approved by the Planning Commission, shall be for a period of six months. A maximum of two such extensions shall be allowed.

Section 10.13-7 Deviations

Regulations governing Subdivisions and Major Land Developments defined by Section 10.3 are the minimum required for achieving the objectives of this ordinance. However, where a regulation would cause demonstrably unique and undue hardship as it applies to any given aspect of a project, except minimum lot and building setback requirements, the Planning Commission may deviate from the strict application of the regulations; provided the action of the Commission does not nullify the stated objectives of Section 7.1. In granting a deviation to the regulations, the Planning Commission may impose conditions that will help secure the objectives of the particular regulation being deviated. A complete record of the reasons for the approval of a subdivision or major land development shall be entered into the official minutes of the Planning Commission.

Deviations from minimum lot area and setback requirements shall be treated on an individual lot-by-lot basis, as variances, subject to an appeal by the applicant to the Board of Zoning Appeals.

Section 10.14 Application Requirements for Permits and Certificates

1. No building, structure or sign requiring a permit or any part thereof shall be erected, added to or structurally altered, nor shall any excavation or grading be commenced until an application has been filed with the Zoning Administrator and required permits have been issued.
2. No building, structure or land shall be used; nor shall any building, structure or land be converted, wholly or in part to any other use, until all applicable and appropriate certificates and permits have been issued certifying compliance with the requirements of this Ordinance.
3. No permits inconsistent with the provisions of this Ordinance shall be issued unless accompanied by an approved variance.
4. The provisions of this Section shall not apply to the necessary construction, replacement or maintenance by a public utility of its outside plant facilities, including such items as poles, crossarms, guy wires, cable and drops.

Section 10.15 Types of Required Permits/Certificates

Section 10.15-1 Certificate of Zoning Compliance

A Certificate of Zoning Compliance shall be required in advance of:

1. The issuance of a Building Permit for new construction and construction which expands the building footprint of the existing structure.
2. Changing the use of any part of a structure or lot, including any increase in the number of families or dwelling units occupying a building or lot.
3. The installation of a manufacturing or other industrial process whose operation may generate effects of the types and magnitudes limited by performance standards as set forth in Section 3.1.

When the Zoning Administrator receives an application for a permit whose proposed improvement and use described and illustrated conforms to all requirements of this Ordinance, he/she shall issue a Certificate of Zoning Compliance and return a signed copy to the applicant within ten (10) days of receipt of the application. If the application does not conform to this Ordinance, the Zoning Administrator shall deny the issuance of a Certificate of Zoning Compliance, and so advise the applicant within ten (10) days, citing the particular sections of this Ordinance with which the application does not comply.

Section 10.15-2 Grading Permits

A grading permit shall be required prior to any land disturbing activity except farming and agriculture and utility related activities.

Section 10.15-3 Building Permits

A building permit shall be required of all proposed building and/or development activity unless expressly exempted by the International Building Code. A landscaping plan shall accompany the building permit as provided for in Section 4.3-4.

Section 10.15-4 Sign Permits

Where a sign permit is required by Article 5 of this Ordinance, the permit application shall be accompanied by the following:

1. A common signage plan, where applicable, in accord with the requirements of Section 5.3.
2. Identification of landowner and/or leaseholder of property on which the sign is to be erected, including street address.
3. Name and address of owner of the sign.
4. Site plan sketch with dimensions (non-professionally drafted plan is acceptable) showing the location of the sign with respect to the property and right-of-way lines, building and setback lines, and buildings, parking areas, existing free-standing signs, and bufferyards.
5. Correct size, shape, configuration, face area, height, nature, number, and type of sign to be erected, including the size of letters and graphics.
6. The value of the sign and sign structure.

The Zoning Administrator may waive any of the informational requirements listed above deemed unnecessary to process an application.

Section 10.15-5 Certificate of Occupancy

It shall be unlawful to use or occupy or permit the use of occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a Certificate of Occupancy has been issued stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

Such certificate may be combined with or made a part of the Certificate of Occupancy required under the Building Code. Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance, and punishable under Section 10.19.

Section 10.16 Inspections for Compliance

The Zoning Administrator may make or require inspections of any land disturbing activity, construction or maintenance requirement to ascertain compliance with the provisions of this Ordinance and to ascertain compliance with approved permit applications, plats, plans, and/or certificates.

Section 10.17 Expiration Permits

If the work described in any permit for a sign, structure, building or use has not begun within six months from the date of issuance, said permit(s) shall expire unless extended by the Zoning Administrator, or, in the case of a building permit, the Building Official upon application by the owner/developer. A permit shall also expire when work has been suspended or abandoned for six (6) months at any time after work has commenced.

Section 10.18 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, the Zoning Administrator shall record and investigate such complaint, and take such action as provided by this Ordinance. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.

Section 10.19 Penalties for Violations

Where any building, structure, or sign is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure, sign, or land is or is proposed to be used in violation of this Ordinance, the Zoning Administrator may in accord with the provisions of Section 56-7-80 of the South Carolina Code of Laws 1976, as amended, issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; to correct or abate the violation or to prevent the occupancy of the building, structure, or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.

Any person violating any provisions of this Ordinance, in addition to other remedies prescribed by this Ordinance, shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the court for each offense.

Section 10.20 Consideration of Denied Applications

If a final decision-making body, i.e., the Town Council, Planning Commission, and/or Board of Zoning Appeals, denies an application for a zoning map amendment, planned development, or special exception use, an application for the same or more intensive zoning, development, or use on the subject parcel, whether the parcel is in its original configuration, expanded, or reduced in area, shall not be accepted for 12 months from the date that the decision-making body acted to deny the application.

Section 10.21 Vested Right

1. Definition: 'Vested right' means the right to undertake and complete the development of property under the terms and conditions provided in this section.

2. Duration: A vested right is established for two years upon preliminary approval of a PDD plan, including a phased development plan and Major Land Development or Major Subdivision Plan, as provided herein.

A vested right may be extended at the end of the vesting period for an additional 12 months, or 36 months for a phased development plan, upon request by the applicant and a determination by the Planning Commission that there is just cause for extension and that the public interest is not adversely affected.

A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons or as prescribed by the applicable building code.

3. Amendment: A vested site-specific development plan or vested phased development plan may be amended if approved by the Planning Commission or Town Council, as applicable, pursuant to the provisions of this ordinance.

4. Revocation: A vested right to a site-specific development plan or phased development plan is subject to revocation by the Planning Commission or Town Council, as applicable, upon determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.

5. Applicability of Other Regulations: A vested site specific development plan or vested phased development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit.

A vested site specific development plan or vested phased development plan is subject to subsequent local governmental overlay zoning that imposes site plan-related requirements but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses;

A change in the zoning district designation or land use regulations made subsequent to vesting that affect real property does not operate to affect, prevent, or delay development of the real property under a vested site specific development plan or vested phased development plan without consent of the landowner;

The Planning Commission or Town Council, as applicable, must not require a landowner to waive his vested rights as a condition of approval of a site specific development plan or a phased development plan.

- 6. Vested Right to Run with Property:** A vested right pursuant to this section is not a personal right, but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right pursuant to this Section may rely upon and exercise the vested right for its duration subject to applicable federal, state, and local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and non-conforming structure and use regulations which do not provide for the grandfathering of the vested right. This Section does not preclude judicial determination that a vested right exists pursuant to other statutory provisions. This Section does not affect the provisions of a development agreement executed pursuant to the South Carolina Local Government Development Agreement Act in Chapter 31 of Title 6.

END OF ARTICLE 10

ARTICLE 11. DEFINITIONS

Words not defined herein shall have the meanings stated in the International Building Code, International Residential Code, International Gas Code, International Mechanical Code, International Plumbing Code, and the National Electric Code, as currently adopted Code. Words not defined in the Standard Codes shall have the meanings in Webster's Tenth Edition Collegiate Dictionary, as revised.

Words in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "may" is permissive.

The word "lot" includes the word "plot" or "parcel."

The word "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.

The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."

The word "map" or "zoning map" shall mean the Official Zoning Map(s) of Clover, South Carolina.

The term "Planning Commission" refers to the Clover Planning Commission.

The term "Council" refers to the Clover Town Council.

The term "Board of Zoning Appeals or BZA" refers to the Clover Board of Zoning Appeals.

Other words and terms defined herein are as follows:

Access - A legal means of vehicular or pedestrian approach or entry to or exit from property.

Bed and Breakfast Inn - Any dwelling or portion thereof offering rooms and meals at breakfast to transient lodgers in return for compensation.

Berm - Any hill or slope which represents a change of elevation of at least two feet at a slope of between twenty-five and fifty percent and which is covered with an appropriate, stabilizing vegetation

Boarding House - A residential use that consists of at least one (1) dwelling unit together with more than two (2) rooms that are rented out or are designed or intended to be rented but which

rooms, individually or collectively do not constitute separate dwelling units. A rooming house or a boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (month to month tenants) as opposed to overnight or weekly guests.

Bond - Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Town Council. All bonds shall be approved by the Town Council wherever a bond is required by these regulations.

Buffer yard - A strip of land, improved by landscaping or fences, or both, designed to mitigate the extent of high intensity land uses on neighboring lower intensity uses.

Building Permit - A permit issued by the Clover Development Services Department and which complies with Clover Zoning Ordinance and the Clover Building Codes.

Buildable Area - That portion of any lot which may be used or built upon in accordance with the regulations governing the zoning district within which the lot is located when the front, side and rear yard, open space, and applicable bufferyard requirements have been met.

Building, Accessory - A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, animal shelters, pool houses, etc., when detached from the principal buildings, and carports attached to the principal building when at least 75 percent open or un-enclosed.

Building, Alteration - Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

Building, Principal - A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

Canopy Tree - A deciduous tree that forms the top layer of vegetation in a forest. Examples of such trees include oaks, hickories, maples, poplars, and others.

Certificate of Occupancy - A document allowing the occupancy or use of a building or certifying that the structure or use has been constructed or will be used in compliance with all applicable provisions of this Ordinance and the Building Code.

Certificate of Zoning Compliance - A document certifying that a proposed use meets all requirements of this Ordinance.

Certify - Whenever this ordinance requires that some agency certify the existence of some fact or circumstance to the Town, the Town may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the Town may accept certification by telephone

from some agency when the circumstances warrant it, or the Town may require that the certification be in the form of a letter or other document.

Cluster-style Mailbox – A style whereby mailboxes, meeting the specifications of the United States Postal Service (USPS) with the inscription plainly legible “U.S. MAIL” and “APPROVED BY THE POSTMASTER GENERAL” are assembled and grouped together on a single area of land so that they are regarded as one unit. Cluster-style mailboxes must be approved by both the Town and USPS.

Cluster-style Mailbox Kiosk – Cluster-style mailbox units built into a larger structure exhibiting the architectural style and building materials typical of the neighborhood/development.

Cluster Home Development - A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Conditional Use - A use of land or structure, which is permitted in a district under conditions specified in the Zoning Ordinance.

Condominium - A unit in a multi-unit structure owned by an individual or other legal entity who has use of all common areas associated with that structure.

Conformity or Conformance - Any land, structure or use that fully meets 1) all of the regulations specified for the district in which it is located and 2) all of the general requirements of the Zoning and Land Development Ordinance.

Construction Plan - maps or drawings accompanying a subdivision plat or plan and showing specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission as a condition of the approval of the plat or plan.

Convenience Store - A retail store containing less than 3,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). It is designed to attract and depends upon a large volume of stop and go traffic.

Craft Breweries - Also known as “Micro Breweries”, means a facility operated by a manufacturing brewery or brewpub duly licensed by the South Carolina Department of Health and Environmental Control to brew ales, beers, meads, and/or similar beverages within the limits established by the State of South Carolina in section 61-4 of the South Carolina Code of Laws.

Day Care Services - Day care services shall mean and include any home, center, agency, or place, however styled, where children, elderly, and other persons not related to the operator are received for custodial care, apart from their parents, whether for compensation, reward, or otherwise during part or all of the day or any number of successive days.

Density - The number of dwelling units per acre of land developed or used for residential purposes. Density requirements in this Ordinance are expressed in dwelling units per gross acre; that is, per acre of land devoted to residential use is based on the total land area within a development tract or subdivision, excluding nothing.

Dedication - The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

Design Criteria - Standards that set forth specific improvement requirements.

Developed Lot - Any existing lot upon which development has taken place.

Developer - The owner or owners (or their representative) of a lot or of any land included in a proposed development. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

DHEC - South Carolina Department of Health and Environmental Control.

Display Area - Any unenclosed area or lot used for the display of merchandise.

Development - Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Domestic Animal Shelter - A pen, shelter, or structure where dogs or small domestic animals, not to include horses, cows, goats, swine including pot bellied pigs, sheep, ponies, grazing animals, and fowl of any kind, are boarded and kept.

Dwelling - A building or portion of a building arranged or designed exclusively for human habitation.

Dwelling, Apartment - (See dwelling, multi-unit)

Dwelling, Detached - A single dwelling unit, surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, Duplex - A multi-family home with two separate living units, either side by side or stacked on top of each other. The units share a wall, but each unit has its own entrance. Duplexes can also have separate garages and yards. A duplex is not considered a single-family attached dwelling..

Dwelling, Group Occupied - A dwelling unit occupied by five (5) or more individuals unrelated by blood, marriage, adoption, or guardianship living together as a single housekeeping unit.

Dwelling, Multi-Family - A building containing five or more dwelling units.

Dwelling, Multi-Unit – A building containing two or more dwelling units.

Dwelling, Patio House - A single-family detached or semi-detached dwelling unit. It is built on a small lot generally enclosed by walls, which provide privacy. The term is synonymous with

zero lot line dwellings.

Dwelling, Quadraplex - A multi-family home with four separate living units, either side by side or stacked on top of each other. The units share a wall, but each unit has its own entrance. Quadraplexes can also have separate garages and yards. A quadraplex is not considered a single-family attached dwelling.

Dwelling, Residential Designed Manufactured Home - A single-family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (245 CFR 3280) HUD Code, June 15, 1976, and bearing a HUD manufactured home label, which:

1. Has a minimum width over 20 feet (multiple-section);
2. Has a minimum of 1,200 square feet of enclosed living area;
3. Has a minimum 5:12 roof pitch;
4. Has a type of shingle commonly used in standard residential construction;
5. Is covered with an exterior material customarily used on site built homes, including vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction; and
6. Has a roof overhang of not less than eight (8) inches.

Dwelling, Single-Family - A building containing one dwelling unit.

Dwelling, Standard Designed Manufactured Home - A single family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, June 15, 1976, and which does not meet the definition of a Residential Designed Manufactured Home.

Dwelling, Tiny House - A single-family detached dwelling unit. It is built as an accessory structure with a permanent foundation on a lot with a principal structure (dwelling) that is owner occupied. The maximum heated floor area is 400 square feet.

Dwelling, Townhouse - Attached single-family dwelling units joined on separate lots, separated from each other by common vertical walls (See Section 3.6).

Dwelling, Triplex - A multi-family home with three separate living units, either side by side or stacked on top of each other. The units share a wall, but each unit has its own entrance. Triplexes can also have separate garages and yards. A triplex is not considered a single-family attached dwelling.

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling, Zero Lot Line - A zero lot line dwelling is a single family detached unit which instead of being centered on a lot, is placed against at least one of the side lot lines. The term is synonymous with patio homes.

Easement - A right of way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

Easement, Private - An easement dedicated to a specific private function; for example, private access to private property.

Easement, Public - An easement dedicated to a specific public function; for example, a public highway or placement of public utility lines.

Family - One or more persons related by blood, marriage, adoption, or guardianship, and not more than four (4) persons not so related, except that mentally and physically handicapped persons for whom care is provided on a 24-hour basis shall be construed to be a family, in accord with the provisions of 6-7-830 of the South Carolina Code of Laws.

Family Day Care Home - Where permitted as an accessory use, family day care home shall mean a home in which care is given by a family member and no others during the day only for one and not more than six children, including the day care parents' own children.

Federal Manufactured Home Construction and Safety Standards - Regulations promulgated by the Department of Housing and Urban Development (HUD) governing the design and construction, strength and durability, transportability, fire resistance, energy efficiency, and quality of manufactured housing. These standards also set performance requirements for heating, plumbing, air conditioners, thermal, and electrical systems.

Flood - A general and temporary condition of partial or complete water coverage of normally dry land area because of the accumulation or runoff of surface waters from any source.

Floodplain - Land areas adjoining a river, stream or water course which are subject to a one percent or greater chance of flooding in any given year, which areas are more specifically established by the Federal Emergency Management Agency in its Flood Insurance Study for Clover Town.

Floodway - The channel or river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

Floor - The top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include floor of a garage used solely for parking vehicles.

Foot-candle - A unit of measurement referring to the illumination from an exterior lighting device onto a surface at a single point.

Glare - Excessive brightness from insufficiently shielded light sources that cause visual discomfort, annoyance, or reduces visibility.

Grade - The slope of a road, street, or other public way, specified in percentage (%) terms from the horizontal.

Ground Cover - Any plant material which serves to prevent soil erosion by covering large areas of ground, and which does not grow beyond twelve inches in height.

Habitable Dwelling - A dwelling meeting the minimum habitability requirements of this Ordinance, and other applicable regulations.

Height - The vertical distance of a structure or vegetation measured from the average grade elevation within 20 feet of the structure to the highest point of the structure.

Home Occupation - Any occupation within a dwelling, including a hobby and clearly incidental thereto, carried on by a member or members of the family residing on the premises.

Impervious Surface - Impervious surfaces are those that do not absorb water. All buildings, paved parking areas, driveways, roads, sidewalks, and any areas in concrete or asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Zoning Administrator to be impervious within the meaning of this definition also will be classed as impervious surfaces.

Impervious Surface Ratio - The impervious surface ratio is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the total site area.

Improvement - Any man-made immovable item that becomes part of, placed upon, or is affixed to real estate.

Industrial Parks - A planned and coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation, and open space.

Infill, Infill Development - The construction of buildings on vacant and underused land, in places that have been previously developed. The scale and character of infill development depends on its specific context.

Land Development Project - The changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, commercial parks, shopping centers, industrial parks, manufactured home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

Lighting Fixture - The assembly that houses the lamp(s), which may include some or all of the following components: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, refractor, or lens.

Lighting Fixture, Fully-Shielded - A fixture where the light source is not visible off site and allows no light emission directly above a horizontal line parallel to the ground.
Glare

Lot - A parcel of land considered as a unit. The terms "lot", "lot of record", "property", or "tract", whenever used in this Ordinance are interchangeable.

Lot, Corner - A lot located at the intersection of two or more streets.

Lot, Through or Double Frontage - A lot that has frontage on more than one street.

Lot, Interior - A lot, other than a corner lot, which has frontage on only one street other than an alley.

Lot, Depth - The horizontal distance between front and rear lot lines.

Lot, Developed – A developed lot or parcel is one which is occupied and contains not less fifty thousand dollars (\$50,000) in commercial, industrial or business improvements, according to records in the County Tax Assessor's office or receipt of a valid Building Permit in such amount. For the purpose of this definition, a vacant or unoccupied building or structure on a lot does not constitute a developed lot.

Lot of Record - A lot, the boundaries of which are filed as legal record.

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.

Lot Area - The area contained within the boundary line of a lot.

Lot Line - A line bounding a lot that divides one lot from another or from a street or any other public or private space.

Lumen – A unit of measurement for the brightness of a light source. One foot-candle is one lumen per square foot.

Luminaire - A complete lighting unit consisting of the lamp(s) and all necessary mechanical, electrical, and decorative parts.

Manufactured Home Park - A lot or parcel with space, improvements and utilities for the long-term parking of three (3) or more manufactured homes, which may include services, and facilities for the residents.

Manufactured Home Park Space - A plot or ground within a manufactured home park designed for the accommodation of one unit.

Micro-Brewery - see "Craft Brewery"

Mini-warehouse - A building or group of buildings in a controlled-access and fenced compound that contains individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customer's goods or wares.

Mixed Occupancy - Any building that is used for two or more occupancies classified by different occupancy use groups.

Modular Building Unit or Modular Structure - Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection. When meeting the requirements of the Modular Building's Construction Act (23-43-10 of the S. C. Code of Laws), said building unit or structure may be located in any zoning district.

Non-conformity - A non-conformity is any lot of record, use, building, structure or vegetation in existence prior to the effective date of this Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the Ordinance.

North American Industry Classification System (NAICS) - The classification of industrial, commercial, institutional, agricultural, construction, manufacturing, educational, utilities, services type activities as defined in the North American Industry Classification System Manual, 2012 as put out by the Executive Office Of The President Office Of Management and Budget.

Off-Site - Premises not located within the area of the property to be subdivided whether or not in the same ownership of the applicant for subdivision approval.

Office Park/Commercial Park - A development on a tract of land that contains a number of separate businesses, offices, light manufacturing facilities, accessory and supporting uses, and common open space designed, planned and constructed on an integrated and coordinated basis.

Office Trailer - See **Modular Building Unit or Modular Structure**

Open Space - Open space refers to an area that is not encumbered with any substantial structure; is not devoted to use as a roadway, parking area or sidewalk; is not part of any privately owned lot; and is legally and practicably accessible to the general public or to the residents of the development where the open space is located. Narrow strips of common area that separate lots within a development from each other, from streets, or from adjoining tracts shall generally not be regarded as open space unless the Planning Commission determines that the overall configuration of open space is acceptable as being conducive to the intent of requiring open space.

Open Space Ratio - The open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the Total Site Area.

Parcel - A land area bounded by property lines that is recognized as such by the County Assessor's Office.

Parking, Off-Street - An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street arranged so that no maneuvering incidental to parking shall be on any public street and so that an automobile may be parked or un-parked therein without moving any other automobiles.

Permitted Use - A use permitted outright by district regulations.

PDD (Planned Development District) - A special purpose district established for specified use(s) only and with specified development standards in order to allow and encourage flexibility in the development of the land.

Plat – A map or drawing upon which the developer's plan of a subdivision or land development is presented for approval.

Preliminary Plat or Plan - The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

Premises - A lot, plot, or parcel of land including the buildings or structures thereon, under control by the same owner or operator together with all adjacent land.

Recreational Vehicle - A structure that (1) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and (2) is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a mobile or manufactured home or modular unit.

Sexually Oriented Business - A sexually oriented business is one which, as one of its principal purposes, sells, displays or exhibits materials, including books, magazines, movies, tapes, photographs, etc. which appeal to prurient interests, contain patently offensive depictions of sexual conduct, and have no serious literary, artistic, political or scientific value.

Shipping Container – A rectangular, prefabricated metal structure, designed for stacking, storage and transfer of goods and commodities by ship and/or container chassis trucks.

Shopping Center - A group of retail and other commercial establishments that is planned, constructed, and managed, as a total entity with customer and employee parking provided on-site. The center's size and orientation are generally determined by the market characteristics of the trade area served by the center. These centers can be open air (Individually accessed externally) or enclosed (Indoor shopping mall accessed internally).

Sign - Any object, device, display or structure, or part thereof, situated outdoors or indoors,

which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images; provided, however, window displays, athletic scoreboards, and official government signs are excluded.

Sign, Abandoned - A sign structure not containing a sign for 90 continuous days or a sign not in use for 90 continuous days, or a sign advertising a business no longer occupying the site on which the sign exists or to which it refers.

Sign, Animated - Any sign that uses movement or change of lighting to depict action or creates a special effect or scene.

Sign, Awning, Canopy or Marquee - A sign that is mounted or painted on or attached to an awning, canopy or marquee.

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

Sign, Bench - A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Sign, Building - Any sign attached to any part of a building.

Sign, Changeable Copy - A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

Sign, Face - The area or display surface used for the message.

Sign, Feather – (See Banner Sign)

Sign, Free-Standing – A permanent sign not affixed to a building.

Sign, Historical Significance - Any sign 30 years or older with historical significance to the community.

Sign, Identification - A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

Sign, Incidental - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Sign, Inflatable – A sign capable of being inflated, expanded or enlarged with gas or air.

Sign, Monument – A free-standing sign without a post, the base of which extends upward from the ground at a width commensurate with the width of the sign message.

Sign, Mural - A mural is hereby defined as a non-verbal, graphic, artistic expression which covers a portion or all of a wall or building façade which is not intended for advertisement purposes, accompanied only by the artist's nameplate no larger than two square feet.

Sign, Off-Premise - A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, Other – Any free-standing sign other than residential identification sign, including business identification, off-premise business and informational signs

Sign, Pennant - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

Sign, Permanent - A sign attached to a building, structure or the ground in some manner and made of materials intended for more than short term use.

Sign, Political - A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Sign, Portable - A temporary sign designed to be transported, but not limited by means of wheels.

Sign, Poster –A temporary sign constructed of durable all weather material displaying or posting a message that is meant to be attached to a structure, fence, post, etc.

Sign, Projecting - A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

Sign, Residential – Any identification sign located in a district zoned for residential use that contains no commercial message.

Sign, Roof - A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the ridge line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard

roof. Signs mounted on the sloping section of a roof or the gable end of a roof shall be classified as a wall sign.

Sign, Roof Integral - A sign whose structure is integrated into the structure of the roof, and is an integral part thereof.

Sign, Temporary - A sign that is used only for a short period of time and is not permanently mounted. Examples include poster, yard, and banner signs.

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

Sign, Window - A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

Sign, Yard - A temporary sign constructed of durable all weather material displaying or posting a message that is meant to be installed in the ground.

South Carolina Manufactured Housing Board - Is authorized by State Statute to regulate the construction, repair, modification, installation, tie-down, hook-up, and sale of manufactured homes in South Carolina, which Board has adopted for regulation of manufactured homes the Federal Manufactured Housing Construction and Safety Standards, promulgated by HUD, and contained in the Board's Manufactured Housing Regulations, May 26, 1990.

Street - Any thoroughfare or space which has been dedicated, deeded or designated for vehicular traffic, public or private.

Street, Arterial - A street with signals at important intersections and stop signs on side streets, and which collects and distributes traffic.

Street, Collector – A street that penetrates neighborhoods and collects and distributes traffic between lower local streets and higher arterial streets.

Street, Local - A street designed principally to provide vehicular access to abutting residential property.

Structure - (As defined by the International Building Code.)

Structural Alteration - Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

Subdivision - The division of a tract, parcel, or lot into two or more lots or building sites, or other divisions of land for the purpose, whether immediate or future, of sale, legacy, or building

development, and includes all division of land involving a new street or a change in existing streets and includes the re-subdivision of land.

Subdivision, Exempt. An exempt subdivision is one which meets the following conditions:

1. Involves the division of land into parcels of five (5) acres or more where no new street is involved; or
2. Includes the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this Ordinance and other applicable regulations.
3. Involves cemetery lot.
4. Addition of property to an existing lot of record.
5. Includes the division of land by will or inheritance under the statute of descent and distribution, or by gift conveyed by deed. Such exemption shall be limited to the conveyance of land from one member to another member of the same immediate family (mother, father, children, grandchildren, brothers, sisters).
6. Involves the creation of a single lot from an existing lot or parcel.

Traffic Impact Analysis - A Traffic Impact Analysis (TIA) is typically conducted by a traffic engineer and forecasts additional traffic associated with a proposed development, identifies potential impacts that might influence traffic flow, and suggests ways to mitigate any negative effects.

Understory Tree - A small deciduous tree that forms the layer of vegetation under the canopy trees in a forest. Examples of such trees include dogwoods, sourwoods, fruit trees and others.

Unit – One; a single dwelling or unit.

Use, Accessory - See Building, Accessory.

Use - The purpose or activity, for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, Principal - The primary purpose for which land is used.

Variance - A modification of the area regulations of this Ordinance, granted by the Board of Zoning Appeals, where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.

Vendor - Any person who offers goods or merchandise for sale from a public right-of-way, vacant lot or parking lot of an established business.

Yard - An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as

may be specifically provided by this Ordinance.

Yard, Front - A yard extending the full width of the front of a lot between the front (street) right-of-way line or property line and the front building line.

Yard, Rear - A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

Yard, Required - That part of a yard between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this Ordinance.

Yard, Side - A yard extending the full length of the lot in the area between the side lot line and a side building line.

Zoning District - An area or district within which regulations and requirements govern the use, placement, spacing and size of land and buildings.

END OF ARTICLE 11

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ARTICLE 12. LEGAL STATUS PROVISIONS

Section 12.1 Conflict with Other Laws

Whenever the Regulations of this Ordinance require a greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other Statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other Statute require more restrictive standards than are required by this Ordinance, the provisions of such Statute shall govern.

Section 12.2 Validity

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

Section 12.3 Repeal of Conflicting Ordinances

All Ordinances and parts of Ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

Section 12.4 Effective Date

This Ordinance shall take effect and be in force effective January 1, 2015. *[Note: Ordinance 14-13 provides the following: This ordinance shall be effective January 1, 2015; provided, however, that the requirements set forth in Sections 2.6, Historic Preservation Overlay District, and 2.7, Corridor Overlay District shall not be effective until April 1, 2015.]*

END OF ARTICLE 12

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TEXT REVISIONS

Map revision ordinances not included.

Ordinance #	Date Approved	Section(s) Amended
Ordinance 15-06	4/13/2015	Sections 2.3, Table 1; 8.5; 10.15-1; and 10.15-2
Ordinance 16-01	5/9/2016	Sections 2.5-1, 2.6-2, 2.7-5, 4.3-6, 6.3, 8.7-2, 8.8, 9.3-3, 9.4-3, 9.4-5, 10.8, Application Procedures Chart, and Definitions
Ordinance 17-04	6/16/2017	Sections 2.3 Table 1; 2.7-5; and 4.1 Bufferyard Illustrations
Ordinance 17-10	10/16/2017	Section 3.2
Ordinance 17-12	11/13/2017	Sections 2.8 (new) and 2.4 Table 2
Ordinance 18-08	9/10/2018	Sections 2.3, Table 1; 2.7-5; 5.2 Table 5; and 8.5
Ordinance 19-10	8/12/2019	Sections 2.3, Table 1; 2.4, Table 2; 3.15; 3.17 (new); and Definitions
Ordinance 20-07	8/10/2020	Residential Design Standards : Section 4.1-8, 4.1-9, 4.1-12, Bufferyard Illustrations, 4.3-1, 4.3-5, 4.4-1, 4.4-2, 4.4-4, 4.4-5, 4.7-1, 4.7-2, 6.2, 7.3-1, 7.3-7, 7.3-8, 7.3-9, Section 2.3 Table 1, and Section 2.4 Table 2
Ordinance 20-12	10/12/2020	Section 2.3 Table 1
Ordinance 21-04	3/8/2021	Sections 2.3, 2.6-2, 2.6-3, 2.7-3, 3.4, 3.6, 3.12-1, 3.12-2, 3.18 (new), 4.6, 7.7, 9.2, 9.3-3, 9.5 (new), 10.5, Application Procedure Chart, Table 10, 10.10, 10.11, 10.12, 10.13-2, 10.13-3, 10.13-6, Definitions
Ordinance 22-04	6/13/22	Sections 7.4, 4.4, 4.7, 10.3, 10.7, 10.21, Application Procedure Chart
Ordinance 22-05	6/13/22	Sections 2.3, 2.4 and 3.5
Ordinance 22-09	6/13/22	Sections 2.3, 4.4-4, 7.3-8
Ordinance 23-09	8/14/23	Sections 2.3 Table 1, 2.6-4, 2.6-11, 2.7-8, 5.2, 7.5, 10.17, 10.20, Definitions
Ordinance 25-02	6/9/25	Modified HPOD description, Table 1, Section 2.6-9, 2.6-11-12, 2.7-4, 2.7-6, 3.4, 3.12, 3-19 (new), 3-20 (new), Bufferyard Requirements Table and Detail, Wall Fence Detail, Table 4, 5.4, Table 6, 5.6, Sign Detail (new), 6.8 (new), 7.3-8, 8.5, 10.3, 10.5, Table 9, Table 9A (new), Definitions

END OF ORDINANCE