

3

USE PROVISIONS

3.1 PURPOSE AND INTENT

The Use provisions in this Chapter indicate which uses and activities are permitted, permitted with conditions, permitted by special exception, and prohibited. The use categories are intentionally broad so as to properly regulate the use of land and avoid unnecessarily specific regulations that lead to unintentional use separation. The separation of various uses has historically led to sprawling, auto-dependent patterns of development which have proven to be land-consumptive, economically inefficient, and have had many negative environmental impacts.

These use categories are therefore intentionally calibrated to the desired development outcomes for each district. In this manner, walkable neighborhoods and mixed-use centers are guided by design standards that focus on building people-friendly places and auto-dependent uses are relegated to larger thoroughfares and large tract industrial properties.

3.2 APPLICABILITY

3.2.1 APPLICABILITY OF USE STANDARDS

The Use Table in Section 3.3 assigns 1 of 5 permissions to each use in each District as follows:

- A. Permitted Use (P): The use is permitted by right with no additional requirements and is subject only to the other general standards throughout this Ordinance.
- B. Conditional Use (C): The use is permitted by right, provided that the additional use standards set forth in this Chapter are met. The specified standards are intended to insure that these uses are compatible with other development permitted within the Districts.
- C. Special Exception (SE): The use is permitted only when a Special Exception Permit has been approved in accordance with Section 13.8.

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1. Special Exception Permits are required for uses which are generally compatible with other uses permitted in a District but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the town as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.
 2. All applications for Special Exception Permits shall, at a minimum, meet the standards for the District in which they are located and the additional standards set forth in this Chapter for that use.
- D. In Existing Buildings Only (E): The use is permitted only in existing buildings and any expansions which do not increase the size of the existing structure by more than 50%.
- E. Retail Frontage Overlay Required (RF): Where a block face is designated on the zoning map as a Retail Frontage Overlay, the ground level tenant space with direct access to the designated fronting street may be occupied only by certain commercial uses as indicated in the use table. [Reserved]
- F. Prohibited Uses (—): The use is prohibited in the specified District.

3.2.2 USE CATEGORIES

All uses permitted in this ordinance have been divided into 10 general categories and are generally defined as follows:

- A. Residential: Premises available for long-term human habitation by means of ownership and rental, but excluding short-term leasing or rental of less than a month's duration.
- B. Lodging: Premises available for short-term human habitation, including daily and weekly rental. These are measured in terms of lodging units: a lodging unit is a furnished room of a minimum 200 square feet that includes sanitary facilities, and that may include limited kitchen facilities.
- C. Office/Service: Premises available for the transaction of general business and the provision of services, but excluding retail sales and manufacturing, except as a minority component (less than 50% of the gross square footage)
- D. Commercial/Entertainment: Premises available for the commercial sale of merchandise, prepared foods, and food and drink consumption, but excluding manufacturing.
- E. Civic Uses and Parks: Premises available for organizations dedicated to religion, government, arts and culture, recreation and sports, and other similar areas of public assembly.
- F. Institutional: Uses and premises dedicated to social service, health care, and other similar functions.
- G. Vehicular: Uses and premises accessed predominately by or dedicated to the sale, maintenance, servicing and/or storage of automobiles or similar vehicles.
- H. Industrial/Wholesale/Storage: Premises available for the creation, assemblage, storage, and repair of items including their wholesale or retail sale.
- I. Agricultural: Premises for growing crops, raising animals, harvesting timber, and harvesting fish and other animals from a farm, ranch or their natural habitat and all related functions.
- J. Infrastructure: Uses and structures dedicated to transportation, communication, information, and utilities.

3.2.3 INTERPRETATION OF USE MATRICES

- A. Principal uses: Principal uses shall be allowed within the base zoning districts in accordance with the Use Table in this section. Where multiple principal uses are proposed to be located on a single parcel, all applicable conditions must be met for each proposed use. For example, if the proposed use is a gas station with a convenience store and a car wash, all requirements and conditions for

Gas/Fueling Station, Drive Thru/Drive In Facility, and General Commercial uses must be met.

- B. Uses Not Listed: The Administrator shall make the final determination whenever there is a question regarding a use not specifically listed in the Use Table. This determination shall be based on the definitions contained in this Ordinance, the purpose and intent of the respective zoning district, and any commonly accepted use-based guides (e.g., North American Industrial Classification System (NAICS), Institute of Transportation Engineers (ITS) Trip Generation Guide).

3.2 TABLE OF PERMITTED USES

DISTRICT DESCRIPTION	MIXED-USE DISTRICT STANDARDS				CONVENTIONAL DISTRICT STANDARDS						SPECIAL DISTRICT STANDARDS			
	Neighborhood Residential	Neighborhood Mixed-Use	Downtown Mixed-Use	Urban Corridor Mixed-Use	General Residential	General Residential	Multi-Family Residential	Manufactured Home Parks	Neighborhood Business	General Business	Light Industrial	Heavy Industrial	Agricultural Conservation	Public Lands
DISTRICT	N-R	N-MX	D-MX	UC-MX	GR-2	GR-5	MF-R	MH-R	N-B	G-B	L-1	H-I	AC	PL
PREVIOUS DISTRICTS	B1 and some B2	B1 and some B2	CBD/B3	B3 (Re-development)	R-1	R-2 & R-3 (AS CU/SUP)	R-6	R-7	B-2	B-3	I-1	I-2	No Changes	No Changes
RESIDENTIAL														
Single Family Dwelling	P	P	P	P	P	P	P	P	P	C/E	C/E	C/E	P	—
Accessory Dwelling Unit	C	C	P	P	C	C	C	C	P	—	—	—	P	—
2-4 Unit Dwelling	P	P	P	P	—	—	P	P	P	—	—	—	—	—
Townhome	P	P	P	P	—	C	P	P	P	—	—	—	—	—
Multifamily Dwelling (5+ units/bldg)	—	P	P	P	—	—	P	P	P	—	—	—	—	—
Manufactured Housing	—	—	—	—	—	—	—	C	—	—	—	—	—	—
Manufactured Home Park	—	—	—	—	—	—	—	C	—	—	—	—	—	—
Group Home (≤9 residents)	P	P	P	P	P	P	P	P	P	—	—	—	—	—
Group Home (>9 residents)	—	P	P	P	—	—	C	P	P	—	—	—	—	—
Residential Care Facilities	—	C	C	C	SE	SE	C	C	C	C	—	—	—	—
LODGING														
Home Stay Bed and Breakfast (Up to 3/5? guest rooms)	C	P	P	P	C	C	C	—	P	P	—	—	P	—
Bed and Breakfast Inn (3/5?-10 guest rooms)	C	C	P	P	—	C	C	—	P	P	—	—	P	—
Inn (Up to 24 Rooms)	—	P	P	P	—	—	—	—	P	P	—	—	—	—

P: Permitted Use C: Conditional Use SE: Special Exception E: in Existing Building Only RF: Retail Frontage Only — Prohibited use

3 Use Provisions | 3.2 Table of Permitted Uses

DISTRICT DESCRIPTION	MIXED-USE DISTRICT STANDARDS				CONVENTIONAL DISTRICT STANDARDS						SPECIAL DISTRICT STANDARDS			
	Neighborhood Residential	Neighborhood Mixed-Use	Downtown Mixed-Use	Urban Corridor Mixed-Use	General Residential	General Residential	Multi-Family Residential	Manufactured Home Parks	Neighborhood Business	General Business	Light Industrial	Heavy Industrial	Agricultural Conservation	Public Lands
DISTRICT	N-R	N-MX	D-MX	UC-MX	GR-2	GR-5	MF-R	MH-R	N-B	G-B	L-1	H-I	AC	PL
PREVIOUS DISTRICTS	B1 and some B2	B1 and some B2	CBD/B3	B3 (Re-development)	R-1	R-2 & R-3 (AS CU/SUP)	R-6	R-7	B-2	B-3	I-1	I-2	No Changes	No Changes
Hotel/Inn/Extended Stay (No Room Limit)	—	—	P	P	—	—	—	—	—	P	P	—	—	—
Short Term Rental	C	C	P	P	C	C	C	C	P	—	—	—	—	—
Recreational Vehicle Park	—	—	—	—	—	—	—	P	—	P	P	—	—	—
OFFICE/SERVICE														
ATM	—	C	C	P	—	—	—	—	C	P	—	—	—	—
Banks, Credit Unions, Financial Services	—	P	P	P	—	—	—	—	P	P	P	P	—	—
Business Support Services	—	P	P	P	—	—	—	—	P	P	—	—	—	—
Funeral Homes/ Crematoria	—	—	P	P	—	—	—	—	—	P	P	P	—	—
Home Occupation	C	C	P	P	C	C	C	C	P	—	—	—	P	—
Kennels, Outdoor	—	—	—	P	—	—	—	—	—	P	P	P	—	—
Laundry, Dry Cleaning Plant	—	—	—	P	—	—	—	—	P	P	P	P	—	—
Medical Clinic/Urgent Care	—	P	P	P	—	—	—	—	P	P	P	P	—	—
Personal Services	—	C	C	P	—	—	—	—	C	P	P	P	—	—
Professional Services	—	C	C	P	—	—	—	—	P	P	P	P	—	—
Small Equipment Repair/Rental	—	—	P	P	—	—	—	—	—	P	P	P	—	—
Studio – Art, dance, martial arts, music	—	P	P	P	—	—	—	—	P	P	P	—	—	—
Veterinary Services	—	—	P	P	—	—	—	—	P	P	P	P	P	—
COMMERCIAL/ENTERTAINMENT														
Adult Establishment	—	—	—	—	—	—	—	—	—	—	—	C	—	—
Alcoholic Beverage Sales Store	—	—	P	P	—	—	—	—	—	P	P	—	—	—
Bar/Tavern/Night Club	—	SE	P	P	—	—	—	—	SE	P	P	P	—	—
Entertainment, Indoor	—	—	P	P	—	—	—	—	—	P	P	—	—	—

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DISTRICT DESCRIPTION	MIXED-USE DISTRICT STANDARDS				CONVENTIONAL DISTRICT STANDARDS						SPECIAL DISTRICT STANDARDS			
	Neighborhood Residential	Neighborhood Mixed-Use	Downtown Mixed-Use	Urban Corridor Mixed-Use	General Residential	General Residential	Multi-Family Residential	Manufactured Home Parks	Neighborhood Business	General Business	Light Industrial	Heavy Industrial	Agricultural Conservation	Public Lands
DISTRICT	N-R	N-MX	D-MX	UC-MX	GR-2	GR-5	MF-R	MH-R	N-B	G-B	L-1	H-I	AC	PL
PREVIOUS DISTRICTS	B1 and some B2	B1 and some B2	CBD/B3	B3 (Re-development)	R-1	R-2 & R-3 (AS CU/SUP)	R-6	R-7	B-2	B-3	I-1	I-2	No Changes	No Changes
Entertainment, Outdoor	—	—	P	P	—	—	—	—	—	P	P	—	—	—
General Commercial	—	C	P	P	—	—	—	—	C	P	P	—	—	—
General Commercial – Use Greater than 100,000 sf	—	—	—	P	—	—	—	—	—	P	?	—	—	—
Open Air Retail	—	—	—	P	—	—	—	—	—	P	—	—	—	—
Outside Display/Sales	—	C	C	C	—	—	—	—	C	C	P	—	—	—
Restaurant	—	P	P	P	—	—	—	—	P	P	P	P	P	P
CIVIC USES & PARKS														
Cemetery	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Community Facility	C	P	P	P	C	C	P	P	P	P	P	P	P	P
Cultural Facility	C	P	P	P	—	—	P	P	P	P	P	—	P	P
Conference/ Convention Center	—	—	P	P	—	—	—	—	—	P	P	—	—	P
Educational Campus	SE	P	P	P	SE	SE	SE	SE	P	P	P	P	—	P
Government Facility	—	P	P	P	—	—	—	—	P	P	P	P	—	P
Parks and Playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreation Facilities, Indoor	C	P	P	P	SE	SE	P	P	P	P	P	P	P	P
Recreation Facilities, Outdoor	P	P	P	P	SE	P	P	P	P	P	P	P	P	P
Religious Institution	P	P	P	P	P	P	P	P	P	P	P	P	P	—
EDUCATIONAL/INSTITUTIONAL														
Family Child Day Care Home (6 or less children)	C	P	P	P	C	C	C	C	P	P	P	P	C	—
Group Child Care Home (7-12 children)	—	P	P	P	—	—	—	—	P	P	P	P	—	—
Commercial Child Care Center (More than 13 children)	—	P	P	P	—	—	—	—	P	P	P	P	—	—
Community Advocacy Facility	C	C	P	P	SE	—	—	—	P	—	—	—	—	—

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DISTRICT	N-R	N-MX	D-MX	UC-MX	GR-2	GR-5	MF-R	MH-R	N-B	G-B	L-1	H-I	AC	PL
PREVIOUS DISTRICTS	B1 and some B2	B1 and some B2	CBD/B3	B3 (Re-development)	R-1	R-2 & R-3 (AS CU/SUP)	R-6	R-7	B-2	B-3	I-1	I-2	No Changes	No Changes
Correctional Institution	—	—	—	—	—	—	—	—	—	—	P	P	—	—
Halfway House	—	—	—	—	—	—	SE	—	SE	SE	—	—	—	—
Health Care Facilities (Hospital, Inpatient Facilities)	—	—	—	P	—	—	—	—	—	P	P	P	—	—
VEHICULAR														
Drive-Thru/Drive-In Facility	—	—	—	C	—	—	—	—	—	P	P	P	—	—
Gas/Fueling Station	—	—	—	C	—	—	—	—	—	P	P	P	—	—
Heavy Equipment/Manufactured Home Rental/Sales	—	—	—	—	—	—	—	—	—	—	P	P	—	—
Parking Lot/Structure – Principal Use	—	—	P	P	—	—	—	—	—	P	P	—	—	P
Theater, Drive-In	—	—	—	—	—	—	—	—	—	P	P	P	—	—
Vehicle Rental/Leasing/Sales	—	—	—	C	—	—	—	—	—	P	P	P	—	—
Vehicle Services – Maintenance/Repair	—	—	—	C	—	—	—	—	—	P	P	P	—	—
Water/Marine-Oriented Facilities	—	—	—	—	—	—	—	—	—	P	P	—	—	P
INDUSTRIAL/WHOLESALE/STORAGE														
Distribution Terminal	—	—	—	—	—	—	—	—	—	—	P	P	—	—
Landfill	—	—	—	—	—	—	—	—	—	—	—	SE	—	—
Light Manufacturing Workshops/Brewery	—	C	C	C	—	—	—	—	C	P	P	P	—	—
Manufacturing & Production, Light	—	—	—	—	—	—	—	—	—	P	P	P	—	—
Manufacturing & Production, Heavy	—	—	—	—	—	—	—	—	—	—	—	P	—	—
Materials Recovery & Waste Transfer Facilities	—	—	—	—	—	—	—	—	—	—	P	P	—	P
Recycling Collection Stations	—	—	—	—	—	—	—	—	—	—	P	P	—	P

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PREVIOUS DISTRICTS	B1 and some B2	B1 and some B2	CBD/B3	B3 (Re-development)	R-1	R-2 & R-3 (AS CU/SUP)	R-6	R-7	B-2	B-3	I-1	I-2	No Changes	No Changes
Storage - Outdoor Storage Yard	—	—	—	C	—	—	—	—	—	C	P	P	C	P
Storage – Self-Service	—	—	C	C	—	—	—	—	C	P	P	P	—	—
Truck Terminal	—	—	—	—	—	—	—	—	—	—	P	P	—	—
Warehousing	—	—	—	C	—	—	—	—	—	P	P	P	—	—
Wholesaling and Distribution	—	—	—	—	—	—	—	—	—	C	P	P	—	—
AGRICULTURE														
Animal Production	—	—	—	—	—	—	—	—	—	—	—	—	P	—
Backyard Pens/ Coops/Beehives	C	C	C	C	C	C	C	C	C	C	P	P	P	P
Equestrian Centers	—	—	—	—	—	—	—	—	—	—	—	—	P	—
Forestry	—	—	—	—	—	—	—	—	—	—	—	—	P	P
Gardens (Community and Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Nurseries & Garden Centers	—	—	P	P	—	—	—	—	P	P	P	P	P	—
Roadside Stands/ Farmer's Markets	—	—	P	P	—	—	—	—	P	P	—	—	P	P
INFRASTRUCTURE														
Aviation Services	—	—	—	—	—	—	—	—	—	—	—	P	—	—
Minor Infrastructure/ Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Major Infrastructure/ Utilities	—	—	—	—	—	—	—	—	—	—	C	C	SE	SE
Wireless Telecommunications Tower	SE	SE	SE	C	SE	SE	SE	SE	C	C	C	C	C	C

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3.3 CONDITIONAL USE PROVISIONS

There are certain uses which, by their nature, have the potential to create adverse impacts on nearby properties. It is the purpose of this chapter to allow such uses to be constructed, continued, and/or expanded without adverse effects by establishing standards that mitigate the impacts of their design and operation. The specified standards are intended to ensure that these uses fit the vision of the zoning districts in which they are permitted, and that these uses are compatible with other development permitted within the districts.

3.3.1 GENERAL PROVISIONS

- A. Conflict with Other Regulations: If there is a conflict between the standards set forth in this chapter and any other requirements of this ordinance, the most restrictive standard shall control.
- B. Separation Requirements
 - 1. Separation requirements are included in this chapter for certain uses which, by their nature, tend to have a blighting effect upon surrounding properties when they are permitted to cluster in groups of more than one such use, or when they are located too near adjacent sensitive uses.
 - 2. When separation requirements are established, the distance specified shall be measured as a straight line on a map, not street distance.
 - 3. When separation requirements are established from specific uses, the distance specified shall be enforced from any buildings used for the purpose identified and any off-street parking areas associated with such uses.
 - 4. Any use lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a different use from which a separation requirement is established in this chapter.

3.3.2 RESIDENTIAL USE CATEGORIES

- A. Single Family Dwelling (G-B, L-I, H-I)
 - 1. Only existing single family dwellings and alterations and expansions less than 50% of their total floor area are permitted.
- B. Accessory Dwelling Unit (N-R, N-MX, GR-2, GR-5, MF-R, MH-R)
 - 1. Infrastructure: The lot shall be served with public water and sewer.
 - 2. Number of ADUs allowed: 1 per lot (2 permitted in N-R, N-MX, and GR-2)
 - 3. Ownership: The primary dwelling and the ADU shall have the same ownership.
 - 4. Placement on the Lot: The ADU shall be sited to the rear of the primary residence only.
 - 5. Maximum Number of Bedrooms: 2
 - 6. Minimum Size: 240 square feet in total area
 - 7. Maximum Size: Less than 50% of the gross floor area of the primary building
 - 8. Maximum Number of Residents: The number of adults (i.e., persons over 18 years of age) that will reside in the accessory dwelling unit will be limited to two;
 - 9. Outside Entrance: For an attached ADU, any additional entrances will be located in the side or the rear of the primary structure. Additional external stairways or fire ladders are strongly discouraged but permitted when no practical alternative exists.
 - 10. Compatibility: The exterior of the accessory dwelling unit shall be compatible with the

primary dwelling in terms of color, siding, roof pitch, window detailing, roofing materials, and foundation appearance.

C. Townhomes

1. A townhome building is permitted as part of a complete block face (from street to street) development/redevelopment only.

D. Manufactured Housing (MH-R)

All manufactured homes which are hereafter placed either on individual lots or in spaces in mobile home parks shall comply with the following requirements:

1. Any manufactured home constructed before July 1, 1970, must be approved by Underwriters' Laboratories and any mobile home constructed after that time must meet all applicable state and federal standards.
2. All mobile homes shall be tied down in accordance with the Uniform Standards Code for Manufactured Housing (SC Code of Laws Section 40-29).
3. Design Standards
 - a. A continuous foundation enclosure, unpierced except for required ventilation and access, shall be installed. The enclosure may consist of brick or concrete block, or other masonry, or wood, rigid vinyl or metal fabricated for this purpose.
 - b. Any wood framing for foundation skirting shall be constructed with treated lumber. The foundation or skirt shall be in compliance with all applicable codes and regulations

E. Manufactured Home Park (MH-R)

1. Site Dimensions (minimum): 5 acres with a minimum width of 150 feet.
2. Infrastructure: The site shall be served by public water and sewer facilities.
3. Density (maximum): 8 manufactured home units per acre.
4. Width per space (minimum): 40 feet
5. Area per Space (minimum): 4,000 square feet – must be clearly defined
6. Open Space: Required dedication of open space shall be in accordance with the provisions of Chapter 6.
7. Posting: The Certificate of Occupancy shall be conspicuously posted in the office or on the premises of the Manufactured Home District.

F. Group Home (>9 residents)

1. General Standards: Group homes shall be well maintained inside and outside, be safe and sanitary, and not be occupied by a person who would constitute a direct threat to the health and safety of other persons.
2. Spacing between Group Homes: Group Homes shall not be located within a radius of three thousand (3,000) feet of another Group Home (measured from the nearest point of the existing home to the nearest point of the proposed home)

G. Residential Care Facilities (N-MX, D-MX, UC-MX, GR-2, GR-5, MF-R, MH-R, N-B, G-B)

1. Multi-family dwelling standards apply: Such facilities are subject to the same standards as other multi-family dwellings including the provision of parks and open space and the alignment of buildings along streets.
2. Parking: Any parking requirement shall be one half of the calculated rate per bedroom. The

Administrator may further reduce this if it can be determined that such excess parking will serve no practical need for the facility.

3.3.2 LODGING

- A. Home Stay Bed and Breakfast (Up to 3/5² guest rooms) (N-R, GR-2, GR-5, MF-R)
 - 1. Owner Residency Required: The house shall be owner-occupied.
 - 2. Maximum Number of Guest Rooms: 3
 - 3. Peaceful Enjoyment by Neighbors: Such use shall create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic, or parking problem.
 - 4. Meals to Guests Only: No meals other than breakfast may be served by the resident owner to the paying guests.
 - 5. Parking: One off-street parking place shall be provided for each guest room. Guest parking shall be in designated off-street parking areas consistent with neighborhood standards. No parking spaces, other than driveways, may be located in the required front yard setback.

- B. Bed and Breakfast Inn (3/5²-10 guest rooms) (N-R, N-MX, GR-5, MF-R)
 - 1. Maximum Number of Guest Rooms: 10
 - 2. Peaceful Enjoyment by Neighbors: Such use shall create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic, or parking problem.
 - 3. Meals to Guests Only: No meals other than breakfast may be served by the resident owner to the paying guests.
 - 4. Parking: One off-street parking place shall be provided for each guest room. Guest parking shall be in designated off-street parking areas consistent with neighborhood standards. No parking spaces, other than driveways, may be located in the required front yard setback.
 - 5. Operation: Bed & Breakfast Inns shall be operated by a resident manager.

- C. Short Term Rental (N-R, N-MX, GR-2, GR-5, MF-R, MH-R)
 - 1. Residency Required: The Permanent Resident must occupy the residential unit for no less than 275 days out of the calendar year in which the residential unit is rented as a Short-Term Rental or, if the Permanent Resident has not rented or owned the Residential Unit for the full preceding calendar year, for no less than 75% of the days he or she has owned or rented the Residential Unit;
 - 2. Records Required: The Permanent Resident shall maintain records for two years demonstrating compliance with these provisions, including but not limited to information demonstrating Primary Residency, the number of days per calendar year he or she has occupied the residential unit, the number of days per calendar year the residential unit has been rented as a Short-Term Rental, and compliance with the insurance requirement in this subsection. These records shall be made available to the Town upon request;
 - 3. Business License Required: A Permanent Resident offering a residential unit for Short-Term Rental shall maintain a valid business license.

4. Peaceful Enjoyment by Neighbors: Such use shall create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic, or parking problem.

3.3.3 OFFICE/SERVICE

- A. ATM (N-MX, D-MX, N-B)
 1. Drive-thru ATMs are prohibited.
 2. Design review by the CDRB is required.
- B. Home Occupation (N-R, N-MX, GR-2, GR-5, MF-R, MH-R)
 1. Residential Characteristics: There is no exterior indication other than a sign permitted by the district regulations, nor any mechanical equipment in regular operation, that the building is being used for any purpose other than a dwelling.
 2. Interior Use: The residential portion of the principal building shall occupy not less than 50% of the gross floor area.
 3. Peaceful Enjoyment by Neighbors: Such use shall create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic, or parking problem.
 4. Location of business: A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure that meets the requirements of this ordinance.
 5. On-Site Employees: The number of non-resident, regular, on-site employees shall be limited as follows:
 - a. GR-2 District: 0
 - b. N-R, GR-2, GR-5, MF-R, MH-R: 2
 - c. N-MX: Not limited
 6. Commercial Vehicles: Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation. Large vans, construction equipment, and similarly large-sized vehicles are not permitted.
 7. Parking: Client parking shall be in designated off-street parking areas consistent with neighborhood standards. No parking spaces, other than driveways, may be located in the required front yard setback. Care shall be taken to ensure that on-street parking by clients does not disrupt normal neighborhood parking.
 8. Signage: No more than one sign identifying, or in any way pertaining to, the home occupation shall be permitted, and all such signs shall meet the requirements of Chapter 10.
 9. Typical home occupation business include, but are not limited to, professional services, personal services, small equipment repair, business support services, family day care homes, and studios.
- C. Personal Services, Restricted (N-MX, D-MX, N-B)
 1. Spacing: The minimum spacing between another tattoo or body piercing facility shall be 500 feet.

3.3.4 COMMERCIAL/ENTERTAINMENT

- A. Adult Establishment (H-I)

1. Purpose and Intent: Adult businesses and sexually-oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, lewdness, public indecency, prostitution, potential spread of disease, illicit drug use and drug trafficking, personal and property crimes, negative impacts on surrounding properties, blight, litter, and sexual assault and exploitation.
2. Proximity to Other Uses: No Adult Establishment shall be within 1000 feet of any religious institution, school, residential-zoned property, public park, day care facility, youth activity center, the property line of a lot in residential use, or another Adult Establishment. For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an Adult Establishment is located, to the affected lot or structure.
3. Prohibitions Regarding Minors and Adult Establishments: No person under 18 years of age may be admitted and may remain unless accompanied by a parent or guardian; may purchase goods or services at the business premises without the specific consent of a parent or guardian; or work at the business premises as an employee.
4. Interior Activity to be Shielded from View: No portion of the interior premises may be visible from outside the premises.
5. Parking: All off-street parking areas shall be located in front of the building for safety reasons.
6. Lighting: All off-street parking and premises entries of the Adult Establishment shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one footcandle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the Adult Establishment for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises.
7. Nudity at Adult Establishments: The United States Supreme Court decision in *Barnes v. Glen Theater, Inc.*, 501 U.S. 560, 111 (1991) which upheld the rights of cities to prohibit live public exposure of a person's private parts, specifically applies to Adult Establishments (regardless of whether or not a permit has been issued to said businesses under this section) where no alcoholic beverages are sold, served, or consumed at the premises. Full public nudity is prohibited within the Town, including any Adult Establishment.
8. Hours of Operation: An adult business or sexually-oriented business may not be or remain open for business between 12:00 midnight and 6:00 a.m., except if the business that holds a liquor license pursuant to Chapter 6, Title 61 may remain open until the hour specified in that license, provided that it does not conduct, offer, or allow sexually-oriented entertainment activity between the hours of 12:00 midnight and 6:00 a.m.
9. Certain Acts Prohibited: While on the premises of an Adult Establishment: An employee, while in a state of sexually explicit nudity or while semi-nude, may not knowingly appear in the view of a patron unless the employee is at least 6 feet from all patrons and on a stage at least 2 feet above the floor; touch a patron or the clothing of a patron; or while in the view of a patron, touch another person who is in a state of sexually explicit nudity or while semi-nude. No patron knowingly shall touch an employee while that employee is in a state of sexually explicit nudity or while semi-nude, or touch the clothing or costume of an employee while that employee is in a state of sexually explicit nudity or while semi-nude; and an employee of an Adult Establishment who regularly appears in a state of sexually explicit nudity or while semi-nude on the premises may not knowingly be or remain within six feet of a patron.

- B. General Commercial (N-MX, N-B)
 - 1. Maximum Commercial Tenant Space per Building: 5,000 square feet
- C. Outside Display/Sales (N-MX, D-MX, UC-MX, N-B, G-B)
 - 1. Minimum Sidewalk Clearance: A minimum 6 foot clear zone along any public sidewalk shall be maintained.
 - 2. Temporary Displays: Displays of merchandise which are subject to movement in windy conditions shall be removed when the business is closed.

3.3.5 CIVIC USES & PARKS

- A. Community or Cultural Facility (N-R, GR-2, GR-5)
 - 1. Building Design: Such structures shall be designed as detached houses and shall follow the design standards of Section 4.5.A.
- B. Educational Campus (N-R, GR-2, GR-5, MF-R, MH-R)
 - 1. All projects shall be subject to Design Review by the CDRB.
- C. Recreation Facilities, Indoor (N-R)
 - 1. Building Design: Such structures shall be designed as detached houses and shall follow the design standards of Section 4.5.A.
- D. Recreational Facilities, Outdoor (GR-2)
 - 1. All projects shall be subject to Design Review by the CDRB.
 - 2. There shall be a minimum 100 foot buffer between any occupiable structure and any adjacent lot.
 - 3. There shall be no field lighting.

3.3.6 EDUCATIONAL/INSTITUTIONAL

- A. Family Child Day Care Home (6 or less children) (N-R, GR-2, GR-5, MF-R, MH-R)
 - 1. Outdoor Play Areas: Play areas shall be safely segregated from parking, loading, or service areas.
 - 2. Resident Operator Required: A Family Day Care Home is permitted in a private residence occupied by the authorized operator only.
 - 3. Buffering: A landscaped hedge or fence of at least 6 feet in height shall be provided along any rear or side property line adjoining existing residential development.
- B. Community Advocacy Facilities (N-R, N-MX, GR-2)
 - 1. Management: The facility must be operated and managed by a nonprofit organization recognized in the community as providing services that relate to the medical care of minor victims of crime and/or abuse including, but not limited to, the physical and mental assessment/counseling of said victims.
 - 2. Building Design: Such structures shall be designed as detached houses and shall follow the design standards of Section 4.5.A.
 - 3. Peaceful Enjoyment by Neighbors: Such use shall create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic, or parking problem.

4. Visually Inconspicuous: There shall be no exterior indication other than a sign permitted by the district regulations that the building is being used for any purpose other than a dwelling.
 5. Screening: A Landscape Screen in accordance with section 8.7.1 shall be provided.
- C. Halfway Houses (MF-R, N-B, G-B)
1. Separation Requirement: No such use may be located within 2,640 feet (or ½ mile) of a Family Child Care Home, Residential Care Facility, Educational Campus, Child Care Facility, or another such use measured as a straight line on a map.
 2. Maximum Number of Residents: Halfway Homes shall accommodate a maximum of 6 residents per use and a maximum of 1 resident per bedroom.

3.3.7 VEHICULAR

- A. Drive-Thru/Drive-In Facility (UC-MX)
1. Design Review Required: All new Drive-Through Facilities shall be subject to Design Review.
 2. Rear Location: Drive-thru service windows must be located in the rear of properties, in mid-block and alley accessed locations.
 3. May Not Face Public Street: The drive-thru window shall not be located on the façade of the building facing the primary street.
 4. Maximum Stacking: The maximum stacking area allowed for vehicles shall be three vehicle lengths.
 5. Maximum Number of Stacking Lanes: 1
 6. Location of Stacking Lanes: Stacking lanes are prohibited from circulating between the building and the street.
- B. Gas/Fueling Station (UC-MX)
1. Maximum Number at Intersection: No more than 2 Gas/Fueling Sales facilities are permitted at any intersection of any Arterial Street or Major Thoroughfare. No more than 1 Fuel Sales facility is permitted at the intersection of other streets.
 2. Pump Island/Canopy Location: Gasoline pumps, canopies, and associated service areas are prohibited in any established front yard abutting a street.
- C. Vehicle Rental/Leasing/Sales (UC-MX)
1. Parking: No vehicles or boats shall be parked in right-of-way.
 2. Outdoor Display: No vehicles shall be displayed with their hoods open, except in the display building, which shall be an enclosed structure. Balloons, spinners, pennants, banners, and other wind-blown devices are prohibited.
 3. Orientation and Screening: Service bay doors shall be located perpendicular to the road fronting the site and shall be screened from all other streets and adjacent residential development.
 4. Outdoor Intercoms: Outdoor amplification of sound (e.g., loudspeakers) shall not be audible beyond the property lines.
- D. Vehicle Services – Maintenance/Repair (UC-MX)
1. Buffer: Parking and/or service areas shall be separated from adjoining residential properties by a planting screen, fence, or wall at least 6 feet in height.

2. Noise: No objectionable sound, vibration, heat, glare or electrical disturbance shall be created which is perceptible beyond the premises.
3. Orientation: The bay doors to the garage shall not be oriented toward the public right-of-way.
4. Outdoor Activities Prohibited: All operations and storage of parts shall be within a fully enclosed building.
5. Screening: Any vehicles stored on the site during nonbusiness hours shall be located within a fully enclosed building or shall be stored behind the front building line and shall be completely screened (100% opacity) from the street and adjoining properties using natural buffers, fencing, buildings, or a combination thereof. Chain link fencing shall not be permitted as a screening material if the fence will be visible from any street or parking area.

3.3.8 INDUSTRIAL/WHOLESALE/STORAGE

A. Landfill (H-I)

1. Buffer: An additional 100 feet of forested buffer, landscaped with 1 overstory tree per 50 feet, around the entire property is required. If there is an existing residential development on adjacent property, both an opaque wall and an additional 25 feet of forested buffer shall be included.

B. Light Manufacturing Workshop/Brewery (N-MX, D-MX, UC-MX, N-B)

1. Operations: Any industrial use (and incidental operations) that involves manufacturing, processing, assembly, storage operations are permitted, provided that the manufacturing, processing, assembly or storage in no way involves any junk or salvage operations.
2. Open Storage: No open storage of junk or salvage materials shall occur on the site.
3. Noise and Pollution: Any noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions related to the operation shall not be sufficient to create a nuisance beyond the premises.

C. Storage - Outdoor Storage Yard (UC-MX, G-B)

1. Junkyard Prohibited: No open storage of junk or salvage materials of any type shall occur in conjunction with the operation.
2. Screening Required: All areas established for outdoor storage shall be screened from view from any public right-of-way and from all abutting properties by an opaque landscape screen in accordance with the provisions of Section 8.7. Wherever security fencing is desired, it shall be placed on the interior side of the screen.
3. Accessory Use Location: Where proposed as an accessory use in conjunction with a building, no storage area shall be placed in any building setback area.
4. Principal Use Location: Where proposed as a principal use on a lot, no storage area shall be closer than 40 feet from a street right-of-way.

D. Storage – Self-Service (D-MX, UC-MX, N-B)

1. Enclosed Storage: All storage shall be located within the building, and outside storage of any type, including moving vans, trailers, vehicles and boats, is prohibited except in a rear yard fully screened from view.
2. Active Ground Floor Uses Required: Any ground floor building façade that fronts a public street shall be wrapped by professional offices, general commercial, restaurants, bars/taverns/

nightclubs, or similar active uses. A maximum of 50% of this space may be occupied by the rental and management office for the self-storage facility.

3. Access to Units: Access to individual self-storage units shall be provided by internal hallways.
 4. Compliance with Design Requirements: Compliance with the provisions of Section 4.5 is required.
- E. Warehousing (UC-MX)
1. Truck Terminals are not permitted in UC-MX. Warehousing (UC-MX)
- F. Wholesaling and Distribution (G-B)
1. Truck Terminals and Distribution Centers are not permitted.

3.3.9 AGRICULTURE

- A. Backyard Pens/Coops/Beehives (All except L-1, H-1, AC, PL)
1. Small animal husbandry permitted: The keeping of small animals such as poultry, rabbits and other similar small creatures however these provisions do not apply to the keeping of roosters or of cows, bulls, oxen, horses, donkeys, mules, sheep or any other similar large animals or livestock.
 2. Poultry Restriction: For lots less than 1 acre in total area, the keeping of roosters and more than 8 hens is prohibited.
 3. Location and Fencing: All animals shall be kept in the rear yard in a fenced area or other enclosure sufficient to prevent their encroachment on neighboring properties.
 4. Fencing Required for Beehives: Fencing shall be required for any colony that is situated within 25 feet of an adjacent developed property, as measured from the nearest point on the hive to the property line. No fencing is required when the adjacent property is undeveloped. In such instances the beekeeper shall either:
 - a. Provide a 6 foot barrier such as a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends 10 feet in each direction so that bees are forced to fly at least 6 feet above ground level over the property lines in the vicinity of the apiary; or
 - b. Locate the hive so that it is at least 8 feet above the ground level at the property line.

3.3.10 INFRASTRUCTURE

- A. Major Infrastructure/Utilities (L-I-H-I, AC, PL)
1. Solar Energy Installations (SES) – Large Installations
 - a. FAA Compliance: Applicant shall show proof of compliance with applicable FAA requirements including the notification of all airports within five (5) nautical miles of the center of the SES a minimum of 30 days before any required public hearing.
 - b. Solar Glare Hazard Analysis Tool Required: As a part of any site plan, the applicant shall include the report from a Solar Glare Hazard Analysis Tool, or similar approved evaluation system for measuring aviation hazards from solar glare.
 - c. Buffering/Screening: Screening: A Landscape Screen in accordance with section 8.7.1 shall be provided.
 - d. Decommissioning Plan: A decommissioning plan signed by the party responsible for

decommissioning and the landowner (if different) and recorded with the Register of Deeds addressing the following shall be submitted with permit application:

- i. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, etc.); and
- ii. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations; and
- iii. Restoration of property to condition prior to development of the SES.
- iv. Time frame for completion of decommissioning activities, not to exceed one year; and
- v. Description and copy of any lease or any other agreement with landowner regarding decommissioning; and
- vi. Name and address of person or party responsible for decommissioning; and
- vii. Plans and schedule for updating this decommissioning plan.

B. Wireless Telecommunication Towers (All except PL)

1. Application: All requests for communication towers shall be submitted in the form of an application and include the following information in addition to the general information required by this article. A nonrefundable application fee of \$100.00 shall be charged.
2. Plan Requirements: A scaled site plan showing the location of the towers, guy anchors (if any), and other structures or improvements, parking, driveways, fences, landscaped areas (specifying size, spacing and plant materials proposed), protected and grand trees affected, and adjacent land uses.
3. Engineer Certification: Report from a registered structural or civil engineer indicating tower height and design, structure, fall zone and total anticipated capacity of structure (including number and types of antennas which could be accommodated). This data shall satisfactorily demonstrate the proposed tower conforms to the requirements of the applicable building codes.
4. Co-Location Documentation: The town strongly encourages that a thorough attempt be made to co-locate on existing towers and/or structures and to make use of publicly owned land. Documentation indicating that co-location on existing towers or buildings in the vicinity of the proposed tower was attempted by the applicant but found to be unfeasible, with reasons noted. The applicant shall provide a binding statement that they will allow other companies/agencies to co-locate on an approved tower subject to the engineering and technical capabilities of the tower and a financial arrangement between the parties at fair market value.
5. Demonstration of Visual Impact: Photographs with the tower superimposed to assess visual impact or a balloon test shall be required.
6. Review and Approval Administration: Towers will be allowed as a Conditional Use in D-MX, UC-MX, N-B, G-B, L-I, H-I, AC and PL districts subject to this section. Users wishing to erect towers in all other district are subject to a Special Exception in accordance with Section 13.3.5. Location of towers in the historic district is strongly discouraged and will only be permitted by approval from the board of adjustment and the board of architectural review. Those towers located in residential areas and/or the historic district may be subject to more stringent landscaping and fencing which may be required by the applicable boards. Applications for towers on property owned by the town shall be approved by the Town Council who may vary any requirements as a condition of approval.
7. General Standards: The following general requirements shall be considered as part of the application review:

- a. **Maximum Height:** The maximum height of a tower shall be 300 feet. Towers located on existing structures shall be no more than 50 feet above the height of the structure.
- b. **Distance from Adjacent Residential or N-MX Property:** Towers shall maintain a minimum distance from any residential zone or N-MX zone of 50 feet plus one foot distance per one foot of tower height (measured from the base).
- c. **Setback:** The setback for the tower, any structure, or guy support shall be the greater of the following; the minimum fall zone as determined in the above subsection, plus ten feet, or ten feet from any guy base or structure located at the edge of the property. The land used to meet the setback shall be owned, leased or have easement rights by the applicant and the minimum lot size will be determined by meeting the setback provisions.
- d. **Tower Separation:** Towers shall not be located within 1,000 feet of another tower unless on the same property.
- e. **Landscaping of Ground Facilities:** Landscaping shall be required around the base of the tower, outside of the security fence, with at least one row of evergreen shrubs capable of forming a continuous hedge at least five feet in height, with individual plantings spaced not more than five feet apart. In addition, at least one row of evergreen trees with a minimum caliper of 4 inches at the time of planting and spaced not more than 25 feet apart shall be provided within 50 feet of the perimeter security fence.
- f. **Towers and structures shall be illuminated only to the extent required by applicable federal and state regulations.** Any additional lighting shall be oriented inward so as not to project onto surrounding property. Those towers erected in residential areas and especially in the historic district, shall be disguised as to appear as a part of the natural landscape (i.e., tree) if so directed by the Board of Zoning Appeals or the board of architectural review. All other towers shall be gray or black, except as otherwise required by applicable federal or state statute or regulation.
- g. **Signage:** No signs are permitted on or around the tower except as is required by applicable federal and state law and/or regulation (i.e., purpose of identification, warning, emergency function or contact) may be placed as required by standard industry practice.
- h. **Removal:** A communication tower taken out of service must be removed within 120 days of the date such tower ceases to be used for communication purposes and the site dismantled at the expense of the tower's owner.

3.4: ACCESSORY USES AND STRUCTURES

3.4.1 ACCESSORY USES & STRUCTURES

Accessory uses and structures are those uses and structures which are clearly incidental and subordinate to a primary use or structure located on the same lot. Accessory uses and structures are permitted by-right in all districts subject to the issuance of a Development Permit provided they meet the specific standards set forth in this chapter for such uses and structures in addition to other applicable criteria contained in this ordinance.

3.4.2 USES CUSTOMARILY ACCESSORY TO RESIDENTIAL DWELLINGS

- A. **Private Garage or Workshop:** A private garage or workshop shall comply with the following standards:
 1. **Location:** Such structure shall not be located in front of the front line of the dwelling except on lots on the marsh or water or where the garage will be more than 100 feet from the front

property line.

2. Footprint: A garage shall not exceed 50% of the footprint of the dwelling; however, in no case shall the footprint of the garage exceed 1,200 square feet.
 3. Height: Detached garages shall be limited to the number of stories prescribed in Chapter 2 (Districts).
 4. Utilities: Utilities may be provided subject to all applicable Building Codes
- B. Shed or Storage Building: Sheds and storage buildings, not to exceed 320 square feet, are permitted. Steel cargo storage containers or modified versions thereof are not permitted. Sheds shall not be located in the front yard.
- C. Other permitted accessory uses include:
- Fences
 - Private swimming pools
 - Outdoor barbecue structures
 - Playhouses
 - Animal shelters for domestic pets
 - Gardening and agricultural uses incidental to residential use

3.4.3 USES CUSTOMARILY ACCESSORY TO CHURCHES AND OTHER CIVIC USES

- A. Other permitted accessory uses include uses customarily incidental to the operation of a church including, but not limited to, recreation facilities and buildings, educational buildings, parsonage facilities and parking areas.

3.4.4 USES CUSTOMARILY ACCESSORY TO RETAIL BUSINESS, OFFICE USES AND RECREATIONAL FACILITIES

- A. Off-street parking or storage area for customers, clients or employee-owned vehicles.
- B. Completely enclosed building for the storage of supplies, stock or merchandise. Steel cargo storage containers or modified versions thereof are not permitted.
- C. Light manufacturing and/or repair facility incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the District in which the principal use is located.
- D. Sheds or tool rooms for the storage of equipment used in operations or maintenance. Steel cargo storage containers or modified versions thereof are not permitted.
- E. Within the LI and HI Districts, open yard use for the storage of materials or equipment, excluding junk or other salvage. Such uses shall be separated from adjoining properties by an opaque screen, fence or wall at least 7 feet in height above finished grade.

3.4.5 SATELLITE DISHES

- A. General Requirements: No form of advertising shall be allowed on the dish or framework other than the manufacturer's/provider's small identification plate.
- B. Location Satellite dishes shall be placed in the side or rear yard or on the roof. Dishes shall not be allowed in any front yard unless a company licensed to install satellite dishes in the town certifies that the front yard is the only place where the dish will be operational. Satellite dishes should be

screened from the street and to the degree feasible, from adjoining properties. Such screening can be accomplished through fencing, landscaping, or placement of the dish between/behind architectural features of the building.

3.4.6 RAINWATER CISTERNS

- A. Location: Rainwater cisterns shall be affixed to capture rainwater from the principal structure or accessory structure's gutter system and shall be located directly adjacent to the principal structure on a lot. Rainwater cisterns shall not be located within front, side, or rear setbacks, unless the cistern is below 5 feet in height.
- B. Comply with Other Town Policies: Water collected from rainwater cisterns shall be used in a manner that complies with town policies and regulations on rainwater harvesting.

3.4.7 SMALL WIND ENERGY SYSTEM

- A. Amount: Towers and turbines associated with a small wind energy facility shall be limited to a maximum of one per principal use.
- B. Capacity: Small wind energy facilities shall be:
 - 1. Limited to 10kw of wind power generation or less, in residential zones; and
 - 2. Limited to less than 100kw of wind power generation, in business and mixed-use zones.
- C. Location and Setback:
 - 1. Small wind energy facilities shall not be located between a principal building and any streets fronting the lot.
 - 2. A small wind energy facility shall be set back a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus 10 feet from all lot lines and overhead utilities. Guy wires and other support devices shall be set back at least 10 feet from all lot lines.
- D. Height: The maximum height of a small wind energy system (including the tower and extended blades) shall be 90 ft.
- E. Sound: Sound produced by the wind turbine under normal operating conditions, as measured at a lot line, shall not exceed 55 dBA. The 55 dBA sound level, however, may be exceeded during short-term events that occur beyond the property owner's control, such as utility outages and/or severe wind storms.
- F. Appearance: The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white, or galvanized steel).
- G. Blade Clearance: The blade tip or vane of any small wind energy facility shall have a minimum ground clearance of 15 feet above grade, as measured at the lowest point of the arc of the blades. No blades shall extend over public rights-of-way, parking, or driveway areas.
- H. Lighting: No illumination of the turbine or tower shall be allowed, unless required by the FAA.
- I. Access to Tower: Any climbing rungs shall be removed to a height of 12 feet above grade.
- J. Signage Prohibited: Signage visible from any public street shall be limited to the manufacturer's or installer's identification, appropriate warning signs, or owner identification.
- K. Abandonment: On determining that a small wind energy facility has been inoperable for 180 days or more, the Administrator shall send the property owner notice requiring restoration of the system to operating order within 180 days after receiving the notice. If the owner fails to restore the system to operating condition within the authorized time frame, the owner shall be required, at the owner's

expense, to remove the wind turbine from the tower for safety reasons. If the owner fails to remove the wind turbine from the tower, the Town may pursue legal action to have the wind turbine removed at the owner's expense.

3.4.8 SOLAR ENERGY INSTALLATIONS (SES) – SMALL INSTALLATIONS

- A. Location: The system may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground, subject to the dimensional standards for the zone in which it is located. Ground-mounted SES equipment may be located in the side or rear yard only. Lots greater than 5 acres are exempt from this requirement.
- B. Maximum Size and Weight: Such installations shall be an array composed of 4 or fewer series strings, include an inverter with rated output of 13.44 kW or less, use an engineered mounting system on a code-compliant roof and have a rooftop distributed weight of less than 5 lb/sq. ft. and less than 40 lbs. per attachment.
- C. Height:
 - 1. Ground-mounted SES equipment shall not exceed 8 feet in total height.
 - 2. SES equipment located on front or side building roofs visible from the public right-of-way shall not extend above the peak of the roof plane where it is mounted, and no portion of any such equipment shall extend more than 24 inches as measured perpendicularly to the roof at the point where it is mounted
 - 3. Any system incorporated into a nonresidential building shall be integrated into the basic form and main body of the building. If roof mounted, all collector panels shall fit into the form of the roof; if the building's roof is sloped or if "rack" mounting is used on a flat roof, the mounting must be concealed from view at street level. Exposed rack supports and free-standing collectors apart from the main building shall not be permitted.
- D. Area: The area of the system shall not exceed one-half the footprint of the principal structure or 600 square feet, whichever is greater.
- E. Solar Easements: The property owner shall be responsible for negotiating with other landowners in the vicinity to establish any solar easement designed to protect solar access for the solar energy collection system.

3.5 TEMPORARY USES

3.5.1 PERMITTED TEMPORARY USES [ADAPTS 32-12]

The Administrator may issue permits for the following temporary uses, provided that the property is zoned properly for the proposed use or as specifically exempted below and meets safety, building code and other town and state requirements:

- A. Religious meetings in a temporary structure in G-B zoning districts for a period not to exceed 30 consecutive days and not more than three times per calendar year. Religious/school meetings in all other districts in a tent or other temporary structure, for a period not to exceed 7 days.
- B. Open lot sale of seasonal natural products, such as Christmas trees, in the N-MX, D-MX, N-B, G-B, and L-I zoning districts for a period not to exceed 30 consecutive days and not more than three times per calendar year.
- C. Contractor's office and trailer for use during construction in any district, except in substantially developed residential districts, for a period of 12 consecutive months, provided that such office is

placed on the property under construction.

- D. Real estate sales offices, in conjunction with an approved subdivision or development project, in any District, for a period not to exceed 1 year, provided no cooking or sleeping accommodations are maintained in the structure.
- E. Festivals or events authorized by the Town however, the Administrator has the authority to deny the temporary use permit application or revoke the permit immediately if the applicant allows any uses, sales of products, or the provision of information that is deemed by the town to be a public nuisance and/or public safety hazard. For purposes of any town-sponsored festival, an overlay zoning district is created herein to include all parcels which immediately abut the boundary of the festival. For the period of the festival, retail sales, vendor sales, food sales, information distribution, and commercial and nonprofit solicitation purposes shall be permitted within the overlay district; provided, however, that the temporary use shall be approved by the zoning administrator through the temporary use permit application process no earlier than 60 days prior and no less than 15 days prior to the festival's official opening date.
- F. Carnival, circus, or fair subject to approval by the town council.
- G. Temporary classroom facilities shall not be located at any school, religious institution or other similar use unless a plan for improvements designed to eliminate the temporary classrooms at a time certain in the future has been approved by the Administrator. Such plan shall include a review of the placement of the temporary classrooms, and may require screening and buffering in order to comply with this Ordinance.
- H. Tents on property with a permanent structure as part of a "tent sale" supplemental to the existing business not to exceed 30 consecutive days and not more than three times per calendar year.
- I. Concession stands (mobile trailers, trucks and/or vendor carts) with the following requirements:
 - 1. Written agreement from the property owner/manager with regard to the time(s) and location of the use on the premises. For parks and civic spaces, the Administrator may provide this authority through a special event permit.
 - 2. The use shall comply with all building and fire codes, business license, revenue collection, and health laws of the Town, County, and the State of South Carolina.
 - 3. The use shall be licensed by the local health department, if applicable.
 - 4. A site plan showing the location of the proposed use on the lot and in relation to pedestrian and vehicular circulation is submitted to the Administrator or his/her designee for approval.
- J. Portable steel storage containers in any District for purposes of loading or unloading, for a period not to exceed 10 days.
- K. Cargo or freight storage containers or modified versions thereof are permitted to be used as temporary storage facilities in the G-B, LI and HI Districts for up to 3 consecutive months in any 12-month period, on the condition that the containers will not be visible from the street. The CDRB may approve usage of such containers as permanent storage facilities.
- L. All other temporary uses are required to receive a special use permit and meet the following standards to the satisfaction of the zoning officer and director of planning in order to receive the permit. Such permit will only allow the temporary use to operate for no more than 30 consecutive days and the property to have a temporary use permit no more than three times per calendar year. No property shall be used more than 90 days per calendar year for permitted temporary uses. There shall be a minimum of 15 days waiting period between permits. Variations may be granted by the Board of Zoning Appeals as a Special Exception.

3.5.2 STANDARDS FOR TEMPORARY USES [ADAPTS 32-13]

- A. Permanent changes to the site are prohibited, including tree removal.
- B. Temporary activities shall not cause the elimination of required off-street parking.
- C. All other required permits must be obtained by the operator.
- D. Activities in the designated historic district, must receive approval of the board of architectural review.
- E. The applicant must provide a notarized letter of consent from the owner of record of the property on which the temporary uses are to operate, stating their consent to all uses of the property of the temporary operation.
- F. The applicant must provide a site plan drawn to scale or showing measurements, which show the property boundaries, the location and dimensions of the proposed open air sales area, existing buildings, existing parking areas and existing driveways and roads. If there will be any temporary structures, such as a tent or stand, they also need to be shown on the site plan. The site plan also needs to include a note giving the number of parking spaces on the parcel, the approximate square footage of the existing buildings, and the use of the existing buildings, if applicable.
- G. Setbacks: Setbacks for structures (tents, stands, etc.), items for sale, or parking areas shall be 25 feet from any adjacent property line or street right-of-way except, that there shall be a 50 foot setback from any arterial road.

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