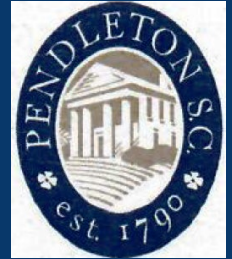


TOWN OF PENDLETON ZONING ORDINANCE



Effective
March 07, 2023

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ARTICLE 1 PURPOSE AND AUTHORITY

SECTIONS:

SECTION 1-1	SHORT TITLE
SECTION 1-2	AUTHORITY
SECTION 1-3	ORDAINING CLAUSE
SECTION 1-4	INTERPRETATION AND PURPOSES

SECTION 1-1 SHORT TITLE

The Ordinance shall be known and may be cited as the Zoning Ordinance of the Town of Pendleton, South Carolina. The map referred to herein shall be known and may be cited as the Zoning Map of the Town of Pendleton.

SECTION 1-2 AUTHORITY

This ordinance is adopted pursuant to the authority conferred by the General Statutes of South Carolina, 1976 Code of Laws, Volume 2, Title 6, Chapter 7, Article 9, Section 6-7-710.

SECTION 1-3 ORDAINING CLAUSE

It is hereby ordained by the Town Council of the Town of Pendleton, in Ordinance number 84-06, enacted on July 2, 1984, that:

The purpose of this ordinance is to regulate the location, bulk, number of stories, and size of buildings and other structures, the percentage of lots which may be occupied, the sizes of yards, courts and other open spaces, the density and distribution of population, and the uses of buildings, structures, and land for trade, industry, residence, recreation, conservation, protection against floods, public activities, and other purposes; to create districts for said purposes; to provide for the method of administration, amendment, and appeal; to create and define the duties of the Planning Commission with respect to those regulations; to provide for the imposition of penalties for violations of these regulations; to establish a means by which conflicting regulations can be repealed; and for other purposes.

And to that end the regulations and provisions set forth below are duly enacted.

SECTION 1-4 INTERPRETATION AND PURPOSES

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements adopted for the promotions of the public health, safety, and welfare. The Zoning Regulations and districts as herein established have been made in accordance with the Pendleton Comprehensive Plan, for the purpose of promoting health, safety, and the general welfare of the Town. They may have been designed, among other things:

- A. to lessen congestion on streets;
- B. to secure safety from fire, panic, and other dangers;
- C. to promote health and general welfare;
- D. to provide adequate light and air;
- E. to prevent the overcrowding of land;
- F. to avoid undue concentration of population;
- G. to facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements; and
- H. to conserve the value of property and encourage the most appropriate use of land throughout the community.

ARTICLE 2 DEFINITIONS AND INTERPRETATION

SECTIONS:

SECTION 2-1	TERMS AND WORDS USED IN ORDINANCE
SECTION 2-2	DEFINITIONS

SECTION 2-1 TERMS AND WORDS USED IN ORDINANCE

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

- A. Words used in the present tense include the future tense.
- B. The singular number includes the plural, and the plural number includes the singular.
- C. The word “person” includes a corporation, firm, company, partnership, association, organization, or public or private authority, as well as an individual.
- D. The term “shall” is always mandatory, and the word “may” is permissive.
- E. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
- F. The word “building” includes the word “structure” and the word “structure” includes the word “building.”
- G. The word “lot” includes the word “plot” or “parcel.”

SECTION 2-2 DEFINITIONS

Abutting means having a common border or property line with, or being separated from such a common border or property line by a right-of-way, alley, or easement.

Accent Lighting means any lighting which emphasizes a particular object or draws attention to a particular area, such as a sign or landscaped area.

Access, Direct means the provision of immediate ingress and egress of vehicles from an abutting property to an adjacent street.

Accessory means a building or use serving a principal building or use which is subordinate in area, extent, or purpose to the principal building or use served; designed for the comfort, convenience, or necessity of occupants of the principal use served; located on the same lot as the principal building or use served. Accessory uses shall include, but not be limited to, barns, sheds, home tennis courts, swimming pools, boat houses, docks, automobile garages, decks, patios, and private recreation areas.

Accessory structure means a detached subordinate structure(s), the use of which is incidental to that of the principal structure and located on the same lot therewith. This may include but is not limited to a detached garage, guest house, storage building, or other uses.

Acre means a standard unit of measure for land area containing forty-three thousand five-hundred and sixty (43,560) square feet.

Acreage, Gross means the total area measured to the property lines of the parcel or lot.

Acreage, Net means the total acreage of a lot, tract, or parcel of land excluding land in existing and proposed streets and street rights-of-way.

Addition (See also Alteration; Expansion) means any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

Adjoining Lot means land immediately adjacent to the lot in question, including lots located immediately across streets, alleys, water courses, drainage easements and other rights-of-way.

Adult Day Care Facility See **Child Day Care Facility**.

Adult Entertainment Establishment means an adult (defined as eighteen (18) years or older) arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter center, nude model studio, escorts or escort agencies. (SC Code 16-15-260)

Aggrieved Party means a person who has a substantial interest in any decision of the Zoning Administrator, the board of zoning appeals, or the appearance review board, and who has a right of appeal pursuant to S.C. Code §§ 6-29-800, 6-29-820, or 6-29-920, as and if amended.

Alley means a public or private right-of-way at the rear or side of property permanently reserved as a means of providing secondary or service vehicular access to abutting property, and which is not designed for general vehicular traffic. Such rights-of-way are typically less than twenty-four (24) feet in width.

All-Weather Material means a hard surface, dust-free material capable, during ordinary use, of withstanding without substantial deterioration, normal weather conditions. For the purposes of this ordinance, gravel or rock alone does not meet this definition.

Alteration means any enlargement, addition, relocation, repair, remodeling, change in number of living units, development of or change in an open area, development of or change in a sign, by painting or otherwise, or other change in a facility, but excluding cosmetic painting except as provided above for signs, ordinary maintenance for which no building permit is required, and demolition or removal.

Antenna means any device for radiating or receiving electromagnetic waves, including, but not limited to, radio, television, telephone, communication, microwave, and satellite dish antennas.

Apiary means the assembly of one or more colonies of bees at a single location.

Arcade, Amusement means a place or facility where pinball or other similar electronic games are played for amusement only. Shall not be construed so as to include bingo games nor shall it be construed so as to include gambling devices or any other similar equipment or devices deemed illegal to operate in the State of South Carolina.

Arcade means a walkway adjacent to a building that is covered by a roof, yet is not fully enclosed.

Architectural Feature means a prominent or significant part or element of a building, structure, or site.

Architectural Style means the characteristic form and detail of buildings. Common styles in Pendleton include Colonial, Neo-Classical, Federal, American Victorian, and Arts & Crafts.

Architectural Trim Lighting means low wattage lights used to call attention to a specific architectural feature or the roof line of a structure.

Area, Building means the total of areas confined by the exterior walls taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

Area, Gross means the total horizontal area within a lot or parcel of land before public streets, easements, or other areas to be dedicated or reserved for public use are deducted from such lot or parcel.

Area, Net means the total area of a site for residential or nonresidential development, excluding street rights-of-way and other publicly dedicated improvements such as parks, open space, and stormwater detention and retention facilities.

Area, Site means the total area within the property lines of a project, excluding streets rights-of-way.

As-Built Plans means construction or engineering plans prepared after the completion of construction, by the engineer of record, in such a manner as to accurately identify and depict the location of all on-site improvements, which includes but is not limited to all structures, parking facilities, detention/retention areas, curbs, gutters, and sidewalks.

Assembly Area means the use of a building or structure, or a portion thereof, for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption or awaiting transportation.

Assisted Living Facility See **Elderly Housing, Assisted Living.**

Automobile Service Station (Includes gasoline or filling station) means a place where gasoline is stored only in underground tanks, kerosene, lubrication oil and grease, for operation of automobiles, trucks, or boats, are offered for sale at retail directly to the public on premises, and including minor accessories and services for motor vehicles and boats, but not including major motor vehicle or boat repairs or tire recapping; and including the washing of motor vehicles utilizing car washing equipment, such as chain conveyors and blowers. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of business, the premises shall be classified as a commercial garage.

Automobile Wrecking Yard means an area outside of a building where vehicles are disassembled, dismantled, “junked” or “wrecked” or where motor vehicles not in operable condition or used parts of motor vehicles are stored.

Awning means a roof-like cover, often of fabric, metal, or glass, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or similar feature.

Banners mean temporary signs which are usually made of cloth, paper or plastic and are suspended.

Banquet Facility means an establishment which is rented by individuals or groups to accommodate private functions, including, but not limited to, banquets, weddings, family events, parties, and other celebrations. The establishment may include (i) kitchen facilities for the preparation or catering of food, (ii) the sale of alcoholic beverages for on-premises consumption only during scheduled events that are not open to the general public, and (iii) outdoor gardens or reception facilities. Civic, religious and community owned buildings and grounds are not included in this definition.

Base Flood Elevation means the surface elevation of the one-hundred year flood through a drainage way or floodplain as defined by the Federal Emergency Management Agency's Flood Insurance Rate Maps.

Basement (See also Cellar) means a portion of a building partly underground which has more than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground; and not deemed a story unless the ceiling is six (6) feet or more above the grade.

Beacon means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same property as the light source. Also, any light with one or more beams that rotate or move.

Bed and Breakfast means a private, owner-occupied business with three (3) or more guest rooms where overnight accommodations and a morning meal are provided to transients for compensation and where the bed-and-breakfast inn is operated primarily as a business and where onsite signage is needed.

Beekeeper means a person who owns or has charge of one or more colonies of bees.

Beekeeping Equipment means anything used in the operation of an apiary, such as hive bodies, supers, frames, tops and bottom boards and extractors.

Berm means an earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

Bicycle Facilities means improvements and provisions which accommodate or encourage bicycling, including parking facilities, maps, signs, bike lanes, multi-use paths, and shared roadways designed for bicycle use.

Bikeway means any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facility is designated for the exclusive use of bicycles or is shared with other transportation modes.

Buffer Screen means a fence, wall, hedge, or similar barrier placed close and parallel to a lot line for the purpose of separating one use from another on adjacent lots. (See [Section 6-2, Landscaping, Buffering and Screening Requirements](#)).

Bufferyard means an area of land, including landscaping, berms, walls, fences, and building setbacks, that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use on a residential or vacant parcel.

Buildable Area means that portion of a lot which may be used or built upon in accordance with zoning district regulations.

Building Coverage means the proportion of the lot area, expressed as a percent that is covered by the maximum horizontal cross section of a building or buildings. Structures which are below the finished lot grade, including bomb shelters shall be included in the building coverage.

Building Frontage means the maximum width of a building measured in a straight line parallel with the abutting street.

Building Height means the vertical distance from the grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of roofs having a pitch or more than one (1) foot in four and one-half (4 ½) feet. Height of a building in stories does not include basements and cellars, except as specifically provided otherwise.

Building Line means a line between the nearest portion of any building, excluding steps, gutters, and similar fixtures, and the property line when measured perpendicularly thereto.

Building Mass means the height, width, and depth of a structure.

Building means any structure having a roof supported by columns or walls and which is designed for shelter, support or enclosure of persons, animals or property of any kind.

Building Permit means a permit issued after review to a party proposing to fell trees, clear, excavate, or fill land, or commence alterations to a structure or commence erection of a structure, such permit recognizing that the proposed work complies with the applicable zoning district regulations and all other requirements of this Ordinance and other pertinent Ordinances of the Town.

Building, Accessory means a detached subordinate building, the use of which is customarily incidental to that of the main building and which is located on the same lot occupied by the main building.

Building, Principal means a building in which is conducted the principal use of the lot on which it is situated.

Build-To Line means a line parallel to the street along which the primary mass of the front façade must be constructed. It is measured as a perpendicular distance from the street line to the nearest point of the building façade.

Business, Freestanding means a single business or use on a single parcel that is not dependent on another parcel for compliance with required site amenities.

Business, Stand-Alone means a non-permanent business engaged in a specific commodity such as the sale of Christmas Trees on its own and not as part of a broader commercial enterprise.

Caliper See **Tree Caliper**.

Camper means a motor home, trailer, or other self-contained vehicle, designed for recreational purposes, mounted on two or more wheels, and is self-propelled or towed. Unless otherwise specified, such use is not approved for permanent residential purposes in the town.

Car Wash (Also called **Self-Service Car Wash**) means a building, or portion thereof, where automobiles are washed with the use of chain conveyor and blower or steam cleaning device. Where car washing is the principle activity, the use is not deemed to be a public garage or gasoline service station.

Carport means an open-sided shelter primarily used for vehicles and permanently constructed using rigid materials (no tarps or fabric covers).

Cellar means a portion of a building partly underground which has less than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground; and not deemed a story.

Cemetery means a place used for the burial or interment of human or animal remains or cremated remains, including a burial park for internment, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

Certificate of Occupancy means a document issued by the Town of Pendleton (required before occupancy is allowed) which certifies that the proposed use of any land, building or structure in whole or in part conforms to the requirements of this Ordinance and of the Building Code.

Chicken means female chickens, including pullets and hens.

Child Day Care Facility means a licensed facility providing day care for profit or nonprofit. This definition includes, but is not limited to, day nurseries, nursery schools, kindergartens, day care centers, and group day care homes serving the needs of children, adults, and/or special needs individuals. It does not include education facilities for grades one or above, shopping center or office building temporary care facilities, summer or day camps, or vacation Bible schools.

Civic Uses means uses intended to serve as public gathering places. Such uses include governmental offices, churches or other places of worship, schools, post offices, and non-profit or charitable clubs and organizations.

Clearing means removal of natural growth trees on a combined area of one (1) acre or more on a single parcel or part of a single project.

Clinic, Medical means a combined office for doctors, dentists, and associated technicians, but not including the care of patients, except on an outpatient basis, and not including hospital patient service or nursing home.

Club, Lodge, Civic, or Fraternal Organization means an incorporated or unincorporated association for civic, cultural, religious, literacy, political, recreational, or like activities, but not including shooting clubs, operated for the benefit of its members and not open to the general public.

Clubhouse means a building to house a club or social organization not conducted for profit and which is not an adjunct to or operated by or in connection with a public tavern, cafe, or other public place.

Columbarium means a sepulchral vault or other structure with recesses in the walls to receive the ashes of the dead or any of these recesses.

Commercial means relating to or connected with trade or commerce in general.

Commercial Complex means a building or group of buildings which consists of more than one business functioning as a unit, and which are interdependent on required site amenities such as parking, site access, landscaping and trash collection, regardless of the number of parcels the group development may be separated into.

Commercial Recreation means a business which, by its nature, is recreational, such as a bowling alley, skating rink, miniature golf course, driving range, go-cart track, tennis and racquetball club, swimming pool, video arcade, pool hall, etc.

Common Area means land within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. This term may include amenity structures and improvements.

Common Wall means the wall dividing contiguous buildings or units within a building; such a wall contains no openings and extends from its footing below the finished ground grade to the height of the exterior surface of the roof.

Communication Tower means a tower, pole or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building. This does not include private home use television reception antennae and satellite dishes, or communications towers for amateur radio operation licensed by the Federal Communications Commission (FCC).

Community Care Facilities for the Elderly means a facility primarily engaged in providing residential and personal care services for the elderly and other persons who are unable to fully care for themselves or who do not desire to live independently. This care typically includes room, board, supervision, and assistance in daily living, such as housekeeping services. Other services may include providing skilled nursing care for residents in onsite facilities.

Community Character means the image of a community or area as defined by such factors as its built environment, natural features and open space elements, type of housing, architectural style, infrastructure, and the type and quality of public facilities and services.

Community Residential Care Facility means an institution providing, for a period exceeding twenty-four (24) consecutive hours, room, board, and some personal assistance in feeding, dressing or other living activities to two or more individuals not related to the operator, including a chemical abuse residential treatment facility or half-way house providing inpatient or detoxification services.

Conditional Use means a use permitted by the district regulations upon compliance with specified conditions without review by the board of zoning appeals.

Condominium Hotel means a building or complex containing dwelling units in which each unit is individually owned and available for short-term rentals of twenty-five (25) consecutive days or fewer and where the structure, common areas, and facilities are owned by all of the owners on a proportional basis. Each unit shall be occupied by the owner for no more than ninety (90) days during a calendar year, as well as, for no more than 29 consecutive days.

Condominium means an ownership arrangement, not a land use. It is individual ownership of a dwelling unit in a multi-family structure, or an office or other building portion designed for individual ownership

with the remaining land jointly owned by the collective owners of the individual units. Condominiums are also known as horizontal property regimes (HPR).

Consanguinity, Second Degree (See also Natural Family) means husbands and wives, parents and children, grandparents and grandchildren, brothers and sisters, aunts and uncles and nephews and nieces, and first cousins. These relationships may be of the whole or half blood, by adoption, or by affinity.

Conservation Subdivision means a development characterized by common open space and clustered, compact lots. The purpose of a conservation subdivision is to protect natural resources while allowing the number of residences permissible in the applicable zoning district.

Court means an open unoccupied space bounded on two (2) or more sides by the exterior walls of a building or exterior walls and lot lines. An inner court is enclosed on all sides by exterior walls and lot lines on which walls are allowable. An outer court is enclosed on not more than three (3) sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley, or yard.

Curb Level means the level of the established curb in front of the building measured at the center of such front. If a curb does not exist, the curb level is assumed to be five inches above street or alley centerline height.

Cutoff Angle means the angle measured up from nadir (i.e., straight down) to the point which one can first view the bare light source (lamp).

Day Nursery means any agency, institution, center, home, nursery school, kindergarten, play school, or other place, however styled and whether operated under public auspices, as a private business, or by an established religious denomination, in which are received for temporary custodial care apart from their parents, part of the day or night, and upon any number of successive days, one or more children not related to the persons providing such temporary custodial care.

Decorative Flag means a flag used for decoration, not to draw attention for advertising purposes, and not containing advertisements or sale products.

Density Bonus means those residential units granted in exchange for provision of specified design and/or site requirements deemed beneficial to the general public as provided by this ordinance which exceed the otherwise maximum residential density for the development site.

Density means the number of dwelling units per acre of developable land within the boundaries of a residential project.

Density, Gross means the total number of dwelling units divided by the total project area, expressed as total dwelling units per acre.

Density, Net means the number of dwelling units within a project divided by the number of net acres.

Design Review means the process wherein a developer's site plan is submitted for examination and evaluation by the Board of Architectural Review for compliance with the specific architectural and site design standards contained in one of the officially adopted architectural review corridors designated on the official zoning map.

Detention (See also Retention; Stormwater) means the temporary on-site restraining of storm water.

Developable Land and Land which is Suitable for Development mean all lands within a project's boundaries, including lands or parcels designated for support of the development; that is, all areas for lots, parking areas, drives, roads, drainage and utility easements or rights-of-way, sign easements, entrance structure easements, and lands designated for private recreation. (Golf courses, which will be available for use by the general public on a noncommercial basis, are included for purposes of this definition.)

Development means the changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

Development, Multi-Family means a building or group of buildings containing four or more individual dwelling units with separate cooking and toilet facilities for each unit.

Diameter Breast Height (DBH) means the diameter of a tree, measured at breast height (four and one-half (4 ½) feet above ground (See [Section 6-2, Landscaping, Buffering and Screening Requirements](#)).

Dimensional Requirement means the numerical standards relating to spatial relationships, including but not limited to setback, lot area, density, and height.

District means a geographical area assigned a zoning district designation pursuant to the provisions of this chapter.

Drinking Place means an establishment engaged in retail sale of alcoholic drinks for consumption on-premises. Sale of food is not the primary source of revenue but may account for a substantial portion of receipts.

Drive-in Establishment means a business where a customer is permitted or encouraged, either by the design of physical facilities or by service and /or parking procedures, to carry on his business, in the off-street parking area accessory to the business, while seated in his motor vehicle.

Dwelling means a building or portion thereof designed, occupied, or intended for human residential occupancy, not including a hotel, motel, rooming house or boardinghouse.

Dwelling Unit means a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, or as

defined by the most recently adopted edition of the international building code. Units otherwise meeting this definition, but occupied by transients on a rental or lease basis for periods of less than one week, shall be construed to be sleeping units.

Dwelling, Attached means a dwelling attached to another dwelling by one or more common walls.

Dwelling, Detached means a building containing only one dwelling unit entirely separated by open space from buildings on adjacent lots or building sites.

Dwelling, Two-Family (or Duplex) means a building containing two independent dwelling units.

Dwelling, Multi-Family means one or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit not owned in fee simple.

Dwelling, Single-Family means a building containing only one dwelling unit. For regulatory purposes, the term is not to be construed to include mobile homes, manufactured homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of temporary or portable housing.

Easement means a right to use another person's real property for certain limited purposes, including but not limited to, utility and/or access.

Eating Establishment means any establishment, however designated, whose primary function is the sale of food for consumption on the premises. Such establishment must be licensed by the SC Department of Health and Environmental Control as a restaurant.

Elderly Housing, Assisted Living means a special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. An assisted living facility may have a central or private kitchen, dining, recreational, and other facilities designed to serve the needs of residents along with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

Expansion means an increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements or structures.

Façade means that portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

Façade Step-Back means a proscribed horizontal break in the portion of a structure's face which abuts a public right-of-way.

Family See **Natural family**.

Family Adult Care Home means a state licensed home occupation providing day care for profit or nonprofit by residents of a single-household dwelling involving the care of seven but not more than twelve adult clients are given care and supervision for periods of less than twenty-four (24) hours a day.

Family Child Care Home means a state licensed home occupation for profit or nonprofit conducted in a private home where six (6) or fewer minor children, including children related to an adult member of the family living in the home by blood, marriage, or adoption, are given care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian.

Farm means an establishment for the growing, care, and handling of field crops, truck gardening products, fruit and nut trees, and pastured animals and livestock; but excluding commercial cattle and swine feed lots, commercial poultry operations and dairies.

Fixture means an assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

Flood Hazard Area means any area of the town subject to flooding and so designated by the Federal Emergency Management Agency and delineated on applicable flood insurance rate maps (FIRM). Construction activity in flood hazard areas is subject to [Section 6-4, Flood Hazard Areas](#).

Flood Plain means the low land near a watercourse which has been, or may be, covered by water of a flood of 100-year frequency, as established by engineering practices of the U.S. Army Corps of Engineers.

Floodway means the channel of a watercourse and those portions of the adjoining floodplains which are required to carry and discharge the 100-year flood with no significant increase in the base flood elevation.

Floor Area means the total number of square feet of heated floor space including the exterior walls of a building, not including space in cellars or basements.

Floor shall mean a conditioned space defined by the vertical separation of no less than eight feet between the building slab or the floor of an individual story of the building and the ceiling enclosing the story.

Food Truck means a self-contained DHEC Certified kitchen on wheels from which food is prepared and sold.

Foot-Candle (FC) means a quantitative unit measuring the amount of light (illumination) falling onto a given point.

Frontage, Lot means the distance for which the front property line of the lot and the street line are coincident.

Frontage, Street means all the property on one side of a street between two intersecting streets, crossing or terminating, measured along the line of the street, or if the street is terminated, then all of the property abutting on one side between an intersecting street and the terminus.

Frontage means the lot boundary that coincides with a public thoroughfare or space.

Garage, Private means an accessory building or part of a main building designed and used principally for the storage of motor vehicles as an accessory use.

Garage, Public (Also called **Commercial Garage**) means any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting, or equipping of automobiles or other motor vehicles, but not used for the storage of dismantled or wrecked motor vehicles or parts.

Garage, Repair means the building and premises designed or used for purposes indicated under “automobile service station” and/or major repair, provided that body work and painting shall be conducted within full-enclosed buildings, and provided further that self-propelled vehicles not in safe operating condition shall be stored in fully-enclosed areas consistent with applicable provisions of this Ordinance.

Gasoline Station means a facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides, and minor automobile accessories, but does not provide minor vehicle servicing, minor repairs, and maintenance, including engine rebuilding but not reconditioning of motor vehicles, collision services such as body, frame, or fender straightening and repair, or overall painting of automobiles. Retail trade may include sale of convenience goods.

Gazebo means a free standing, roofed, open sided structure providing a shady resting place.

Glare means the effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability to a person of normal sensibilities.

Grade means the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Grade, Existing means the vertical elevation of the ground surface prior to excavating or filling.

Grade, Finished means the final elevation of the land surface of a site after completion of development.

Grade, Normal means the newly established grade after construction, not including any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

Grade, Street means the top of the curb or the top of the edge of the pavement or cartpath where no curb exists.

Grading means cutting, filling, excavation, or moving any dirt on a property that requires the use of heavy machinery (backhoe, bulldozer, etc.) to move.

Green Roof means the roof of a building that is partially or completely covered with vegetation and a growing medium planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. Container gardens on roofs (where plants are maintained in pots) may be considered as meeting the intent of this definition. Rooftop ponds which are used to treat greywater are another form of green roofs. The term green roof may also be used to indicate roofs that use some form of green technology, such as a cool roof, a roof with solar thermal collectors or photovoltaic panels.

Gross Floor Area means the total horizontal area of all floors of a building, including exterior balconies and mezzanines, measured from the faces of the exterior walls.

Ground Cover means any evergreen or broadleaf evergreen plant that does not attain a mature height of more than one foot. Such plants shall be characterized by a growth habit in which the plant spreads across the ground to connect with other similar plants forming a continuous vegetative cover on the ground. Sod and seed shall also be considered as qualifying groundcover.

Group Adult Care Home means a home occupation conducted for profit or nonprofit in a private home where seven (7) to twelve (12) adult clients are given care and supervision for periods of less than twenty-four (24) hours a day.

Group Child Care Home means a home occupation conducted for profit or nonprofit in a private home where seven (7) to twelve (12) minor children, including children related to an adult member of the family living in the home by blood, marriage, or adoption, are given care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian.

Group Development means a building or group of buildings which consists of numerous similar uses or a combination of normally separated uses functioning as a unit, and which are interdependent on required site amenities such as parking, site access, landscaping and trash collection, regardless of the number of parcels the group development may be separated into.

Group Home means an establishment qualified for a license by the State of South Carolina which provides resident services to individuals of whom one or more are unrelated. The individuals are handicapped, aged, or disabled, are undergoing rehabilitation or extended care, and are provided services to meet their needs. This category includes group homes for all ages, halfway houses, and foster homes, but excludes family child care homes or family adult care homes as otherwise defined herein.

Guest Cottage means an accessory dwelling structure which is 1) detached from a principal dwelling; 2) located on the same residential parcel; and 3) serves as an ancillary use providing living quarters for the occupants of the principal dwelling, their temporary guests, renters, or their domestic employees and which may contain kitchen facilities.

HID means high intensity discharge lighting where the filament of the light bulb is replaced by a capsule of gas.

Home Occupation means an occupation, livelihood, or function, operated as either a "for profit" or "not for profit" business and properly licensed by the Town of Pendleton, conducted within a residential dwelling and clearly incidental thereto, carried on by a member of the household residing on the premises. A home occupation is clearly secondary and subordinate to the principal residential use of the dwelling.

Homeowners Association means a community association which is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, or facilities.

Homestay means a legally permitted home occupation and accessory use of a primary dwelling or portion thereof where a) the full dwelling is rented for a fee or other compensation for a period or periods of up to a total of fourteen (14) rental days per calendar year; or b) individual bedrooms of a residential home occupied by the homeowner are rented for a fee or other compensation for a period or periods of up to a total of thirty (30) rental days per calendar year. Homestays do not include hotels, motels, bed and breakfast establishments, or short-term rentals that are subject to and compliant with the Town's business license and other applicable Code requirements. Homestays are not investment or full-time rental properties and are assessed at a four (4) percent rate by the county assessor for property tax purposes.

Honey Bee means all life stages of the Western honey bee, *Apis mellifera*.

Hotel and Motel means any building or portion thereof containing ten or more sleeping units, with or without separate restaurant facilities, primarily for transients, including hostels, tourist cabins, and tourist courts, but not including bed and breakfast inns, homestays or short-term rentals. A condominium hotel shall be considered a hotel provided all units comply with the occupancy limits established by that definition.

Household means a natural family, occupant, or a group of occupants, not exceeding the maximum number set forth in household occupancy regulations, residing within one dwelling unit.

Illumination means the amount of light falling on a surface, measured in lux or foot-candles.

Impervious Surface means those surfaces that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and 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 will also be classed as impervious surfaces.

Impervious Surface Ratio means 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.

Improved Surface means a ground surface covered or paved with concrete, asphalt, brick and mortar, stone and mortar, concrete pavers and mortar and/or such other material as has been approved for parking of vehicles by the community development director in such a manner as is designed to properly support the gross weight of the class of vehicle parked, support all wheels of the vehicle and

permanently prohibit both weed growth around and under the vehicle and leakage of oil, fuel and other fluids into the ground.

Itinerant Business means a business with no established and fixed place of business within the Town or which Town real property taxes are paid.

Junk or Salvage Yard means the use of any part of a lot, whether inside or outside of a building, for the storage, keeping, abandonment, sale or resale of junk, salvage, or scrap material; or the dismantling, demolition or abandonment of automobiles and other vehicles or machinery or equipment of parts thereof.

Kennel, Boarding means any property where four or more pets over the age of four months, excluding equines, are kept or maintained for any purpose, except veterinary services and hospitals.

Light Source means the element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

Light Trespass means light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited.

Live-Work Unit means a single unit, designed for and consisting of artisan or commercial use and a residential dwelling unit, where both uses are occupied by the same person and the dwelling unit is the primary dwelling of the occupant.

Living Quarters means general quarters including sleeping units and dwelling units.

Loading Space means a space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks.

Lot Area Coverage, Maximum means the total allowable lot area covered by impervious surfaces, including buildings, swimming pools, paving materials, and other hard surfaces.

Lot Area means the total horizontal area included within the rear and side property lines and front street or proposed street lines.

Lot Depth means the mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

Lot Line, Rear means the lot line that is generally opposite the front lot line; if the lot comes to a point or the rear line is less than ten (10) feet in length, the rear line shall be deemed to be a line parallel to the front line, not less than ten (10) feet long, lying wholly within the lot and farthest from the front lot line.

Lot Line means any line dividing one lot from another.

Lot means a parcel of land shown as a separate parcel on the county records, occupied or intended for occupancy by a use permitted in this chapter, including principal buildings, together with accessory buildings, and open spaces and parking and loading required by this chapter, and having its principal frontage either on a public street or on a private street of record.

Lot of Record means a lot which exists at the time of adoption of this chapter as shown or described on a plat or deed in the records of the Anderson County Register of Deeds.

Lot Width means the mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and rear lot line; or at the rear line of the required front setback (building line), especially on irregularly shaped lots.

Lot, Corner means a lot at the junction of and abutting two intersecting streets.

Lot, Double Frontage or through means a lot having a frontage on two streets at a point other than at their intersection, as distinguished from a corner lot.

Lot, Flag means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street. New flag lots are not permitted in the Town of Pendleton.

Lot, Interior means a lot other than a corner lot.

Lot, Through means a lot, other than a corner lot, having frontage on two parallel, or approximately parallel, streets.

Lot, Zoning means a parcel of land occupied or to be occupied by a principal use or uses, yards, and open spaces, which are permitted or required under the provisions of this Ordinance having frontages on an officially accepted street and having not less than the minimum area required by these regulations for a lot in the zoning district within which said parcel of land is located. A lot of record may or may not be a zoning lot.

Maintained Foot-Candles means luminous intensity of lighting fixtures adjusted for a maintenance factor accounting for dirt build-up and lamp output depreciation. The maintenance factor used in the design process to account for this depreciation cannot be lower than 0.72 for high-pressure sodium and 0.64 for metal halide and mercury vapor.

Managed Colony or managed hive means an aggregate of bees managed by a beekeeper consisting principally of workers, but having, when perfect, one queen at a time and at time many drones, including brood, combs, honey and the receptacle inhabited by the bees. Managed colony or hive does not include naturally occurring or feral bee colonies or hives.

Management Office, Onsite means a dedicated space used to oversee the day-to-day operation of a development including collection of rents, unit leasing, and supervision of maintenance of the complex, but shall not include activities related to management of off-site developments.

Maneuvering Space, Off-Street means the unobstructed area needed for a vehicle to turn around on the site, without backing onto a street.

Manufactured Home means a structure manufactured after June 15, 1976, meeting the criteria of compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974 and bearing proper certification by HUD pursuant to S.C. Code, § 40-29-20. Transportable in one or more sections, which in the traveling mode is eight feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet. Built on permanent chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it. This definition does include travel trailers.

Manufactured Home Park means a lot providing rented parking spaces for eight (8) or more manufactured homes used for dwelling units, including service buildings and facilities. Manufactured home sales or storage lots for unoccupied units are not manufactured home parks.

Map Amendment alters, enlarges, or reduces the geographic extent of a zoning district or enacts a new zoning designation for a particular tract of real property.

Mini-Warehouse means a structure comprised of individually exclusive rental units for the purpose of storage, separated by permanent walls with individual exterior doors. Each unit is not to exceed three hundred (300) square feet in floor area.

Mixed-Use means a combination of usually separated residential and commercial land uses within a single development.

Mixed-Use Development means a building or group of buildings which consists of normally separated residential and commercial land uses within a single development functioning as a unit. and which are interdependent on required site amenities such as parking, site access, landscaping, and trash collection, regardless of the number of parcels the development may be separated into.

Mixed-Use Structure means a building containing residential in addition to non-residential uses permitted in the zone.

Mobile Home means a structure manufactured prior to June 15, 1976 or manufactured after June 15, 1976 without certification of compliance with HUD standards pursuant to S.C. Code, § 40-29-70, which is a movable or portable dwelling unit over 30 feet in length constructed to be towed on its own chassis, without permanent foundation, consisting of a single or two or more connected components. The term does not include a prefabricated travel trailer, camper, or similar recreational unit.

Modular Building means a building of closed construction, other than a mobile home or manufactured home, constructed off-site in accordance with the applicable codes and transported to the point of use for installation or erection, as defined in S.C. Code, § 23-43-20(2), as amended, and which is certified by the South Carolina Building Codes Council in accord with S.C. Code § 23-43-80, as amended, and which bears evidence of such certification by attachment of a label issued by the South Carolina Building Codes Council.

Motel See **Hotel and motel**.

Mural means any mosaic, painting, or graphic art or combination thereof which is professionally applied to a building that does not contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business, or any logo, trademark, trade name, or other commercial message.

National Poultry Improvement Plan means poultry that has been tested by a South Carolina NPIP certified tester.

Natural Family means any number of persons related by blood or marriage to the second level of consanguinity.

Nonconforming means lots, structures, uses of land and structures, and characteristics of uses which are prohibited under the terms of this chapter, but were lawful at the date of enactment of this chapter.

Nursing Care Facilities means an establishment engaged in providing inpatient nursing and rehabilitative services. The care is generally provided for an extended period of time to individuals requiring care by skilled nursing professionals.

Nursing Home means a home for the aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick, injured, or mentally ill.

Occasional Parking means parking spaces allowed by ordinance on approved pervious surface for overflow parking for uses that occur during events that generate larger than normal traffic.

Occupancy means the maximum number of persons permitted to reside within a single dwelling unit.

Occupancy, Change of means the discontinuance of an existing use and the substitution therefore of a use of a different kind or class, or the expansion of the existing use.

Occupant means a natural family or an individual unrelated by blood to a second degree of consanguinity, marriage, adoption, or guardianship to any other occupant of the dwelling unit. A natural family shall be counted as one occupant.

Onsite Resident Manager shall mean an employee of the property owner(s) responsible for repair and maintenance in a residential building or complex. The onsite resident manager shall serve as the first point of contact for residents regarding minor issues and repairs. The onsite resident manager will also serve as the initial point of contact with the Town of Pendleton regarding site and related codes issues such as occupancy, trash, yard maintenance, parking, noise or related issues. The onsite manager must reside within the building or complex on a full-time basis.

Open Space means outdoor area on the ground, unoccupied and unobstructed from the ground upward, designed and accessible for outdoor living, recreation or landscaping, but excluding vehicular use, impervious pedestrian access or utility areas.

Open Space Ratio means 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.

Open Space, Common means land within or related to a development that is intended for the common use or enjoyment of the residents or occupants of the development. Common open space may contain complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of such residents. Common open space shall not be occupied by vehicular use areas, nor shall it include the setbacks or bufferyards required by the ordinance from which this definition is derived.

Outdoor Advertising means the use of signs directing public attention to any object, product, service, or function that may be offered for sale, lease or hire, or is otherwise offered to provide information, or to solicit support or compliance. Outdoor advertising shall include only those signs which are, in any way, visible to the public from a position outside the premises on which the sign is located.

Outdoor Event Facilities, Large means facility operated to provide assembly space for entertainment, educational, and cultural events generally involving the outdoor assembly of a large number of people. Such facilities may host performance events, including musical and stage productions that require amplified sound equipment, stage facilities, and the site improvements necessary to accommodate the needs of a large crowd, including sanitary facilities and adequate onsite parking.

Outdoor Event Facilities, Small means facility operated to provide assembly space for weddings, family events, social gatherings, and similar small-to-medium size events. Such facilities may include gazebos or other outdoor gathering spaces, areas for temporary installation of tents, parking, and facilities for sanitation, permanent or temporary.

Outdoor Performance Area means an area permanently dedicated to the public presentation of music, dance, theater, media arts, storytelling, oratory, or other performing arts, whether publicly or privately owned, including but not limited to amphitheatres and similar open or semi-enclosed structures.

Outdoor Storage means the storage of any material for a period greater than twenty-four (24) hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.

Overlay District means a set of regulations that add an additional layer of design provisions to an underlying zoning district.

Park means a public or private lot or facility for active or passive recreation, exercise, sports or similar activities, enhancement of natural features or beauty, but not including a commercially operated amusement park.

Parking Lot means a surface public or private open lot for parking motor vehicles as a principal use or as an accessory to a commercial or industrial use.

Parking Space means an area on a lot designated for parking a motor vehicle.

Parking Structure means a structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages, deck parking, and underground or underbuilding parking areas.

Patio Home Development means a development comprised of detached single-household dwellings located on a small lot or clustered as part of a horizontal property regime.

Pavement, Permeable means a pavement system which allows rainfall to percolate through it rather than running off. A permeable pavement system may utilize porous asphalt, pervious concrete, plastic pavers interlaid in a running bond pattern and either pinned or interlocked in place or other system approved by the Zoning Administrator.

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

Permanent Building means a structure on a separately constructed permanent foundation intended to remain in one location and last indefinitely.

Permitted Use means a use permitted outright by district regulations.

Pervious Surface means an area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water into the ground.

Plat means a map, plan, or layout of a tract of land, or a section of subdivision of land, indicating the location and boundaries of individual properties.

Plaza means an open public area at ground level.

Porch means a projection from the outside wall of a dwelling covered by a roof that can project beyond setback. Roofed open areas may be screened, attached to or part of and with direct access to or from a building.

Porte Cochere means a covered area at a main or secondary entrance to a building through which a vehicle can pass in order for the occupants to alight under cover, protected from the weather. Such structures shall not exceed one story in height and may be open on two or more sides. This term shall not be construed to be a "carport."

Predator Proof means fully enclosed, including the top of a chicken run and coop, with gaged wire no larger than chicken wire, to protect poultry from domestic animals, wild animals, and birds of prey.

Principal Structure or Use means a structure or use which is significant or primary rather than accessory.

Public Facilities, Major includes any public service improvement or structure developed by or for a public agency that is not defined as a minor public facility, including but not limited to electrical substations, sewer and water treatment plants, water reservoirs, trunk lines, regional stormwater detention facilities, new or expanded public buildings designed for human occupancy that increase traffic within a neighborhood, and active park improvements such as ball fields or restroom facilities.

Public Facilities, Minor means minor utility structures (e.g., poles, lines, pipes); minor sewer, water, and storm drainage structures and collection system improvements (e.g., pump stations, lines, manholes, valves, hydrants, drains, on-site hearing public space, detention facilities); new or extended public streets (including lane additions); minor improvements to existing streets (e.g., overlays, catch basins, signs, control devices, widening, curbs, gutters, sidewalks); minor transit improvements (e.g., bus stops or shelters); passive park improvements (e.g., trails, benches, native plantings, or picnic areas).

Public means common to all or many; general; open to common use.

Public Safety Facilities means a government facility for public safety and emergency services, including a facility that provides police, fire protection, and/or emergency medical services and related administrative and training facilities.

Public Street means any public right of way used for vehicular traffic that is permanently maintained by the Town of Pendleton, Anderson County, or State of South Carolina and is open to all traffic.

Public Use means a building or property owned or occupied by a use which is open to all people without or with minimal restrictions or regard as to membership, and which is established of their common or general use and enjoyment. A church is public use.

Recreation Uses, Active means those uses containing facilities designed for active participation, including, but not limited to, basketball and tennis courts, baseball and football fields, swimming pools, neighborhood community center buildings, golf courses, mini golf courses, and related outdoor and indoor recreation uses.

Recreation Uses, Passive means those uses containing facilities such as park benches, play areas/tot lots, picnic areas, landscaped and scenic areas, walkways and bikeways, and open spaces not designed for organized sports.

Recreational Vehicle (RV) means a vehicle built on a single chassis, containing four hundred (400) square feet or less when measured at the largest horizontal projections and designed to be self-propelled or towed by another vehicle. A recreational vehicle is not designed or intended for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use. This definition includes vehicles such as travel trailers, motor homes, and campers.

Residence means a structure or part of a structure containing dwelling units or rooming units, including single-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartments. Residences do not include such transient accommodations as hotels, motels, RV or campground sites; dormitories, fraternity or sorority houses; non-habitable accessory uses; or recreational vehicles.

Residential Care Facility means a facility that provides primarily nonmedical resident services to individuals in need of personal assistance essential for sustaining the activities of daily living, or for the protection of the individual, excluding members of the resident family or persons employed as facility staff, on a twenty-four (24)-hour-a-day basis.

Retail Store means a business selling or renting goods or merchandise directly to the consumer for direct consumption or use. Any merchandise for rent must be merchandise permitted for sale in any specific district.

Retention means the permanent on-site maintenance of stormwater.

Right-of-way means an area of land that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure (including but not limited to water lines, sewer lines, power lines, and gas lines). In no case shall a right-of-way be construed to mean an easement.

Scale is a relative term primarily determined by massing which addresses size relationships.

Semi-Public Use means a building or property owned or occupied by an organization, institution or group of people which has written and adopted rules for membership, which is used or enjoyed primarily by that group.

Setback means the minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

Shared Driveway means an access drive shared by two (2) or more to the adjacent street.

Shopping Center means a group of (two or more commercial) establishments on the same parcel that are planned, constructed, and managed as a total entity (with provisions for the delivery of goods separate from the primary customer access).

Short-Term Rental means a legally permitted home occupation and accessory use of a primary dwelling or portion thereof for a fee or other compensation on a temporary basis between fifteen (15) days and

seventy-two (72) days per year. In accordance with state law, short-term rentals are required to obtain a Town of Pendleton business license and remit all required taxes, including state accommodations, sales and local accommodations taxes. Short-term rentals are not investment or full-time rental properties and are assessed at a four (4) percent rate by the county assessor for property tax purposes.

Shrub means a woody plant that usually remains low and produces shoots or trunks from the base; it is not usually tree-like or single stemmed.

Sidewalk means an improved pedestrian surface that is typically located adjacent to a roadway.

Sidewalk Sale means a temporary outdoor sale, conducted by the proprietor, of products normally sold inside a retail establishment.

Sign Area means the smallest possible area formed by a perimeter consisting of a series of straight lines enclosing all parts of the sign face. Sign area shall be calculated by a vertical cross-section of the sign using the largest possible area and the appropriate geometrical equation(s).

Sign Assembly means the entire sign structure to include all sign faces, supports, columns, or other architectural amenities, including the base of the sign.

Sign Face means the part of the sign that is or can be used to identify, advertise, communicate information, or for visual representation which attracts the attention of the public for any purpose. The term "sign face" includes any background material, panel, trim color, and direct or self-illumination used that differentiates that sign from the building, structure, backdrop surface, or object upon or against which it is placed.

Sign Face Separation means two adjacent sign faces shall be separated by an angle not less than three hundred and fifteen (315) degrees to preclude more than one sign from being visible in the same direction.

Sign means any structure, part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, emblem, insignia, device, trademark, or other representation used as, or in the nature of, an announcement, advertisement, direction or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or industry, which is located upon any land, or any building, in or upon a window, or indoors in such a manner as to attract attention from outside the building. The flag, emblem, insignia, poster or other display of a nation, educational institution, or political unit shall not be included in this definition.

Sign, Abandoned means a sign that advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is not operating or being offered or conducted.

Sign, Animated means any sign that uses movement or other means to depict action or create a special effect, including video, light effects, or any material that moves by forced air, by mechanics, by electronics, by human motion, or by other such means.

Sign, Area of a means the area of a sign shall be that area which is contained within a single continuous perimeter of four (4) lines or an imaginary rectangle, enclosing the extreme limits of such sign. For freestanding signs, the area of the sign shall also be determined from the height in total (grade to top-most point) multiplied by the total width of the sign. This shall include all base supports, columns, adornments, or other such attachments to the sign.

Sign, Awning or Canopy means any sign that is part of or attached to an awning, canopy, or other structural protective covering above a door, entrance, window, or walkway.

Sign, Backlighting or Backlit means the illumination of a sign in which lights are placed within or behind raised opaque letters, thereby casting light up on the background of the letters rather than through the letters.

Sign, Bench means a Sign painted on or attached to a bench or its backrest.

Sign, Business means a sign directing attention to a business, commodity, service, or other activity conducted on the premises upon which the sign is located.

Sign, Changeable Copy means characters, letters, or illustration that can be changed or rearranged without altering the face or the surface of the sign.

Sign, Combination Wall-Roof Mount means a double faced, projecting wall sign which extends above the roof line of a building and which is wholly or partially supported by the building.

Sign, Directional means a sign designating the location of an institution of public or quasi-public nature, or the location or opening of an event of public interest, not including signs pertaining to real estate.

Sign, Electronic Message Board means a Message Board Sign with changeable copy that uses LED (light emitting diode) or other lighting to display information or advertisements.

Sign, Expressive means a temporary sign that expresses an opinion, feeling, point of view, support, opposition, disapproval, or good will.

Sign, Free-Standing means a sign which is supported by one or more columns, uprights, or braces in the ground. This shall include monument-style signs and pole-supported signs.

Sign, Ground Mounted See **Free-standing Sign**.

Sign, Height of a means the height shall be measured to the topmost point of the sign or sign structure from the average surrounding grade at the base of the supports, or the base of any sign attached to the ground. If placed on a berm or similar structure, then the height shall be established from the height at the nearest property line to the topmost point of the sign.

Sign, Informational means any sign that serves solely to provide direction or information to persons using the property, such as entrance/exit, parking, or telephone, and similar informational purposes, which may include a business name, but shall not include any advertisements.

Sign, Internally Illuminated means a sign where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that are filled with neon or some other gas that glows when an electric current passes through it and (ii) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs.

Sign, Marquee means a sign on or attached to a permanent overhanging shelter which projects from the face of a building and is entirely supported by said building.

Sign, Message Board means a sign or portion thereof with changeable copy.

Sign, Monument means a freestanding ground sign supported by an internal structural framework or structurally integrated into landscaping or other solid structural features generally having a low profile with no open space between the ground and the sign. This sign is designed to incorporate design and building materials which complement the architectural theme of the buildings on the premises.

Sign, Off-Premise means a sign advertising a business, service, or product that is available elsewhere than within the building or on the lot where the sign is located.

Sign, On-Premise means a sign that advertises activities, goods, products, etc. that are available within the building or on the lot where the sign is located.

Sign, Outdoor Advertising means a sign, including billboard, which directs attention to a business, commodity, service, entertainment, or other activity, conducted, sold or offered elsewhere than on the premises upon which the sign is located; also a sign or billboard advertising the sale, lease, rental, or designation of real estate located elsewhere than the premises upon which such sign is located.

Sign, Permanent means a sign which is permanently attached to a building, the ground, or other structures and meets the structural and installation standards of the Standard Building Code and electrical standards of the National Electric Code.

Sign, Pole-Supported means a sign supported by one or more poles or columns or other similar supports.

Sign, Political means a temporary sign that announces the candidacy of a person or slate of persons running for elective office, a political party, or an issue.

Sign, Portable means a temporary sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Includes, but is not limited to, signs designed to be

transported by means of wheels, runners, castors, trailers, or other mobile devices; signs converted to A-frames or T-frames; sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs greater than 2 square feet in area attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is regularly customarily used in the normal day-to-day operations of the business.

Sign, Projecting Wall means a sign which is end mounted to the wall of a building, which projects out from that building for more than eighteen (18) inches, and is usually perpendicular to a wall.

Sign, Real Estate means a sign advertising exclusively the sale, lease, rental, or development of the premises upon which it stands or directing attention to the opening and location of a new subdivision.

Sign, Roof Mount means a sign which is erected on or above the roof line of a building and which is wholly or partially supported by the building.

Sign, Sponsorship means a sign within a ballpark, field, or diamond that indicates sponsorship of the teams or activities that occur therein.

Sign, Temporary means a sign not permanently attached to a building, the ground or other structures and which may not meet the structural and installation standards of the Standard Building Code or electrical standards of the National Electric Code.

Sign, Vehicle used as a means a sign placed on a stationary vehicle parked on any property for the purpose of advertising. This does not include signs placed on vehicles for sale, rent, or lease, provided that the signage is two (2) square feet or less. This does not include vehicles with company names, logos, slogans, or contact information that are used for primary work functions such as delivery or service calls, and such vehicles shall not be parked on company sites in such a way as to attract attention as a sign.

Sign, Wall means a sign which is in any manner affixed to any exterior wall of a building is parallel to the wall, and which projects not more than eighteen (18) inches. Such sign may be painted, etched, attached, etc. to a wall.

Sign, Window means a sign that is placed near or attached to the interior of a window so as to attract attention from the exterior of a building. Window displays of merchandise are not signs.

Site Plan means a map or graphics prepared to scale depicting the development of a tract of land, including but not limited to the location and relationship of the structures, streets, driveways, recreation areas, parking areas, utilities, landscaping, existing and proposed grading, walkways, and other site development information as related to a proposed development.

Sleeping Unit means a room or space in which people sleep which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Special Exception means a use specifically permitted after review and approval by the board of zoning appeals, subject to ordinance standards and additional conditions set by the board of zoning appeals.

Sports Facility means an area designed for recreation (public or privately owned). These areas include, but are not limited to, baseball/softball diamonds, soccer fields, football fields, golf courses, golf driving ranges, tennis courts, racetracks, firearm shooting ranges, and swimming pools.

Stormwater (See also Detention; Retention) means the flow of water which results from precipitation and which occurs immediately following rainfall or a snowmelt.

Stormwater Management means the collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, ground water, and/or runoff, together with applicable managerial (nonstructural) measures.

Stormwater Runoff, 10-year event means the surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on average, once in ten (10) years, and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

Story means that portion of a building between the surface of any floor and the ceiling next above. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjacent to the exterior walls of the front entrance (or street side) of the building.

Story, Half means a story under a gable, hip or gambrel roof, the wall plates of which at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story, except that any partial story used for residence purposes, (other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it), shall be deemed a full story.

Street Centerline means a line surveyed and monumented by the governing body shall be the centerline of a street; or in the event that no centerline has been so determined, it shall be that line running midway between, and parallel to the general direction of, the outside right-of-way lines of such streets.

Street Line means the dividing line between a lot, tract, or parcel of land and a street right-of-way.

Street, Arterial means a major roadway designed to carry a large volume of through traffic in the area; normally controlled by traffic signs and signals.

Street, Collector means a thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

Street, Local means a street used primarily for access to abutting properties, providing for minimum speeds and traffic volumes.

Street, Private means a vehicular way held in private or corporate ownership and one which is ineligible for public expenditures and/or maintenance.

Street, Public means a dedicated right-of-way which affords the principal means of access to abutting property and which has been accepted for maintenance by the town, Anderson County, or the state transportation department. For the purpose of these regulations, the term "public street" shall also mean avenues, boulevards, roads, lanes, and other public ways.

Structural Alteration means any change in the supporting members of a building or structure, such as bearing walls, bearing partitions, columns, beams, or girders, or the enclosure of any previously open space.

Structure Height means the vertical distance from the average finished ground elevation at the front of the building (as determined by the main entrance of the building defined by the architect) or from the finished floor of a plaza spanning sixty-five (65) percent or more of the front of the building to:

Structure means anything constructed or erected, the use of which requires a permanent location on the land or is attached to something having a permanent location on the land.

Text Amendment alters the use requirements or standards within a zoning district.

Townhouse Development means a series or group of three or more attached units with no other dwelling or portion of other dwelling directly above or below, with each dwelling unit having direct ground level access to the outdoors and fire walls separating each dwelling unit, extending from the foundation through the roof. The townhouse dwellings may be on individual fee-simple lots or clustered as part of a horizontal property regime.

Townhouse Dwelling Unit means an attached single-family domicile on its own separate lot containing one dwelling unit that occupies space from the ground to the roof, and is attached to one or more other townhouse dwelling units by at least one common wall or is individually owned as part of a horizontal property regime.

Trailer means any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flat beds or other carriers, which is designed or utilized to: (1) provide temporary or permanent quarters for the conduct of business, profession, trade or occupations; (2) serve as a carrier of new or used goods, products or equipment, or (3) be used as a selling, advertising or display device. A trailer is not used as a residence or for permanent sleeping quarters, such as manufactured home.

Travel Trailer means a vehicular portable structure designed as a temporary dwelling for travel, recreational, and vacation uses, of a length not exceeding 29 feet.

Tree Caliper means the American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four (4)-inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.

Tree Drip Line means an imaginary line extending from the external boundary of a tree's canopy to the ground.

Tree Protection Zone means an area surrounding the base of a tree, a minimum of ten (10) feet in all directions, within which neither construction activity nor physical development is permitted.

Tree, Understory means a tree attaining a mature height of less than thirty (30) feet without a large, spreading crown.

Tree, Upperstory means a tree with a normally large, spreading crown with a mature height of at least thirty (30) feet.

Use means any purpose for which a lot, building, or other structure or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Use, Accessory means a use which is incidental to the main use of the premises, including, but not limited to, the following: greenhouse (noncommercial), customary incidental home occupation, loading space, garage, workshop or storage shed, sign, or signboard, wall, fence, or garden structure, swimming pool or tennis court.

Use, Change of means a change from one category in the use table to another or the addition of a new category of use to an existing use.

Use, Conforming means any use of a structure or land that is a permitted either "by right", "by condition", or "by special exception" in the district in which the structure or land is situated and which conforms to the regulations of that district and all other regulations of this chapter.

Use, Existing means the use of a lot or structure established prior to the adoption of the current Town of Pendleton Zoning Ordinance, as and if amended.

Use, Nonconforming means a use that lawfully occupied a building or land on the effective date of this ordinance and that does not conform to the use regulations of the district in which it is located.

Use, Principal means the primary purpose for which the lot and/or building thereon is designed, arranged, or intended and for which it may be used, occupied, or maintained.

Variance means relief granted by the board of zoning appeals from the strict application of zoning regulations in an individual case of unnecessary hardship based on factual findings required by law.

Vehicular Use Area means any area used for movement, circulation, parking and/or display of any type of vehicle, including but not limited to parking lots, loading and unloading areas and sales service areas. Driveways and parking spaces serving detached single-household dwellings are exempt from this definition.

Veterinary Services (Also called **Animal Hospital**) means a place where animals or pets commonly kept in a residential dwelling are given medical or surgical treatment with indoor boarding of animals limited as an accessory use.

Wetland means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Yard Exterior means that part of a lot lying between the building and a public street right-of-way.

Yard Setback, Front means a yard extending across the full width of a lot, between the front street line (or proposed front street line), the required depth of which is a prescribed minimum horizontal distance between the front lot line and a line parallel thereto on the lot. A side lot facing a street on a corner lot shall be considered as a front yard setback.

Yard Setback, Rear means a yard extending across the full width of the lot and abutting the rear lot line, the required depth of which setback is a prescribed minimum distance between the rear lot line and a line parallel thereto on the lot.

Yard Setback, Required means the open space between a lot line and the buildable area within which no structure may be located, except as otherwise provided in this chapter. All setbacks referred to in this chapter are minimum required setbacks.

Yard Setback, Side means a yard extending from the front setback or front lot line, where no front setback is required, to the rear setback and abutting a side lot line, the required width of which is a prescribed minimum distance between the side lot line and a line parallel thereto on the lot. A side setback facing a street on a corner lot shall be considered as a front setback.

Zero-Lot-Line Development means a single-family dwelling unit which has zero setback along one side property line, may share a common wall with an adjoining unit, and may have a walled rear yard privacy area.

Zoning District means an area or areas within the limits of the Town for which the regulations and requirements governing use, lot, and bulk of buildings and premises are uniform.

ARTICLE 3 ZONING DISTRICTS

SECTIONS:

SECTION 3-1	DISTRICT ESTABLISHMENT AND OFFICIAL ZONING MAP
SECTION 3-2	DISTRICT PURPOSES
SECTION 3-3	DISTRICT BOUNDARIES
SECTION 3-4	ANNEXATION AND ZONING
SECTION 3-5	ZONING DISTRICT CHANGE
SECTION 3-6	PLANNED DEVELOPMENT DISTRICT
SECTION 3-7	FLEXIBLE REVIEW DISTRICT
SECTION 3-8	CORRIDOR OVERLAY DESIGN DISTRICT
SECTION 3-9	TOWN SQUARE OVERLAY DISTRICT

SECTION 3-1 DISTRICT ESTABLISHMENT AND OFFICIAL ZONING MAP

In order to accomplish the purposes set forth in **Article 1, Purpose and Authority**, the municipality is hereby divided into zoning districts described hereafter. The districts and their boundaries shall be as shown upon the map attached hereto and made a part of these regulations, said map being designated “Official Zoning Map”, and said map and all notations, references, and other information shown thereon shall be a part of these regulations the same as if all such matters and information were fully described herein. The original of said map shall bear the date of passing of these regulations; shall be signed by the Mayor and attested by the Town Administrator in the Town Hall; a replica thereof shall be reproduced at such scale as will permit its being attached to these regulations.

For the purpose of these regulations, the Town of Pendleton is hereby divided into districts designated as follows:

Table 1. Zoning Districts in the Town of Pendleton

District	Title/Name
R-1	Low-Density Residential District
R-2	Low-Density Residential District
R-3	Medium-Density Residential District
R-4	Medium-Density Mixed Residential District
MF	Multi-Family Residential District
AB	Area-Wide Business District
NC	Neighborhood Commercial District
CB	Central Business District

LI	Light Industrial District
CO	Conservation and Open Space District
AF	Agricultural-Forest District
PD	Planned Development District
COD	Corridor Overlay Design District
TSO	Town Square Overlay District

SECTION 3-2 DISTRICT PURPOSES

- A. R-1, Low-Density Residential District. A district for low-density one-family dwellings situated on lots having a minimum area of twenty thousand (20,000) square feet, and including customary secondary uses.
- B. R-2, Low-Density Residential District. A district for low-density one-family dwellings situated on lots having a minimum area of ten thousand (10,000) square feet, and including customary secondary uses.
- C. R-3, Medium-Density Residential District. A district for low-density one-family and two-family dwellings situated on lots having a minimum area of eight thousand (8,000) square feet, and including customary secondary uses.
- D. R-4, Medium-Density Mixed Residential District. A district for medium-density one-family dwellings situated on individual lots having a minimum area of eight thousand (8,000) square feet, and including customary secondary uses.
- E. MF, Multi-Family Residential District. Primarily a district for median- and high-density one-family and two-family residential development, including customary secondary uses.
- F. AB, Area-Wide Business District. Primarily a district for retail and service uses along major streets and highways to serve both the traveling public and local residents.
- G. NC, Neighborhood Commercial District. Primarily a district for the development of low-intensity commercial and service centers that are accessible by pedestrians and vehicular traffic, serve the daily convenience and personal service needs of the surrounding neighborhood, and are of such a nature as to minimize conflicts with surrounding residential uses and to allow for residential uses.
- H. CB, Central Business District. Primarily a district for the intensive business and commercial development of certain areas of the town. Off-street parking is permitted separately and is not required as a use because of small lot sizes and intensity of development. This District is designed to provide comparative shopping opportunities within a concentrated area, and promote a business climate essential to the vitality and economic stability of the community.

- I. LI, Light Industrial District. Primarily a district designed to encourage the formation and continuance of a compatible environment for industries and discourage any encroachment by residential, commercial or other uses capable of adversely affecting the basic industrial character of the district.
- J. CO, Conservation and Open Space District. Primarily a district designed for the preservation of significant natural amenities against undesirable development, to lessen the hazards and loss of property, life, and the reduction of health and safety due to periodic inundation of flood water by restricting or prohibiting uses in these areas, to provide for opportunities for improved public recreation activities, to provide for a community-wide recreation network of public paths, water courses, buffer zones, and recreation spaces, and to provide for a scenic easement where important views and vistas which could preserve the community heritage could be maintained for the public good.
- K. AF, Agricultural-Forest District. Primarily a district for general farming and tree growing purposes as well as certain specialized residential, recreational or other public purposes, and including customary secondary uses.
- L. PD, Planned Development District. Primarily a district to provide developers an opportunity to be flexible and creative while also giving the Town of Pendleton adequate control over the development of its limited developable or re-developable land. The PD designation allows a developer and the town the opportunity to execute a well-integrated design that is responsive to the unique location and the physical features of a site while providing opportunities for public input.
- M. FRD, Flexible Review District. Primarily a district to provide design and use flexibility to allow development and redevelopment of properties that is compatible with the existing character of the area as set forth by the town's comprehensive plan. Specifically, the FRD enables the tools required to encourage exceptional planning and design in order to preserve the character of existing buildings, open spaces, streetscapes, and use clusters of unique areas of the city; and protect critical environmental resources through a greater efficiency in the layout of roads, utilities and other infrastructure.
- N. COD, Corridor Overlay Design District. Primarily a district to establish design and development standards that foster high-quality, attractive, and sustainable development that is compatible with the town's existing character. These standards will act to protect and enhance the character and quality of the community's development while maintaining and strengthening a recognizable identity and character that is unique to Pendleton.
- O. TSO, Town Square Overlay District. Primarily a district to provide maintenance and protection standards for existing buildings and sites and standards for new construction and additions that ensures that the character of future development will be consistent with existing Town Square historical structures.

SECTION 3-3 DISTRICT BOUNDARIES

The official copy of the Zoning Map, as amended, shall remain on file in the office of the Zoning Administrator. Where uncertainty exists with respect to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines shall be constructed to be such boundaries.
- B. Where district boundaries are indicated as approximately following incorporated area lines, such incorporated area lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- D. Where district boundaries are so indicated that they are parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways and alleys, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the said Zoning Map.
- E. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Town of Pendleton unless otherwise indicated.
- F. Where a district boundary line divides a lot in a single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.
- G. Whereas the overlay zones' boundaries define the areas under the jurisdiction of the Design Review Board, maps accompanying or referenced by the overlay district regulations shall be consulted to determine the exact limit of such jurisdiction. Where uncertainty exists with respect to the boundaries of overlay districts shown on maps accompanying or referenced by the overlay district regulations, the same rules as provided earlier in this Section for the Zoning Map shall be used for these maps.

SECTION 3-4 ANNEXATION AND ZONING

In the event of changes in the Town Limits which remove territory from the Town, the district boundaries shall be construed as moving with Town Limits. In the event of annexation of a new area to the Town, such areas added to the Town shall be considered to be in the CO, Conservation and Open Space District until otherwise rezoned, in accordance with the regulations contained herein governing rezoning actions, or unless otherwise approved by the Town Council by petition of the owner and before

a referendum of annexation is held. Changes in zoning districts shall be recorded on the Official Zoning Map. Unless a longer period of time is specifically provided by written agreement between the Town of Pendleton and the property owner as a condition of annexation, nonconforming uses shall cease within thirty-six months from the date of annexation, as provided in **Article 11, Non-Conforming Situations**.

SECTION 3-5 ZONING DISTRICT CHANGE

Whenever the boundaries of a zoning district are changed to another zoning district, the foregoing provisions shall apply.

SECTION 3-6 PLANNED DEVELOPMENT DISTRICT

- A. Minimum Site Size. The minimum site size for any Planned Development (PD) is four (4) acres.
- B. General Requirements. The provisions of the zoning ordinance regulating uses, dimensional standards, and development and design standards shall serve as a general guide. However, variations to these standards included in the approved Statement of Intent or Final Development Plan shall supersede the other provisions of this Ordinance.
- C. Minimum Lot Width, Minimum Yard Requirements, Maximum Lot Coverage, Maximum Height of Structures:
 - 1. No structure shall be erected within twenty-five (25) feet from any external lot line of any PD, however, where land uses within a PD are the same as uses permitted in the adjoining properties outside the PD, a lesser setback that is consistent with the zoning on the adjoining properties may be permitted.
 - 2. Minimum lot width, minimum yard sizes, maximum lot coverage, and maximum height are not otherwise regulated within the PD district. The Planning Commission and Town Council ascertain that the characteristics of building location shall be appropriate as related to structures within the district and otherwise fulfill the intent of this Ordinance.
- D. Development Standards. The standards set forth in **Article 6, Development and Design Standards** may serve as a guide for the PD district. However, variations are permitted. Applicants for the PD district shall discuss variations with the Zoning Administrator prior to submitting their rezoning application.
- E. PD Application Process and Preliminary Development Plans:
 - 1. Prior to submitting a PD district application, the applicant is required to meet with the Zoning Administrator for a pre-application conference to avoid undue delay in the review process after the application is submitted.

2. Applications for the PD district shall include the following:
 - a. Preliminary Development Plan. The applicant shall submit one (1) printed site plan and one (1) electronic site plan, which shall include the following:
 - (1) A boundary survey with vicinity map, title block, scale, and north arrow.
 - (2) Total number of acres of overall site.
 - (3) Location and orientation of existing and proposed buildings, including square footage.
 - (4) Primary traffic circulation pattern, including external and internal points of ingress and egress.
 - (5) Location of parking areas and approximate number of parking spaces per use.
 - (6) Any such information or descriptions as may be deemed reasonably appropriate for review.
 - b. Natural Resources Inventory. The primary objective of the natural resources inventory is to provide better information about the type of land cover, topography, and significant natural, historical and cultural features on sites proposed for development. The applicant shall submit a natural resources inventory at the same scale as the preliminary development plan including the following:
 - (1) Land cover type (i.e. wooded, pasture, wetland, etc.) indicating the wood line or boundary line between wooded and non-wooded areas of the site.
 - (2) Topographic contour lines at four (4)-foot intervals.
 - (3) Stream and Floodplain information.
3. Statement of Intent. The applicant shall submit one paper copy and one electronic copy of a report setting forth the characteristics of the proposed PD district including the following:
 - (1) A description of the procedures of any proposed homeowners association or other group maintenance agreement.
 - (2) A statement setting forth the proposed development schedule.
 - (3) A statement of the public improvements both on- and off-site that are proposed for dedication and/or construction and an estimate of the timing for providing such improvements.
 - (4) A statement of impact on public facilities including water, sewer collection and treatment, fire protection, etc., and letters from the appropriate agencies or districts verifying that such facilities or services are available and adequate to serve the proposed development.
 - (5) A statement describing or renderings or photographs of the architectural style, appearance and orientation of proposed buildings.
 - (6) A statement describing the landscaping and screening of proposed project.
 - (7) A statement describing the maintenance and screening of any proposed pond, lake, or storm water management facility contained in the development.
 - (8) A statement describing pedestrian access and circulation throughout the project.

- (9) Any such information or descriptions as may be deemed reasonably appropriate for review.

- F. Final Development Plan. Approval of a Concept Plan shall constitute authority for the applicant to prepare a Final Development Plan. All Final Site Development Plans in the PD district shall adhere to the review and submittal requirements set forth in **Section 7-3, Site Plan Review**.

- G. Subdivision Plats. Approval of a Final Development Plan shall constitute authority for the applicant to prepare subdivision plats if applicable in accordance with procedures set forth in the Town of Pendleton Land Development Regulations. No building permit or certificate of occupancy shall be issued until the Planning Commission has approved a final subdivision plat.

- H. Changes to PD Districts. Changes to an approved PD district may be permitted. The Zoning Administrator shall determine whether any proposed change is major or minor using the criteria below. The Zoning Administrator’s determination shall be a part of the PD records.
 - 1. Major Changes. Changes to an approved PD district that would significantly alter the basic concept and general characteristics of the district shall be approved by Town Council in accordance with the amendment procedures established in **Article 7, Procedures and Administration** of this ordinance.

After approval of a major change by Town Council, approval of a final development plan showing such changes must be submitted to the Planning Commission for site plan review in accordance with **Section 7-3, Site Plan Review**. Examples of major changes may include, but are not limited to the following:

- (1) Boundary changes.
 - (2) Decrease in open space.
 - (3) Increase or decrease in number of ingress and egress points.
 - (4) Changes to less restrictive land uses, e.g. residential to commercial.
 - (5) Any change which the Zoning Administrator determines would significantly alter the basic concept and general characteristics of the PD district.
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- 2. Minor Changes. Changes to an approved PD district that do not significantly alter the basic concept and general characteristics of the district may be approved by the Zoning Administrator provided that no minor change may be approved by the Zoning Administrator which is in conflict with specific conceptual considerations previously approved by Town Council. Examples of may include, but are not limited to the following:
 - (1) Reductions in density, signage, or square footage.
 - (2) Increases in landscaping, open space, or setbacks.
 - (3) Minor changes to landscaping, lighting, parking, or signage.
 - (4) Minor changes may allow reorientation of structures, realignment of approved ingress and egress, changes to more restrictive land uses, or shifts in approved density from one area of PD to another.

SECTION 3-7 FLEXIBLE REVIEW DISTRICT

- A. Minimum Site Size. There is no minimum site size for the FRD district.
- B. General Requirements. The provisions of the zoning ordinance regulating uses, dimensional standards, and development and design standards shall serve as a general guide. However, variations to these standards included in the approved Statement of Intent or Final Development Plan shall supersede the other provisions of this Ordinance.
- C. Minimum Lot Width, Minimum Yard Requirements, Maximum Lot Coverage, Maximum Height of Structures:
 - 1. No structure shall be erected within twenty-five (25) feet from any external lot line of any FRD district with the following exceptions:
 - a. Where the property to be rezoned FRD is between two (2) and five (5) acres, no structure shall be erected within twelve-and-a-half (12 ½) feet from any external lot line.
 - b. Where the property is less than two (2) acres, no structure shall be erected within five (5) feet from any external lot line.
 - c. Where land uses within the FRD district are the same as uses permitted in the adjoining properties outside the FRD district, a lesser setback that is consistent with the uses or zoning on the adjoining properties may be permitted.
 - 2. Minimum lot width, minimum yard sizes, maximum lot coverage, and maximum height are not otherwise regulated within the FRD district. The Planning Commission and Town Council ascertain that the characteristics of building location shall be appropriate as related to structures within the district and otherwise fulfill the intent of this Ordinance.
- D. Development Standards. The standards set forth in **Article 6, Development and Design Standards** may serve as a guide for the FRD district. However, variations are permitted. Applicants for the FRD district shall discuss variations with the Zoning Administrator prior to submitting their rezoning application.
- E. FRD Application Process and Preliminary Development Plans:
 - 1. Prior to submitting a FRD district application, the applicant is required to meet with the Zoning Administrator for a pre-application conference to avoid undue delay in the review process after the application is submitted.

2. Applications for the FRD district shall include the following:
 - a. Preliminary Development Plan. The applicant shall submit one (1) printed site plan and one (1) electronic site plan, which shall include the following:
 - (1) A boundary survey with vicinity map, title block, scale, and north arrow.
 - (2) Total number of acres of overall site.
 - (3) Location and orientation of existing and proposed buildings, including square footage.
 - (4) Primary traffic circulation pattern, including external and internal points of ingress and egress.
 - (5) Location of parking areas and approximate number of parking spaces per use.
 - (6) Any such information or descriptions as may be deemed reasonably appropriate for review.
 - b. Natural Resources Inventory. The primary objective of the natural resources inventory is to provide better information about the type of land cover, topography, and significant natural, historical and cultural features on sites proposed for development. The applicant shall submit a natural resources inventory at the same scale as the preliminary development plan including the following:
 - (1) Land cover type (i.e. wooded, pasture, wetland, etc.) indicating the wood line or boundary line between wooded and non-wooded areas of the site.
 - (2) Topographic contour lines at four (4)-foot intervals.
 - (3) Stream and Floodplain information.
3. Statement of Intent. The applicant shall submit one (1) paper copy and one (1) electronic copy of a report setting forth the characteristics of the proposed FRD district including the following:
 - (1) A description of the procedures of any proposed homeowners association or other group maintenance agreement.
 - (2) A statement setting forth the proposed development schedule.
 - (3) A statement of the public improvements both on- and off-site that are proposed for dedication and/or construction and an estimate of the timing for providing such improvements.
 - (4) A statement of impact on public facilities including water, sewer collection and treatment, fire protection, etc., and letters from the appropriate agencies or districts verifying that such facilities or services are available and adequate to serve the proposed development.
 - (5) A statement describing or renderings or photographs of the architectural style, appearance and orientation of proposed buildings.
 - (6) A statement describing the landscaping and screening of proposed project.
 - (7) A statement describing the maintenance and screening of any proposed pond, lake, or storm water management facility contained in the development.
 - (8) A statement describing pedestrian access and circulation throughout the project.

- (9) Any such information or descriptions as may be deemed reasonably appropriate for review.
- F. Final Development Plan. Approval of a Concept Plan shall constitute authority for the applicant to prepare a Final Development Plan. All Final Site Development Plans in the FRD district shall adhere to the review and submittal requirements set forth in **Section 7-3, Site Plan Review**.
- G. Subdivision Plats. Approval of a Final Development Plan shall constitute authority for the applicant to prepare subdivision plats if applicable in accordance with procedures set forth in the Town of Pendleton Land Development Regulations. No building permit or certificate of occupancy shall be issued until the Planning Commission has approved a final subdivision plat.
- H. Changes to FRD Districts. Changes to an approved FRD district may be permitted. The Zoning Administrator shall determine whether any proposed change is major or minor using the criteria below. The Zoning Administrator’s determination shall be a part of the FRD records.
 - 1. Major Changes. Changes to an approved FRD district that would significantly alter the basic concept and general characteristics of the district shall be approved by Town Council in accordance with the amendment procedures established in **Article 7, Procedures and Administration** of this ordinance.

After approval of a major change by Town Council, approval of a final development plan showing such changes must be submitted to the Planning Commission for site plan review in accordance with **Section 7-3, Site Plan Review**. Examples of major changes may include, but are not limited to the following:

- (1) Boundary changes.
 - (2) Decrease in open space.
 - (3) Increase or decrease in number of ingress and egress points.
 - (4) Changes to less restrictive land uses, e.g. residential to commercial.
 - (5) Any change which the Zoning Administrator determines would significantly alter the basic concept and general characteristics of the FRD district.
- 2. Minor Changes. Changes to an approved FRD district that do not significantly alter the basic concept and general characteristics of the district may be approved by the Zoning Administrator provided that no minor change may be approved by the Zoning Administrator which is in conflict with specific conceptual considerations previously approved by Town Council. Examples of may include, but are not limited to the following:
 - (1) Reductions in density, signage, or square footage.
 - (2) Increases in landscaping, open space, or setbacks.
 - (3) Minor changes to landscaping, lighting, parking, or signage.
 - (4) Minor changes may allow reorientation of structures, realignment of approved ingress and egress, changes to more restrictive land uses, or shifts in approved density from one area of FRD to another.

SECTION 3-8 CORRIDOR OVERLAY DESIGN DISTRICT

- A. **Design Guidelines Purpose.** The intent of these regulations is to establish design and development standards that foster high-quality, attractive, and sustainable development that is compatible with the town’s existing character. These standards will act to protect and enhance the character and quality of the community’s development while maintaining and strengthening a recognizable identity and character that is unique to Pendleton. These regulations are not intended to promote the replication of the existing built form or a certain stylistic result, but to allow imaginative design that is respectful of its neighborhood.

The guidelines include narrative descriptions that are intended to document the community’s design objectives with the use of illustrations and other examples so that developers and consultants can visualize how their projects work towards the goals of the Town. In addition, the guidelines include a set of minimum site and building design standards, recognizing that all new development, regardless of size, should be subject to minimum standards. These two parts combine to create standards with rules and measures which raise standards for all development, but within a regulatory structure offering options and flexibility, not strict requirements.

The Design Guidelines are intended to serve a number of purposes. They:

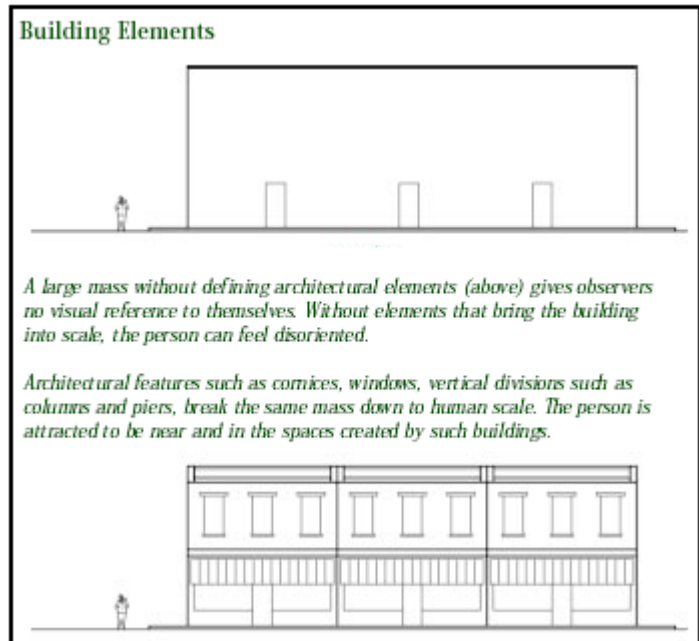
1. Educate property owners, developers, the public, and plan reviewers on what is expected and desired for new development throughout the Town of Pendleton;
2. Present clear principles and priorities for achieving this vision;
3. Present clear policy guidelines and criteria for development to implement the design vision; and
4. Illustrate specific techniques to use when planning and designing developments.

All new construction shall conform to the design guidelines requirements. The Zoning Administrator may approve minor variations to this Section provided similar materials, configurations, and/or techniques are used that fulfill the intent of this Section. Major variation to building façade requirements due to unique building use requirements may be approved by the Design Review Board, provided the overall character of the site maintained in accordance with all other standards. All variations shall be noted on the final approved plan.

- B. **Design Principles.** The narrative serves as a visual definition of the architectural building requirements that will be applied to the design overlay districts throughout the Town of Pendleton. This Section sets out general principles intended to recognize and preserve the unique character and integrity of the community’s special areas and properties while also allowing for their active use. They are intended to assist property owners, developers and town review boards with the preliminary planning, design and evaluation of proposals and approval of projects. By

incorporating the standards in the early phases of design, time consuming and costly changes can often be avoided. In addition, they are intended to reduce or eliminate the more common architectural characteristics of sprawl development, and work towards a common vision for Pendleton's future.

1. **Building Scale.** Human scale is the proportional relationship of buildings and spaces to people. When components in the built environment are ordered in such a way that people feel comfortable then human scale has most likely been used. By contrast, a place that is out of human scale, either too small or too large, will tend to make people feel uncomfortable. The reaction is to avoid such a place or to move through it quickly. Significant buildings and sites use monumental scale to create a sense of importance. In these cases, the human scale elements are often incorporated into the project as well. Human scale can be further reinforced by the choice of materials, textures, patterns, colors, and details.



The dimensions of building height and width, street width, streetscape elements, building setback, and other elements should be planned so that they establish a comfortable realm for people to move around in and interact in. Two important considerations are how these elements relate to human size and how they relate to each other in terms of scale. Proportion is the relationship of one dimension to another and creates visual order among the elements of a building.

Height can lend a building dignity and grace. Conversely, it can contribute to unacceptable bulk and dominance. It is the height in combination with other features that results in a positive or negative outcome. The height and scale of each building should take into consideration its site and existing (or anticipated) neighboring buildings. Building articulation and design details can reduce the perceived mass of large buildings. Elements such as openings at street level, decorative elements that mark floor heights such as cornices, porches and awnings can be used to break the building down to human dimensions. Residential forms and proportions should be used on commercial and office buildings next to residential areas. Buildings should avoid long, monotonous, uninterrupted walls or roof planes on their visible facades. Building wall offsets, including projections, recesses, and changes in floor level should be used in order to: add architectural interest

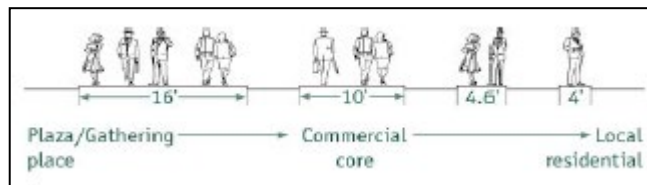
and variety; relieve the visual effect of a single, long wall; and subdivide the wall into human size proportions.

2. **Window and Door Proportions and Design.** The location and size of windows and doors also contributes to a sense of visual continuity along the street. In order to maintain this sense of visual continuity, a new building should maintain the basic window and door proportions and placement seen traditionally. The arrangement of windows and doors on a house also contributes to the character of a district. Most buildings have similar amounts of glass, resulting in a relatively uniform solid to void ratio. This ratio on a new building should be similar to that of traditional buildings.
3. **Building and Street Lighting.** The character and level of lighting that is used on a building is a special concern. Traditionally, exterior lights were simple in character and used to highlight entrances, walkways, and signs. Most fixtures had incandescent lamps that cast a color similar to daylight, were relatively low intensity and were shielded with simple shade devices. Although new lamp types may be considered, the overall effect of modest, focused light should be continued.
4. **Signs.** A sign typically serves two functions: first, to attract attention, and second to convey information, essentially identifying the business or services offered within. If it is well designed, a building front alone can serve the attention-getting function, allowing the sign to be focused on conveying information in a well-conceived manner. All new signs should be developed with the overall context of the building and of the area in mind.
5. **Building Materials and Color.** Building materials of new structures should contribute to the visual continuity of the neighborhood. They should appear similar to those seen traditionally to establish a sense of visual continuity. While color in itself does not affect the actual form of a building, it can dramatically affect the perceived scale of a structure and it can help to blend a building with its context.

All sides of the building should use materials consistent with those on the front if visible from public streets or neighboring properties, and should be carefully designed with similar detailing, and be comparable in quality and materials. Materials should be selected for suitability to the type of building and design for which they are used. Piecemeal embellishment and frequent changes in material should be avoided. Metal buildings should be prohibited except as specifically allowed in the planning area regulations.

6. Street Design, Sidewalks, and Trees. “Streetscape” is the general term applied to all of the elements that make up the public realm surrounding thoroughfares: street paving, sidewalks, planting strips, lighting, traffic signals, outdoor street furniture, public signs, and utilities. Street trees with protective canopies can be used to enclose and define streetscapes. Street widths should be limited when possible with bulb-outs are used at crosswalks, and medians are recommended to break the street into dimensions comfortable for pedestrians. Streetscape elements such as sidewalks wide enough for comfortable pedestrian movement, distinctive sidewalk paving, pedestrian- scale streetlights and other fixtures also help to create a comfortable human dimension.

Along arterials that connect activity centers to each other or to other major developments, use of street trees, streetlights, planted medians, underground utilities and other features to strengthen the visual and physical link between destinations is encouraged. Gateways to activity centers, and possibly neighborhoods, should be delineated with distinctive streetscape elements. These can include signs, special paving at crosswalks, grouped plantings, fountains, and other signature features.



Coordinate the total visual effect of all streetscape elements within a development or along an arterial or major collector, including paving, sidewalks, street trees and plantings, lighting, traffic signals, signs, street furniture, and utilities. Develop and use a common palette of colors, materials, and design. Consideration should be given to coordinating streetscape elements of individual developments with adjacent developments. While they need not match, they should coordinate and not clash.

7. Mechanical Screening. Utilities that serve properties may include telephone and electrical lines, ventilation systems, utility meters, mechanical equipment, transformers, generators, air conditioners, and similar features or other utility hardware. Adequate space for these utilities should be planned in a project from the outset and they should be designed such that their visual impacts are minimized. Service areas for trash, recycling containers, loading facilities, and site maintenance equipment should be carefully planned as an

Reduce Crossing Distance

To improve pedestrian safety at corner crossings, limit the distance from curb to curb.

Keep curb radius to a minimum to reduce length of crosswalk

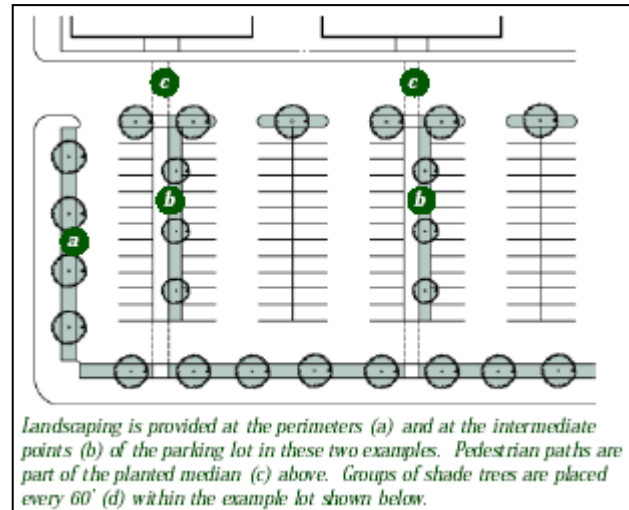
Another option for local access roads is the extended curb that further reduces the crosswalk.

Avoid a wide turning radius, which makes it harder for pedestrians to cross because of reduced sight distance, increased speed of cars, and greater distance that must be covered. When wide turning radius is required, place the pedestrian crossing at the narrowest part of the throat of the intersection.

integral part of a site. At the same time, the visual impacts of service areas should be minimized. When laying out a site, adequate provisions should be made for service areas. They should not simply be located in left over side yards, for example.

Accessory buildings, particularly in residential areas, must be of similar design, materials, and colors as the principal building and should be appropriately landscaped. Vinyl siding is discouraged but may be appropriate for some single-family attached or detached residential structures.

8. Parking. The intent of these regulations is to offer safe pedestrian movement to and from the parking lot, to add human scale to the parking lot, to improve the physical and aesthetic integration of the parking with the building, and to ensure safety and security of the parking lot. This goal includes reducing the image of the “sea of parking” one finds along corridors at retail centers and the “garage-scape” in neighborhoods. Parking is necessary at work, at home, and at destinations throughout the town. However, there is no reason why it needs to dominate the view.

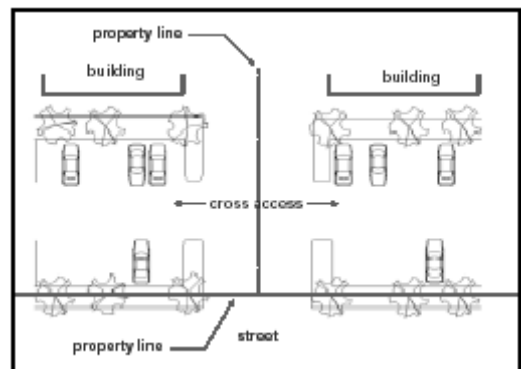


Break parking lots into modules or multiple smaller lots using techniques such as the natural topography, logically placed landscaped pedestrian paths to destinations, and by linear aisles of plantings should be utilized. Avoid large expanses of asphalt. Reducing the amount of parking lots through such methods as providing on-street parking, using off-site parking such as municipal lots, sharing parking among complementary uses, providing pull-in spaces in front of shops and creating overflow lots is also encouraged. These techniques may require some flexibility when applying parking standards.

9. General Requirements (applies to all structures). All new construction, additions as defined in this Section as well as major rehabilitation shall conform to the requirements of this Section. The base or underlying zoning use district regulations shall also apply. When there is a conflict in regulations, the most restrictive shall apply.
- To perpetuate the unique building character of the Town, development shall generally employ building types that are sympathetic to the traditional architectural vocabulary of the area in their massing and external materials.
 - Front elevations facing the street and overall massing shall be pedestrian in scale.

- c. Adjacent buildings shall be architecturally compatible through similar silhouettes, spacing between facades, setbacks, proportions, treatments, exterior materials, scale, massing, and/or architectural style.
- d. The Primary Entrance shall be both architecturally and functionally designed on the front façade of the building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting façade. The use of fire escape or exit-only doors as Primary Entrances is explicitly prohibited.
- e. All new construction shall generally conform in street orientation, massing, lot width and setbacks to adjacent existing and proposed structures.
- f. Project elements like mechanical equipment, electrical and telephone lines, utility meters, storage areas, trash enclosures, transformers, generators and similar features or other utility hardware on roof, ground, or buildings shall be screened from public view of the façade with materials similar to the structure. Ground mounted mechanical equipment shall be located to the rear or side yard and screened from off-site view. Roof-mounted mechanical equipment shall be screened from off-site view by a parapet wall and shall not be visible from the street. Unused equipment should be removed. Noise from HVAC or other operation equipment associated with the function of proposed structures shall not exceed 55 decibels as defined by the manufacturer.
- g. Loading and service delivery areas shall be located to the rear or side yard away from the primary street frontage.
- h. Canopies and awnings shall be canvas or similar material and shall be permitted to encroach over a sidewalk to within two feet of a public street curb and may be illuminated by external lighting only.
- i. Open decks, patios, and steps are permitted with rear and side yards and may encroach into required setback to within five (5) feet of all property lines.
- j. Colors should be used to create coordinated color schemes for buildings. Employ color schemes that are simple in character with one base color that should be muted and only one or two accent colors. Reserve the use of bright colors for accents only.

C. Parking. Automobiles are so much a part of everyday life that space needs to be made for them wherever people live, work, and play. New parking facilities should be designed to be attractive, compatible additions to the district. In general, a new parking facility should remain subordinate to the street scene. These guidelines will address how

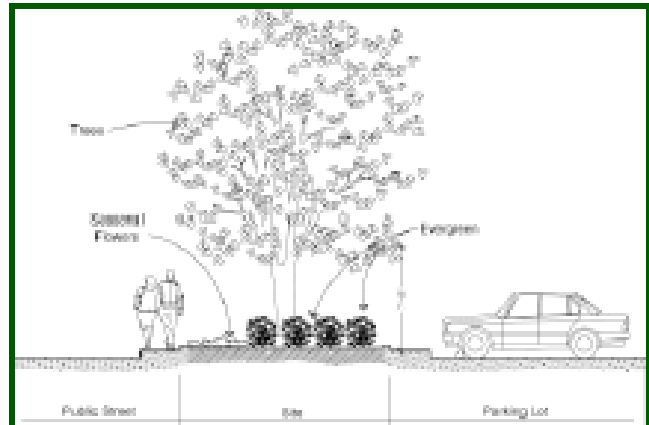


parking can be adequate, convenient but unobtrusive.

1. Reduce the scale of parking lots.
 - a. Break parking lots into pods or multiple smaller lots using techniques such as the natural topography, logically placed landscaped pedestrian paths to destinations, and by linear aisles of plantings. Avoid large expanses of asphalt.
 - b. A maximum of twenty (20) spaces shall be allowed per pod. All parking areas shall be connected to building entrances with delineated pedestrian connections.
2. Site a portion of parking out of view. Generally, site a minimum of twenty (20) to forty (40) percent of parking to the rear and sides of buildings.
 - a. Limit the amount of parking between the street and principal buildings oriented to streets, (such as outparcels in shopping centers) to no more than one double row of nose-in parking between the building and the street to which it is oriented.
 - b. Screen parking lots from the street and from adjoining development, using low fences or walls, berms, or year round landscaping.

3. Accommodate pedestrian needs around parking areas.

- a. Provide clear pedestrian paths and crossings from parking spaces to main entrances and the street.
- b. Plan parking so that it least interferes with appropriate pedestrian access and connections to adjoining developments.



4. Where a parking lot abuts a public sidewalk, provide a visual buffer.
 - a. Use landscaped strips or planters.
 - b. Consider the use of a wall as screen for the edge of the lot.
 - c. Use a combination of trees and shrubs to create a landscape buffer.

- d. Where a parking lot exists that is presently not screened or landscaped, consider a landscaping program or an infill building that relates to the surrounding district context.
- D. Signs. A sign typically serves two functions: first, to attract attention, and second to convey information, essentially identifying the business or services offered within. If it is well designed, a building front alone can serve the attention-getting function, allowing the sign to be focused on conveying information in a well-conceived manner. All new signs should be developed with the overall context of the building and of the area in mind.

These guidelines are to ensure that signs are integrated in the architectural design and consistent with the character of the development. Signs for multi-tenant or phased developments should remain consistent in terms of materials, design features, and scale. Ultimately, these guidelines are intended to reduce the visual clutter of numerous signs placed along arterial roadways.

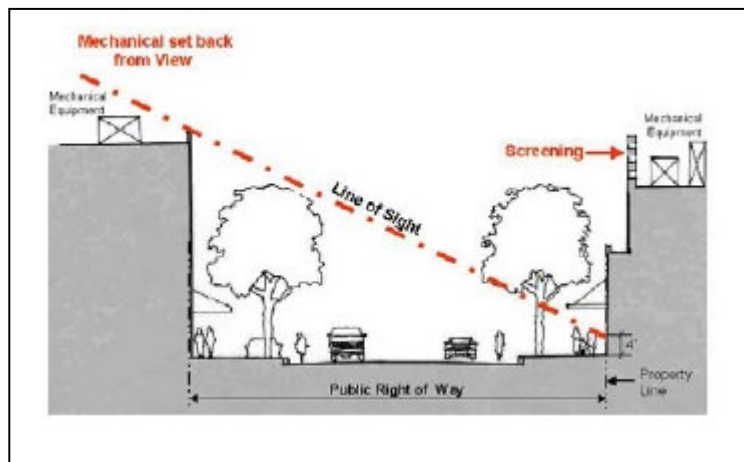
1. Signs should be coordinated with the composition of the overall façade and in proportion to the building such that it does not dominate the appearance. Incorporate design elements for on-site signs that are consistent with each other and with the overall architectural character of the development, in terms of their materials, height, colors, and lettering style, to reinforce visual continuity. Sign materials should be compatible with that of the building façade and should use colors that are compatible with those of the building front.
2. Locate signs on a building such that it will emphasize design elements of the façade itself and fit within existing architectural features.
3. Window signs may be painted on the glass or hung inside the window and should cover no more than twenty-five (25) percent of the total window area.
4. Projecting signs may be considered. Small projecting signs should be located near the business entrance, just above the door or to the side of it while large projecting signs should be mounted higher and centered on the façade or positioned at the corner. All attached signage shall meet size requirements as specified in the Zoning Ordinance.
5. Signs not attached to buildings shall be ground mounted signs. Such signs shall be no larger than the width and area allowed in the Zoning Ordinance for each respective zoning district. The height of all signs within the Corridor shall not exceed six (6) feet tall. All ground mounted signs shall be located a minimum of five (5) feet behind the street right-of way. No ground-mounted sign greater than five (5) square feet in area shall be located closer than ten (10) feet to any adjacent lot line. A fifteen (15) foot side-yard setback shall be required if the side lot line abuts a residential use or district. The use of berms or raised landscape areas is only permitted to raise the base of the sign to the mean elevation of the fronting street.

6. The most appropriate lighting of a sign is with ground mounted lights directed at the signage. All lighted signs shall have their lighting directed in such a manner as to illuminate only the face of the sign. No commercial sign within one hundred (100) linear feet of a pre-existing residential structure may be illuminated between the hours of 12:00 midnight and 6:00 a.m. A residence shall be deemed "pre-existing" for purposes of this Section if it has a valid building permit in effect for construction of said structure or if construction of said structure was complete on or prior to the effective date of this provision.
 7. Internally illuminated signs are discouraged, however, only the letters and logo may appear lit with the remaining background of the sign opaque.
 8. Flashing signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color or signs with electrically scrolled messages (except government signs and signs which give time and temperature information) are prohibited. If a time and temperature sign alternates between a time message and a temperature message it shall continuously show one message a minimum of three (3) seconds in time before switching to the other message.
- E. Mechanical Screening and Service Areas. Utilities that serve properties may include telephone and electrical lines, ventilation systems, utility meters, mechanical equipment, transformers, generators, air conditioners, and similar features or other utility hardware. These items are among the variety of equipment that may be attached to a building that can affect the character of the area. Adequate space for these utilities should be planned in a project from the outset and they should be designed such that their visual impacts are minimized.

Trash and recycling storage areas also are concerns. Service areas for trash, recycling containers, loading facilities, and site maintenance equipment should be carefully planned as an integral part of a site. To the greatest extent feasible, these areas should be screened from public view to reduce the visual impacts. When laying out a site, adequate provisions should be made for service areas. They should not simply be located in left over side yards, for example.

1. Minimize the visual impacts of utility connections and service boxes.

- a. Project elements like mechanical equipment, electrical and telephone lines, utility meters, transformers, generators and similar features or other utility hardware on roof, ground, or buildings shall be screened



from public view with materials similar to the structure.

- b. Ground mounted mechanical equipment shall be located to the rear or side yard and screened from off-site view.
 - c. Roof-mounted mechanical equipment shall be screened from off-site view by a parapet wall and shall not be visible from the street. Unused equipment should be removed.
 - d. Locate a satellite dish out of public view, to the extent feasible, and in compliance with other regulations.
2. Minimize the visual impacts of trash storage and service areas.
- a. Loading and service delivery areas shall be located to the rear or side yard away from the primary street frontage and away from major pedestrian routes; typically place them at the rear of a building when feasible.
 - b. Locate storage, solid waste collection, and loading areas at least twenty (20) feet from any public street, public sidewalk, internal pedestrian walkway, or building with a residential use.
 - c. Incorporate loading docks, truck parking, outdoor storage, trash collection, trash compaction, and other service functions into the overall design of the building and landscaping so that the visual and acoustic impacts of these functions are fully contained/screened and out of view from adjacent properties and public streets.
 - d. Use screening materials for solid waste collection and loading areas that are the same and of equal quality to the materials used for the primary building and landscaping.

F. Residential Buildings:

1. General Requirements:

- a. When adapting a residence to a commercial use, respect the residential character of the building. Seek uses that are compatible with the traditional character of the building.
- b. Maintain the line of building fronts in a block. The front yard setback of a new building should match the established range of adjacent buildings. Where setbacks are uniform, the new building should be placed in general alignment with its neighbors. In those areas where setbacks vary, new buildings should be placed within ten (10) feet of the average setback along the block.

- c. Orient the front of the house to the street and clearly identify the front door.
 - d. Exterior lights should be simple in character and low in intensity so as to minimize the visual impacts of exterior lighting.
 - e. Garages with front loading bays shall be recessed from the front facade of the house and visually designed to form a secondary building volume. Two car garages visible from the street should be designed with two single doors or visually similar to two single doors for consistency of visual proportion. All garages with more than two bays should be turned such that the bays are not visible from the street. At no time shall the width of an attached garage exceed forty (40) percent of the total building facade. Exception: Corner lots may have garage access (side loaded) from the non-fronting street.
 - f. Side Loaded Garages may be permitted on corner lots from the non-fronting street.
 - g. Garage doors are not permitted on the front elevation of any multi-family dwelling.
 - h. New outbuildings should be subordinate to the primary structure on a site, located to the rear of the lot and should be similar in character to those seen traditionally.
2. Materials:
- a. Accessory buildings with a floor area greater than one hundred fifty (150) square feet shall be clad in materials similar in appearance to the principal structure.
 - b. Garden walls may be of brick, stone or stucco matching the principal building. Front yard fences shall be wood picket, wrought iron, or similar material only. Side and rear yard fences may be chain link, wood, wrought iron, or similar material. All side and rear yard fences over five (5) feet in height shall be wood or similar material.
3. Configurations:
- a. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch between 4:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall be less than 4:12.
 - b. Design of new additions should be such that the original character of the building can be clearly seen and should be compatible in scale, materials and character with the main building.
 - c. Any roof-top addition should keep the mass and scale subordinate to the primary building and be in character with the primary structure's design.

- d. Two wall materials may be combined horizontally on one facade. The heavier material should be below.
 - e. Exterior chimneys shall be finished in brick or other material approved by the Design Review Board.
 - f. The crawlspace of buildings shall be enclosed.
4. Techniques:
- a. Overhanging eaves may expose rafters.
 - b. Flush eaves shall be finished by profiled molding or gutters.
 - c. Water from downspouts should drain away properly.
 - d. All rooftop equipment shall be enclosed in building material that matches the structure or is visually compatible with the structure.

G. Commercial Buildings:

1. General Requirements:
- a. Maintain the alignment of buildings at the sidewalks edge by locating the front building wall at the sidewalk line when feasible. Where a building must be set back from the sidewalk, use landscape elements to define the sidewalk edge.
 - b. Orient the front entrance of the building toward the street and clearly identify the primary entrance. A secondary public entrance to commercial spaces is also encouraged on larger buildings.
 - c. New outbuildings should be subordinate to the primary structure on a site, located to the rear of the lot and should be similar in character to those seen traditionally.
 - d. When adapting a residence to a commercial use, respect the residential character of the building. Seek uses that are compatible with the traditional character of the building.
 - e. Use of trees and flowering plants is strongly encouraged to enhance the pedestrian experience.

- f. Minimize the visual impacts of a parking lot by locating surface lots in the interior of a block whenever possible. Where a parking lot shares a site with a building, place the parking at the rear of the site or beside the building.
 - g. Where a parking lot abuts a public sidewalk, provide a visual buffer such as a landscaped strip, planter, or wall.
2. Materials:
- a. All accessory buildings shall be clad in materials similar in appearance to the principal structure.
 - b. Pitched roofs shall be clad in wood shingles, standing seam metal, corrugated metal, slate, diamond tab asphalt shingles or similar material.
 - c. Windows shall be vertically proportioned wherever possible. Also, to the extent possible, upper story windows shall be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows.
 - d. Signs on the inside of glazed openings may be neon.
3. Configurations:
- a. Two wall materials may be combined horizontally on one facade. The heavier material should be below.
 - b. Skylights shall be flat (non-bubble).
 - c. At least seventy (70) percent of the street level frontages should be in windows or doorways. Street level windows shall be visually permeable. Mirrorized glass is not permitted in any location. Faux or display casements are not permitted in lieu of exterior window treatments for the frontage elevation.
 - d. No frontage wall shall remain without a window or functional general access doorway for more than sixteen (16) feet.
 - e. Design of new additions should be such that the original character of the building can be clearly seen and should be compatible in scale, materials and character with the main building.
 - f. An addition should not damage or obscure architecturally important features.
 - g. Any rooftop addition should keep the mass and scale subordinate to the primary building and be in character with the primary structure's design.

4. Techniques:
 - a. Stucco shall be float finish.
 - b. Windows shall be set to the inside of the building face wall in most cases unless otherwise provided for by the decision of the Design Review Board.
 - c. All rooftop equipment shall be enclosed in building material that matches the structure or is visually compatible with the structure.
5. Lighting:
 - a. Street lighting should be used to enhance the pedestrian experience at night by providing a well-lit environment.
 - b. Light pole and lamp design should be similar to those used by the Town of Pendleton.
 - c. Streetlights should convey a pedestrian oriented scale and convey a color spectrum that is similar to daylight.
 - d. Exterior lights should be used to accent architectural details, building entrances, signs, and illuminate sidewalks.
 - e. Minimize the visual impacts of site and architectural lighting through the use of low intensity white lights that are similar to daylight.
 - f. Prevent glare by using shielded and focused light sources that focus light downward. Unshielded, high intensity lights sources and those that direct light upward should not be permitted.
 - g. Shield lighting associated with service areas, parking lots, and parking structures.
- H. Civic Buildings (Churches, Schools, Government Offices, other Civic Facilities): Schools, churches, and government buildings should be built so that they shall be of sufficient design to create visual anchors for the community. Civic buildings shall adhere to the provisions as marked below:
 1. Materials:
 - a. Gutters and down spouts shall be made of copper or galvanized painted metal and do not expel onto the street.

- b. The columns, if provided, shall be made of wood or cast concrete or other appropriate material.
 - c. Stained glass or other decorative window treatments are encouraged.
 - 2. Configurations:
 - a. Two wall materials may be combined horizontally on one facade. The heavier material should be below.
 - b. Flat roofs are allowed, but principal civic buildings adjacent to residential structures are encouraged to have pitched roofs or similar architectural features to ensure compatibility.
 - 3. Techniques:
 - a. Windows shall be set to the inside of the building face wall.
 - b. All rooftop equipment shall be enclosed in building material that matches the structure or is visually compatible with the structure.
- I. Light and Heavy Industrial Buildings:
 - 1. Materials:
 - a. All accessory buildings shall be clad in materials similar in appearance to the principal structure.
 - 2. Configurations:
 - a. Two wall materials may be combined horizontally on one facade. The heavier material should be below.
 - b. Skylights shall be flat (non-bubble).
 - 3. Techniques:
 - a. Windows shall be set to the inside of the building face wall in most cases unless otherwise provided for by the decision of the Design Review Board.
 - b. All rooftop equipment shall be enclosed in building material that matches the structure or is visually compatible with the structure.

J. Renovation of Existing Structures:

1. All new construction, including additions to existing buildings, must comply with these regulations.
2. Changing or rebuilding seventy-five (75) percent or more of any façade of a building requires the entire building to comply with the regulations.
3. Changing or rebuilding less than seventy-five (75) percent of any façade of a building, requires only that façade to comply.
4. All new windows, entrances, storefronts, and doorways must be designed in accordance with these regulations.
5. Any addition of fifty (50) percent or more of the first floor area requires the entire building to come into compliance.
6. Routine maintenance and repair are exempt from these requirements.

K. Building Materials: The following chart is intended as a general guide to the materials most and least preferred for use within the District. It is not intended to be comprehensive. Actual exterior materials and colors should be approved by the Town. Materials listed in the ‘Not Recommended’ column, or materials not specifically listed in this chart, may be permitted, but are subject to review and approval by the Review Board to ensure appropriateness.

Element	Recommended	Not Recommended
Façade	Common Red Brick	Multi – colored Brick
	Bare (consistent tone)	
	Painted (approved color)	
	Special Masonry Units	Plain (bare) Concrete Masonry Units
	Textured Concrete Block	Metal Siding
	Colored Concrete Block	Exterior Insulation Finish Systems
	Split-faced Block	
	Natural Stone / Imitation Stone	
	Wood Clapboard	
	Wood Shingle	Asphalt Siding
Trim	Wood (Painted or Stained)	Bare Wood
	Finish Grade	Lumber Grade
	Aluminum	
Windows	Anodized Aluminum Frame	
	Wood Frame	
	Vinyl Clad	

	Expressed Lintels (over openings)	Steel Plate or Angle
	Brick	
	Limestone	
	Colored Concrete	
	Clear, Etched or Frosted Glass	Mirrored Glass
	Stained Glass	
Roof	Natural Slate	
	Standing Seam Metal	
	Small Seam Width	
	Asphalt Shingles	
	Parapet Caps / Chimney Caps	
	Stone, Pre-cast Concrete or Limestone	
Other	Canvas Awnings	Plastic Awnings
	3 color maximum, approved colors	
	Walkway Pavers / Sidewalk	
	Stamped or Poured Concrete	
	Brick or Colored Paving Stone	

L. Interpretation of Terms used in this Section:

1. These definitions apply to terms related to compliance in the preceding text:
 - a. **Appropriate** – In some cases, a stated action or design choice is defined as being “appropriate” in the text. In such cases, by choosing the design approach referred to as “appropriate,” the reader will be in compliance with the guideline. However, in other cases, there may be a design that is not expressly mentioned in the text that also may be deemed “appropriate but he Design Review Board.
 - b. **Consider** – When the term “consider” is used, a design suggestion is offered to the readers as an example of one method of how the design guidelines at hand could be met. Applicants may elect to follow the suggestion, but may also seek alternative means of meeting it. In other cases, the reader is instructed to evaluate the ability to take the course recommended in the context of the specific project.
 - c. **Context** – In many cases, the reader is instructed to relate to the context of the project area. The “context” relates to those properties and structures adjacent to, and within the same block as, the proposed project.
 - d. **Should** – If the term “should” appears in a design guideline, compliance is strongly encouraged, but is not required.

SECTION 3-9 TOWN SQUARE OVERLAY DISTRICT

- A. Purpose. The purpose of the Town Square Overlay District is to provide maintenance and protection standards for existing buildings and sites and standards for new construction and additions that ensures that the character of future development will be consistent with those buildings which are already there. The standards will be a primary tool in maintaining the attractive appearance of the Town Square achieved through decade's worth of infill and adaptations. The Town of Pendleton recognizes the Square as a great economic asset and a prime example of its Southern cultural heritage.

The Town Square Overlay District shall include the properties around the Town Square and other nearby properties as shown on the Town Square Overlay District Parcel and Boundary Reference Map. The establishment of this overlay district and subsequent standards shall aim to serve the following goals:

1. Protection, preservation, and enhancement of the distinctive architectural and cultural heritage of the Pendleton Town Square,
 2. Promotion of the economic and general welfare of the Square,
 3. Ensure development that is aesthetically appealing and harmonious with existing development, and
 4. Retain or improve property values on the Square and those areas adjacent to the Square.
- B. Applicability. The Town Square Overlay District regulations will apply to all those properties shown within the overlay district on the Town Square Overlay District Parcel and Boundary Reference Map. These properties shall include all properties with frontage facing the Town Square and also those commercial properties on East Main Street between the Square and Broad Street.

Properties adjacent to the TSO District may request to be included in the district boundaries if commercial is or will be the primary use on that property, but must be recommended for approved as an amendment to the district map by the Planning Commission and then approved by the Town Council. This request shall follow the same guidelines as a request for change of zoning.

- C. Procedures. The TSO District shall have regulations that are set forth in a manual to be named *Town Square Overlay District Maintenance and Protection Standards* which may simply be referred to as the *Maintenance and Protection Standards*. These standards shall form basic regulations for construction of new structures and additions and protection and maintenance standards for existing buildings and sites as well as provisions for demolition of buildings. The review process for properties within this district shall follow the processes set forth in [Article 10](#),

Design Review Board. Approval by the Design Review Board or Zoning Administrator or designee is required before any changes are made to a property in the TSO District.

- D. Administration. Administration of the *Town Square Overlay District Maintenance and Protection Standards* shall be left to the Zoning Administrator or designee and the appointed Town Code Enforcement Officer. The Design Review Board shall be responsible for review of construction, renovation, rehabilitation, or demolition of structures within the TSO District. Administration and enforcement within the TSO District shall be based on plans approved by the Design Review Board and those plans shall be strictly adhered to. Changes made to a property in the TSO District without approval from the Design Review Board or Zoning Administrator or designee shall be subject to the penalties described in the Town of Pendleton Zoning Ordinance.
1. Approval by Zoning Administrator. For the purpose of swift approval and efficient administration of the *Maintenance and Protection Standards*, the following changes to a building or site may be approved by the Zoning Administrator or designee if the changes clearly conform to the *Maintenance and Protection Standards*:
 - a. Replacement of single features on a façade (for example, windows, doors, cornices, etc.);
 - b. Repair of single features on a façade when a change in material composition is proposed (repair with the same materials as exist does not require approval from the Town);
 - c. Painting or repainting of trim, fences, or other elements on a building including brick and façades; and
 - d. All items included in the Section titled “Site Design Standards”.
 2. Approval by Design Review Board. All items not approvable by the Zoning Administrator or designee must be submitted to the Design Review Board for approval. These items shall include but are not limited to:
 - a. New construction and development of vacant properties;
 - b. Full façade renovations;
 - c. Additions to existing buildings; and
 - d. Demolition of buildings.
- E. Repair of Damaged Features. If a specific feature on a building or property suffers damage by someone who is not a leasing tenant or property owner, the feature may be replaced as they

were previous to the damage as long as a building permit is obtained within thirty (30) days of said damage. After thirty (30) days, the damaged feature shall be replaced according to the *Maintenance and Protection Standards*. If there is evidence that the feature were in significant disrepair when the damage occurred, the feature shall be replaced according to the *Maintenance and Protection Standards*. If damage occurs due to an act of the leasing tenant or property owner regardless of whether the damage was accidental, the feature that were damaged shall be replaced according to the *Maintenance and Protection Standards*.

- F. Most Restrictive Shall Prevail. The standards of both the Town Square Overlay District and the underlying zoning district shall apply. Where the standards of the Town Square Overlay District and the underlying zoning district differ, the more restrictive standard shall prevail, with exception of that the provisions in the “Sign” Section of the *Town Square Overlay District Protection Standards* shall prevail over conflicting standards for signs.

ARTICLE 4 USE REGULATIONS

SECTIONS:

SECTION 4-1	TABLE OF USES
SECTION 4-2	STANDARDS FOR CONDITIONAL USES
SECTION 4-3	ACCESSORY USES AND STRUCTURES
SECTION 4-4	TEMPORARY USES AND STRUCTURES

SECTION 4-1 TABLE OF USES

- A. P - Permitted uses. A "P" in a cell indicates that a use category is allowed by right in the respective district, subject to compliance with the use-specific regulations set forth in the final column of the table. Permitted uses are subject to all other applicable regulations of this chapter, including those set forth in **Article 6, Development and Design Standards**.
- B. C - Conditional uses. A "C" in a cell indicates that a use category is allowed conditionally in the respective district, subject to compliance with the use-specific regulations set forth in the final column of the table and administrative approval in the form of an Ordinance Compliance Letter in accordance with the procedures of **Article 7, Procedures and Administration**.
- C. S - Special exception uses. An "S" in a cell indicates that a use category is allowed only if reviewed and approved as a special exception in accordance with the special exception review procedures of **Article 9, Board of Zoning Appeals**.
- D. Prohibited uses.
1. Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible, toxic, or explosive materials in violation of the state fire code.
 2. Rendering plants.
 3. Stripping excavating, or otherwise removal of topsoil for sale in any residential district.
 4. Slaughter houses/meat packaging plants.
 5. The display and sale of motor vehicles except for approved auto/truck/recreational vehicle sales establishments.
 6. The repair of more than one motor vehicle owned by a person living at a residence.

7. Storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed nor operational.
 8. The use of a motor vehicle, trailer, or shipping container in which, out of which, or from which any goods are sold, stored, services performed, or other business conducted unless expressly allowed herein or elsewhere in the Town of Pendleton Code of Ordinances.
- E. Uses not listed. The Zoning Administrator shall determine whether or not an unlisted use is consistent with an existing use type, or is substantially similar to an already defined use type.
- F. Table of Uses.

USE TYPE	CO	AF	R-1	R-2	R-3	R-4	MF	CB	NC	AB	LI
A. RESIDENTIAL USES											
Single-Family Dwelling	-	P	P	P	P	P	P	-	-	-	-
Manufactured Home	-	-	-	-	-	C	-	-	-	-	-
Live-Work Unit	-	-	-	-	-	-	-	-	P	-	-
Duplex Dwelling	-	-	-	-	-	-	P	-	-	-	-
Townhouse Development	-	-	-	-	-	-	P	-	-	-	-
Multi-family Development	-	-	-	-	-	-	P	-	-	-	-
Residential Accessory Dwelling	A	A	-	-	-	-	-	A	A	A	A
B. PUBLIC AND INSTITUTIONAL USES											
Adult Day Care Services	-	-	-	-	-	-	-	P	P	P	-
Charter Bus Industry	-	-	-	-	-	-	-	-	-	-	P
Child Day Care Services	-	-	-	-	-	-	-	P	P	P	-
Civic, Business, Professional, Labor, Political, and Similar Organizations	C	P	-	-	-	-	-	-	P	-	-
Fire Stations	-	P	C	C	C	C	C	-	-	-	P
General and Specialty Hospitals	-	-	-	-	-	-	-	P	P	P	-
General Freight Trucking	-	-	-	-	-	-	-	-	-	-	P
General Government and Administration	-	P	-	-	-	-	-	-	-	-	P
Kindergarten, Elementary, Secondary Schools and Colleges/Universities (except trade or business schools)	-	-	C	C	C	C	C	-	-	-	-
Library, Public	-	P	C	C	C	C	C	-	P	P	-
Museums, Historical Sites	-	P	C	C	C	C	C	-	-	-	-
Nursing Care and Other Residential Care Facilities	-	P	-	-	-	-	P	-	-	-	-
Other Transit and Ground Passenger Transportation	-	-	-	-	-	-	-	-	-	-	P
Police Precincts	-	P	C	C	C	C	C	-	-	-	P
Public Recreational Facilities, Active	P	P	C	C	C	C	C	-	-	-	-
Public Recreational Facilities, Passive	P	P	C	C	C	C	C	P	-	-	-
Public Utility Lines	P	-	-	-	-	-	-	-	-	-	P

Private Recreational Facilities Serving a Neighborhood or Residential Complex	P	-	C	C	C	C	C	-	-	-	-
Rail Passenger Depot	-	-	-	-	-	-	-	-	-	-	P
Religious Organizations	P	P	C	C	C	C	C	-	P	-	-
School and Employee Bus Transportation	-	-	-	-	-	-	-	-	-	-	P
Taxi and Limousine Service	-	-	-	-	-	-	-	-	-	-	P
Zoos and Botanical Gardens	P	-	-	-	-	-	-	-	-	-	-
C. MANUFACTURING, WHOLESALE TRADE, WAREHOUSING, AND STORAGE											
Accessory Private Recreation Facility	-	-	-	-	-	-	-	-	-	-	A
Accessory Retail Business or Service	-	-	-	-	-	-	-	-	-	-	A
Commercial Screen Printing	-	-	-	-	-	-	-	-	-	-	P
Computer and Electronic Products	-	-	-	-	-	-	-	-	-	-	P
Dental Laboratories	-	-	-	-	-	-	-	-	-	-	P
Electrical Equipment, Appliance, and Components	-	-	-	-	-	-	-	-	-	-	P
General and Refrigerated Warehousing and Storage	-	-	-	-	-	-	-	-	-	-	P
Industrial Vehicle, Machinery and Equipment Repair and Maintenance	-	-	-	-	-	-	-	-	-	-	C
Manufacturing, developed as a standalone industrial facility	-	-	-	-	-	-	-	-	-	-	P
Manufacturing, developed as part of a multi-tenant industrial and/or research park or campus	-	-	-	-	-	-	-	-	-	-	P
Merchant Wholesalers, Misc. Durable Goods	-	-	-	-	-	-	-	-	-	P	P
Merchant Wholesalers, Misc. Nondurable Goods	-	-	-	-	-	-	-	-	-	P	P
Ophthalmic Goods Manufacturing	-	-	-	-	-	-	-	-	-	-	P
Outdoor Storage/Sales/Rental Yard	-	-	-	-	-	-	-	-	-	-	C
Printing and Related Support Activities	-	-	-	-	-	-	-	-	-	-	P
D. RESEARCH AND DEVELOPMENT											
Scientific Research and Development Services, Single Facility/Structure	-	-	-	-	-	-	-	-	-	-	P
Scientific Research and Development Services, Business Park or Campus	-	-	-	-	-	-	-	-	-	-	P
E. PROFESSIONAL OFFICES											
Accounting, Tax Preparation, Bookkeeping, and Payroll Services	-	-	-	-	-	-	-	P	P	P	-
Advising Public Relations, and Related Services	-	-	-	-	-	-	-	P	P	P	-
Architectural, Engineering, and Related Services	-	-	-	-	-	-	-	P	P	P	-
Banking, Finance and Insurance	-	-	-	-	-	-	-	P	P	P	-
Computer Systems Design and Related Services	-	-	-	-	-	-	-	P	P	P	-
Employment Services	-	-	-	-	-	-	-	P	P	P	-
Formal Wear and Costume Rental	-	-	-	-	-	-	-	P	P	P	-

Legal Services	-	-	-	-	-	-	-	-	P	P	P	-
Management of Companies and Enterprises	-	-	-	-	-	-	-	-	P	P	P	-
Management, Technical, and Scientific Consulting Services	-	-	-	-	-	-	-	-	P	P	P	-
Medical and Diagnostic Laboratories, Home Health Care Services, and Other Ambulatory Health Care	-	-	-	-	-	-	-	-	-	-	P	-
Mini-Warehouses	-	-	-	-	-	-	-	-	-	-	-	P
TV, Motion Picture and Sound Recording Industries	-	-	-	-	-	-	-	-	P	P	-	P
Office Administrative Services	-	-	-	-	-	-	-	-	P	P	P	-
Medical, Dental and Vision Offices	-	-	-	-	-	-	-	-	P	P	P	-
Outpatient Care Centers	-	-	-	-	-	-	-	-	-	-	P	-
Pawnshops	-	-	-	-	-	-	-	-	-	-	-	P
Real Estate, Rental and Leasing Services (Excluding Mini-Warehouses)	-	-	-	-	-	-	-	-	P	P	P	-
Specialized Design Services (except Computer systems design)	-	-	-	-	-	-	-	-	P	P	P	-
Veterinary Services	-	P	-	-	-	-	-	-	-	-	P	-
F. SERVICES												
Appliance Repair and Maintenance	-	-	-	-	-	-	-	-	-	-	P	-
Automotive Body, Paint, and Interior Repair and Maintenance	-	-	-	-	-	-	-	-	-	-	P	-
Automotive Glass Replacement Shops	-	-	-	-	-	-	-	-	-	-	P	-
Automotive Mechanical and Electrical Repair and Maintenance	-	-	-	-	-	-	-	-	-	-	P	-
Automotive Oil Change and Lubrication Shops	-	-	-	-	-	-	-	-	-	-	P	-
Barbershops, Beauty Salons, Nail Salons, and Other Personal Care Services (except tattoo and body art parlors)	-	-	-	-	-	-	-	-	P	P	P	-
Boarding Kennels	-	P	-	-	-	-	-	-	-	-	-	-
Cafeteria, Grill Buffet, and Buffet	-	-	-	-	-	-	-	-	-	-	P	-
Car Washes	-	-	-	-	-	-	-	-	-	-	P	-
Cemeteries and Crematories	P	A	C	C	C	C	C	-	-	-	-	-
Coin-operated Laundromats	-	-	-	-	-	-	-	-	-	P	P	-
Consumer Electronics, Computer and Office Machine, and Other Electronic and Precision Equipment Repair and Maintenance	-	-	-	-	-	-	-	-	-	-	P	-
Drinking Places	-	-	-	-	-	-	-	-	P	-	P	-
Dry cleaning and Laundry Services (except Coin-operated)	-	-	-	-	-	-	-	-	P	P	P	-
Food Trucks	-	-	-	-	-	-	-	-	C	C	C	C
Footwear and Leather Goods Repair	-	-	-	-	-	-	-	-	P	P	P	-
Funeral Homes and Funeral Services (except Crematories)	-	-	-	-	-	-	-	-	-	-	P	-

Home and Garden Equipment Repair and Maintenance	-	-	-	-	-	-	-	-	-	-	P	-
Hotels and Motels	-	-	-	-	-	-	-	-	-	-	P	-
Other Personal and Household Goods Repair and Maintenance (except motorcycles and boats)	-	-	-	-	-	-	-	-	-	-	P	-
Other Personal and Household Goods Repair and Maintenance (motorcycles, motorboats, canoes, sailboats, and other recreational boats)	-	-	-	-	-	-	-	-	-	-	P	-
Pet Care (except Veterinary and Boarding Kennels) Services	-	P	-	-	-	-	-	-	-	-	P	-
Public Parking Lots (with or without Vehicle Charging Stations)	-	-	-	-	-	-	-	P	-	-	-	-
Restaurants, Full-service	-	-	-	-	-	-	-	P	P	P	P	-
Restaurants, Limited-service	-	-	-	-	-	-	-	-	-	-	P	-
Reupholstery and Furniture Repair	-	-	-	-	-	-	-	P	P	P	P	-
Tattoo and Body Art Parlors	-	-	-	-	-	-	-	-	-	-	-	P
G. RETAIL TRADE												
Automobile Sales, New and Used	-	-	-	-	-	-	-	-	-	-	P	-
Automotive Parts and Accessories Stores (excluding repair or installation services)	-	-	-	-	-	-	-	-	-	-	P	-
Beer, Wine, and Liquor Stores	-	-	-	-	-	-	-	-	-	-	P	-
Book, Periodical, Music, Hobby, Toy, and Supplies Stores	-	-	-	-	-	-	-	P	P	P	P	-
Clothing, Shoe, Jewelry, Luggage, and Leather Goods Stores	-	-	-	-	-	-	-	P	P	P	P	-
Department Stores	-	-	-	-	-	-	-	P			P	-
Electronic Shopping, Electronic Auctions, and Mail-order Houses	-	-	-	-	-	-	-	-	-	-	P	-
Florists	-	-	-	-	-	-	-	P	P	P	P	-
Furniture and Home Furnishings Stores	-	-	-	-	-	-	-	P	P	P	P	-
Gasoline Stations with or without Convenience Stores (except Automotive Repair Services)	-	-	-	-	-	-	-	-	-	-	C	-
General Merchandise Stores	-	-	-	-	-	-	-	P	P	P	P	-
Gift, Novelty, and Souvenir Stores	-	-	-	-	-	-	-	P	P	P	P	-
Hardware Stores	-	-	-	-	-	-	-	-	-	-	P	-
Health and Personal Care Stores	-	-	-	-	-	-	-	P	P	P	P	-
Heating Oil Dealers	-	-	-	-	-	-	-	-	-	-	P	-
Home Centers	-	-	-	-	-	-	-	-	-	-	P	-
Household Appliance, Radio, Television, Computer and Software, Camera and Photographic, and Other Electronics Stores	-	-	-	-	-	-	-	P	P	P	P	-
Liquefied Petroleum Gas (Bottled Gas) Dealers	-	-	-	-	-	-	-	-	-	-	P	-

Motorcycle, ATV, Personal Watercraft, and Boat Sales, Leasing and Service	-	-	-	-	-	-	-	-	-	P	-
Nursery, Garden Center, and Farm Supply Stores	-	-	-	-	-	-	-	-	-	P	-
Office Supplies and Stationery Stores	-	-	-	-	-	-	-	P	P	P	-
Outdoor Power Equipment Stores	-	-	-	-	-	-	-	-	-	P	-
Paint and Wallpaper Stores	-	-	-	-	-	-	-	P	P	P	-
Pet and Pet Supplies Stores	-	-	-	-	-	-	-	-	-	P	-
Pharmacies and Drug Stores	-	-	-	-	-	-	-	P	P	P	-
Specialty Food Stores and Markets	-	-	-	-	-	-	-	P	P	P	-
Sporting Goods Stores	-	-	-	-	-	-	-	-	-	P	-
Supermarkets and Other Grocery Stores	-	-	-	-	-	-	-	-	-	P	-
Tire Dealers	-	-	-	-	-	-	-	-	-	P	-
Tobacco Stores	-	-	-	-	-	-	-	-	-	P	-
Truck, Utility Trailer, and RV Sales, Leasing, and Service	-	-	-	-	-	-	-	-	-	P	-
Used Merchandise Stores	-	-	-	-	-	-	-	-	-	P	-
Vending Machine Operators	-	-	-	-	-	-	-	-	-	P	-
Warehouse Clubs and Supercenters	-	-	-	-	-	-	-	-	-	P	-
H. ARTS, ENTERTAINMENT, AND RECREATION											
Amusement Arcades	-	-	-	-	-	-	-	P	-	P	-
Bowling Centers	-	-	-	-	-	-	-	P	-	P	-
Fitness and Recreational Sports Centers	-	-	-	-	-	-	-	P	P	P	-
Golf Courses and Country Clubs	P	P	C	C	C	C	C	-	-	-	-
Mini Golf Course	P	P	-	-	-	-	-	-	-	-	-
Motion Picture Theaters (except Drive-ins)	-	-	-	-	-	-	-	P	-	P	-
Performing Arts	-	-	-	-	-	-	-	P	P	P	-
Recreational Vehicle Parks and Campgrounds	C	-	-	-	-	-	-	-	-	-	-
Riding Stables, and Archery Ranges	P	C	-	-	-	-	-	-	-	-	-
I. OTHER USES											
Farm	P	P	C	C	C	C	C	-	-	-	-
Horticultural Nursey or Greenhouse Complex	P	P	-	-	-	-	-	-	-	-	P
Mixed-Use Development	-	-	-	-	-	-	-	-	P	-	-
Outdoor Event Facilities	C	-	-	-	-	-	-	-	-	-	-
Parking Structure	-	-	-	-	-	-	-	-	P	-	-
Seasonal Produce Stand	-	C	-	-	-	-	-	-	-	-	-
Sexually Oriented Businesses	-	-	-	-	-	-	-	-	-	-	C
Telecommunication Towers	-	-	-	-	-	-	-	-	-	-	C
Tree Farm and/or Forest Management Areas	P	P	-	-	-	-	-	-	-	-	-

SECTION 4-2 STANDARDS FOR CONDITIONAL USES

A. Adult Entertainment Establishment

- Establishments shall not be located closer than one thousand (1,000) feet of:

- a. A religious institution;
 - b. A school;
 - c. A boundary of a residential district;
 - d. A property line of a lot devoted to a residential use;
 - e. A public park or recreation area;
 - f. An activity center; or
 - g. Another adult entertainment business.
2. **Measure of Distance.** The distance between any Adult Entertainment Establishment and any religious institution, a school, a boundary of residential district, a public park or recreation area, a property line of a lot devoted to residential use, a public building, or an activity center shall also be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the premises where the Adult Entertainment Establishment is conducted or proposed to be conducted, to the nearest property line of the premises of a religious institution, a school, a boundary of a residential district, a property line of a lot devoted to residential use, a public park or recreation area, a public building, or an activity center.
 3. **Signs.** Adult Entertainment Establishments shall not display a sign or signs visible from public streets or sidewalks or outside the premises, which are pictorial, illustrative of or depicting of an Adult Entertainment Establishment, services, or merchandise offered on the premises. Signs, in accordance with [Section 6-6, Sign Regulations](#) are allowed.

B. Telecommunication Tower

1. The tower shall not be illuminated or contain any lighting unless otherwise required by state or federal regulations.
2. No communication tower over seventy-five (75) feet in height may be erected within a radius of ten thousand five hundred (10,500) feet from an existing communication tower.
3. The tower must be set back from all lot lines a distance equal to the tower's fall zone, as certified by a registered professional engineer, plus twenty (20) feet.
4. The tower must be set back a distance of its height plus fifty (50) feet from any residential structure.

5. The height of a tower is limited to one hundred sixty (160) feet as measured from existing grade at its base to the highest point of the tower or antennae. An additional twenty (20) feet of height may be approved if the tower is designed to accommodate the applicant's antennae.
6. The tower shall be appropriately secured by means of a wall, fence, or other device at least seven (7) feet high; however, razor wire shall not be permitted. Fencing shall either be painted or PVC-coated dark green, brown, black, or gray. The immediate perimeter of the fence or wall surrounding the tower and associated structure shall be planted with evergreen shrubs capable of obtaining a height of twelve (12) feet with a maximum spacing of ten (10) feet. These plants shall be at least three (3) gallon container plants or twenty-four (24) inches tall at the time of planting.
7. One sign, two (2) square feet per side in size, which includes the name of the company operating the equipment and a phone number for emergencies, shall be displayed in a visible location on or near the tower.
8. The color of the tower and its antennae shall be one which will blend to the greatest extent possible with the natural surroundings.
9. A tower no longer being operated for commercial purposes shall be considered abandoned. If it is determined by the Zoning Administrator that a tower is abandoned, is not being maintained, or not being used for purposes under which the original permit was issued, the tower owner will be notified and given one hundred eighty (180) days to remove the tower.

C. Recreational Development

1. A comprehensive development plan for the area shall be submitted to the Zoning Administrator that includes the location of the site on maps of not less than 1" 400' scale, the location and function of all buildings, and modifications of the natural landscape, the location and surface treatment of all roadways, appropriate details of drinking water and/or sanitary facilities, plus a time schedule setting forth a development program.

D. Club and Fraternal Organization

1. Shall not be operating for profit;
2. The buildings are not placed less than fifty (50) feet from any property line; and
3. There is a planted buffer strip and screen in compliance with [Section 6-2\(C\)\(3\)\(c\)](#), along the side and rear lot lines.

E. Produce Stand

1. All setback and yard requirements are maintained;
 2. At least four (4) off-street parking spaces are provided and suitably maintained; and
 3. Such use shall be permitted only on the same property where the produce was raised and where the individuals raising the produce also operate the stand or shelter.
- F. Commercial Riding Stable
1. No building or enclosure for animals is located closer than one hundred (100) feet from any property line.
- G. Cemetery
1. Shall be accessory to and on the same property as a permitted use.
 2. Shall be screened with a permanent fence along any abutting property zoned for residential use.
- H. Elementary School, High School or Institution of Higher Learning (not a trade or business school)
1. Minimum lot size shall be five (5) acres.
 2. No structure or parking area shall be placed within fifty (50) feet of any property line.
- I. Public Recreational Use (public park, playground, etc.)
1. No structure or parking area shall be placed within thirty (30) feet of any property line.
 2. Vehicles shall not be stored on premises.
- J. Private Recreation Area or Building
1. Minimum lot size shall be two (2) acres.
 2. No structure, parking area or use shall be placed within thirty-five (35) feet of any property line.
- K. Public Library or Museum
1. Minimum lot size shall be two (2) acres.
 2. No structure, parking area or use shall be placed within thirty (30) feet of any property line.
- L. Church, Synagogue or similar Place of Worship

1. No structure or parking area shall be placed within fifty (50) feet of any property line.
2. Churches, synagogues or similar places of worship shall only be located on lots that face a major thoroughfare or collector street, as shown on the Official Zoning Map.

M. Farm

1. On-premise retail sales are prohibited.
2. Odor, dust, noise or similar factors produced by the use shall not be objectionable to surrounding residences.

N. Businesses in Low-Density Residential Districts

1. Conditional uses as a business may be permitted in any structure that was built to be used as a business as long as this structure has not been used as a residence. Once a building is used primarily as a residence, it can not revert back to a business use.
2. Said conditional use to be of such character and activity that would preserve the integrity of the residential district.
3. Said conditional use to be of such nature as to avoid excessive traffic through the residential district and of such nature that would not create any parking problems in the residential district.
4. Said conditional use to be of such nature that the exterior of the existing structure and the entire premises would be maintained in such a manner that would preserve the integrity of the residential district.

O. Food Truck (Mobile Food Unit)

1. Shall maintain documentation of the necessary approvals from SC DHEC and any other agency documentation necessary to provide food service.
2. Shall possess a current Town of Pendleton Business License and an Ordinance Compliance Letter.
3. Shall collect and remit Hospitality Taxes in the same manner as other food service enterprises.
4. Shall possess proof that the mobile kitchen has been inspected and approved by the Zoning Administrator. Any modification made to the mobile kitchen must also be inspected.

5. Shall possess confirmation of permission from the owner (or authorized agent) of the property where the unit is parked. This permission should include a legible name, signature, and phone number of the authorizing individual.
6. Shall be located one hundred (100) feet away from door of an established eating place, unless the owner of the eating place provides letter of consent.
7. The unit shall be parked in a location that does not create traffic or safety problems and does not interfere with the activities of other businesses or otherwise interfere with other lawful activities or violate any statutes, ordinances, or other laws. Must immediately comply with requests or directives to relocate the unit for such reasons.
8. The vehicle shall not be left unattended or left at a sales site overnight.
9. The owner/operator shall be responsible for identifying suitable access to restrooms for employees.
10. The owner/operator shall be responsible for removing their garbage and keeping surroundings free from litter. Must provide own waste receptacles. No garbage is to be left onsite.
11. Food trucks are allowed to cater occasional private special events on private property within residential zones. However, in those cases, sales should be limited to event attendees only (not to the general public), and all of the conditions of this Section shall be met.
12. Food trucks may operate on active construction sites subject to all of the conditions in this Section.
13. Town Square – The Town has identified specific locations within the Town Square area for Food Trucks to operate. Locations are subject to change. The Zoning Administrator will assign a location as part of an Ordinance Compliance Letter.

P. Condominiums

1. Ownership: Condominium dwelling units are defined in **Article 2, Definitions**. Condominium refers to the ownership technique described in the Code of Laws of South Carolina as the Horizontal Property Act of 1967, Sections 27-31-10 through 27-31-300 of the Code of Laws of S.C. 1976. Condominium ownership may be used on any style of construction, but shall be developed under the requirements and provisions of the Horizontal Property Act. Prior to approval of any condominium project, the legal declaration establishing the ownership association shall be submitted to the Planning Commission for approval by the Town Attorney as to form and legal sufficiency as provided for by the Horizontal Property Act, and the additional provisions of this Ordinance. All

condominium declarations shall require the association to provide exterior building maintenance services and architectural control.

2. Design and Density Requirements: Dwelling units constructed or redeveloped as condominium units shall be governed by the design and density requirements of the zoning district in which they are located.

Q. Storage of Vehicles and Trailers with Expired Registration

1. Automotive vehicles or trailers of any kind or type without current license plates, if such plates are required, shall not be parked or stored on any property other than in carports or completely enclosed buildings.

R. Swimming Pools

1. It is the purpose of these provisions to recognize an outdoor swimming pool as a potential attractive nuisance and to promote the public safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools whether privately, publicly, or commercially owned or operated.
2. Permits and Approvals. No swimming pool shall be constructed or used until a Swimming Pool Building Permit and a Certificate of Occupancy have been issued therefore. No Building Permit and no final Certificate of Occupancy shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and State Department of Health and Environment Control regulations.
3. Requirements. A swimming pool may be constructed and operated when:
 - a. The pool is not located in any minimum yard space;
 - b. A wall or fence, not less than four (4) feet in height, with the self-latching gates at all entrances, completely encloses either the pool area or the surrounding yard area;
 - c. All lighting of the pool is shielded or directed to face away from adjoining residences. If lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible from adjacent properties; and
 - d. No broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers.

S. Recreational Vehicle Parks and Campgrounds

1. Each park must have direct frontage and access to a collector or arterial street. Access to each individual site and other provided structures shall be from internal streets. Individual sites shall not be accessed directly from a public road.
2. No site shall be used as a permanent residence and shall only be for the use of travel trailers, pickup campers, coaches, motor homes, camping trailers, other vehicular accommodations, tents, park model units, and on-site rental cabins. Time limits for individual site occupancy shall be in accordance with the Town of Pendleton Municipal Code of Ordinances.
3. Overall density of the park or campground shall be limited to no more than eight (8) sites per acre.
4. Each site in the park or campground shall have a minimum area of eight hundred (800) square feet and have a stabilized and compacted vehicular parking pad or packed gravel, paving, or other suitable material. At least one (1) site must be ADA accessible. When permanent units (cabins) are provided, at least one (1) unit must be ADA accessible.
5. All sites shall be setback from all side and rear property lines by a minimum of ten (10) feet and a minimum of twenty (20) feet from the edge of any public road right-of-way. When the park or campground is adjacent to a residential use, ten (10) feet must be vegetated accordingly in order to provide a solid evergreen screen.
6. Sites may be served by on-site sewage disposal system as permitted by SCDHEC; however, each individual site may not be served with an individual system.

SECTION 4-3 ACCESSORY USES AND STRUCTURES

Any use may be established as an accessory use to any permitted principal use in any district provided that such accessory use:

1. Is customarily incident to and is maintained and operated as a part of the principal use;
2. Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated;
3. Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or other pollutants, in a greater amount than that customarily created by the principal use; and
4. Is not located in a minimum exterior yard.
5. Adheres to any supplemental regulations indicated in the ordinance.

A. Uses Customarily Accessory to Dwellings:

1. Private Garage.
2. Open storage space or parking area for motor vehicles, provided that such space shall not be used for more than one (1) commercial vehicle licensed by the State of South Carolina as one-half ton or less in capacity per family residing on the premises.
3. Utility or storage building.
4. Children's playhouse and play equipment.
5. Private swimming pool and bath house or cabana, tennis courts, and private recreation for tenants of principal buildings.
6. Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.
7. Non-commercial flower garden, greenhouse or slat house not over eight (8) feet in height.
8. Laundromats in multi-family developments for the exclusive use of the tenants.
9. Office in multi-family developments to be used for the rental, leasing, or sale of only those units within the development or subdivision where the office is located.

B. Uses Customarily Accessory to Church Buildings:

1. Religious education buildings.
2. Parsonage, parsonage, or parish house, together with any use accessory to a dwelling as listed under [Section 4-3\(A\)](#).
3. Off-street parking area for the use without charge of members and visitors to the church.
4. Completely enclosed building for storage of supplies or equipment.

C. Uses Customarily Accessory to Retail Business, Office Uses, Commercial, and Recreational Facilities:

1. Off-street parking or storage area for customer, client or employee-owned vehicle.
2. Completely enclosed building for the storage of supplies, stock or merchandise.

D. Uses Customarily Accessory to Retail, Commercial, or Industrial Facilities:

1. 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.
 2. Gasoline or fuel oil pump and storage tank(s), provided not more than 560 gallons of petroleum products be stored in above ground skid tanks, nor above ground storage of petroleum products for a bulk plant in excess of 60,000 gallons per site nor underground storage tanks for convenience stores or service stations in excess of 24,000 gallons per site.
- E. Location of Accessory Uses on Zoned Lots. In any residential district, permitted accessory uses or buildings shall not be located in front or side yards as herein defined, and such accessory uses or buildings shall not be erected or placed within six (6) feet of any side or rear lot line, nor closer than fifteen (15) feet to the principal building on the adjoining lot. Single-family and two-family garages may be put in the side yards if the setback requirements of that district are maintained, and in the rear yard within six (6) feet of the property line, provided said garage is at least fifteen (15) feet from the principal building on the adjoining lot.
- F. Accessory Building Standards. Accessory buildings shall be allowed in this district if they meet the following standards:
1. Each accessory building shall be no taller than 25ft in height or no taller than the height of the principal structure, whichever is less;
 2. All accessory buildings shall be located in the rear yard, with the exception of detached garages and carports, which may be located in the side yard if they meet side yard setback requirements for primary structures in this district;
 3. No accessory building shall be closer to the rear or side yard line than six (6) feet; except, in the case of a corner lot, no wall of an accessory building shall be closer to a side street line than the side line of the main buildings, provided, however, that it shall also be as far from the side street line as the required front yard for building on the side street or as near thereto as the width of the lot will permit;
 4. All accessory buildings on a lot shall occupy no more than twenty-five (25) percent of the rear yard; and
 5. Accessory buildings only as described in [Section 4-3\(A\)](#) shall be allowed as follows:
 - a. Only two (2) types of accessory uses shall be allowed per lots smaller than two (2) acres. Allowable accessory buildings must still conform to height and coverage standards as well as use standards listed in Section 4-3(F).

- b. For properties of two (2) acres or greater, the number of accessory buildings will be limited to a maximum of 3 and the maximum allowed square footage shall not exceed the square footage of the principal structure. Allowable accessory buildings must still conform to height as well as use standards listed in Section 4-3(F), excluding item number 4.
 - c. Children's' playhouses and play equipment will not count towards this number.
 - d. All accessory uses shall be located on the same lot of the principal use and shall not be allowed to be subdivided from the lot.
 - e. No accessory use shall have a functioning kitchen or sleeping areas designed for occupancy.
- 6. Accessory buildings with a floor area greater than one hundred and fifty (150) square feet shall be clad in materials commonly found on residential structures. Structures that cannot be used as an accessory structure include, but are not limited to: school buses, manufactured homes, tractor-trailers (with or without wheels), buses, recreation vehicles (RVs and campers), and exposed/un-clad cargo containers.
 - 7. Accessory structures erected prior to July 1, 2021, that do not comply with this section are considered non-conforming and shall comply with the provision of [Article 11](#) of this zoning ordinance. In addition, the nonconforming structure shall not create a public nuisance as defined by International Property Maintenance Code.
- G. Home Occupations. A home occupation shall be permitted in any residential district provided that such occupation:
- 1. Is conducted by no other persons than members of the family residing on the premises;
 - 2. Is conducted within the dwelling, is clearly incidental and secondary to the use of the structure for dwelling purposes, and not detracting from the residential character of the immediate area;
 - 3. Utilizes no more than twenty-five (25) percent of the total floor area of the principal building;
 - 4. Creates no offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line;
 - 5. Is not visible evident from outside the dwelling except for an unlighted sign not to exceed three (3) square feet in size (no signs permitted for homestays);
 - 6. Under no circumstances shall any of the following be considered a home occupation: barber shop, beauty parlors, wig styling clinic, mortuary, nursing home, restaurant,

veterinarians clinic, musical or dancing instruction involving more than two (2) pupils at one time, or day care for more than six (6) children at one time; and

7. Complies with Home Occupation, as defined in **Article 2, Definitions**.
8. Bed and Breakfast Inns and Short-Term Rentals
 - a. Property owners shall obtain and maintain a Town of Pendleton Business License and an Ordinance Compliance Letter from the Zoning Administrator prior to commencing operation of a Bed and Breakfast Inn or a Short-Term Rental.
 - b. The owner(s) of the property must reside on the premises, and must operate the business with resident family members only. Acceptable proof of permanent residence includes: applicant's driver's license, voter registration card or U.S. passport, showing the address of the property, or other document(s) which the Zoning Administrator determines provide equivalent proof of permanent residence by the applicant at the property that is the subject of the application.
 - c. No more than six (6) guest rooms can be offered.
 - d. Parking. All parking for tenants and guests must be contained on site and only on improved surfaces. During rentals, no parking for owners, occupants, tenants, or guests may be located on unimproved surfaces. Unimproved surfaces include, but are not limited to, grassed, wooded, dirt, and mulched surfaces, as well as any other parking surfaces not in compliance with applicable Town Code requirements.
 - e. No long-term boarding arrangements greater than thirty (30) days are permitted.
 - f. No additions or extensions to the original structure are allowed, if for the express purpose of adding guest rooms.
 - g. No meals can be provided other than to registered guests.
 - h. A home occupation for a bed and breakfast inn or a short-term rental may be revoked by the Zoning Administrator: (1) in the event that three (3) or more substantiated complaints are received by the town within a calendar year; or (2) for failure to maintain compliance with any of the regulations set forth within this Section. A property owner whose home occupation has been revoked pursuant to this paragraph shall not be eligible to re-apply for a home occupation for a bed and breakfast inn or a short-term rental for the remaining portion of the calendar year in which the occupation is revoked, and for the entire succeeding calendar year.

- i. All conditions for home occupation, as set out in **Section 4-3(G)**, must be fully met, except that for a Bed and Breakfast Inn or a Short-Term Rental the percentage of floor space rule, as stated in **Section 4-3(G)(3)** is waived.
9. Homestays
- a. Property owners shall obtain and an Ordinance Compliance Letter from the Zoning Administrator prior to commencing operation of a Homestay.
 - b. The owner(s) of the property must reside on the premises. Acceptable proof of permanent residence includes: applicant's driver's license, voter registration card or U.S. passport, showing the address of the property, or other document(s) which the Zoning Administrator determines provide equivalent proof of permanent residence by the applicant at the property that is the subject of the application.
 - c. Contact information for a responsible party. If the owner is not the responsible party who will be available during the time of service, then the responsible party must be identified and must sign the application form. The responsible party will be available twenty-four (24) hours a day, seven (7) days a week to respond to and resolve issues and complaints that arise during a period of time in which the dwelling is being used for transient occupancy. The responsible party must be located not more than thirty (30) miles from a homestay at the time of a transient occupancy.
 - d. No more than six (6) adult overnight guests are allowed per tax map parcel, per day.
 - e. Parking. All parking for tenants and guests must be contained on site and only on improved surfaces. During rentals, no parking for owners, occupants, tenants, or guests may be located on unimproved surfaces. Unimproved surfaces include, but are not limited to, grassed, wooded, dirt, and mulched surfaces, as well as any other parking surfaces not in compliance with applicable Town Code requirements.
 - f. No long-term boarding arrangements greater than thirty (30) days are permitted.
 - g. No additions or extensions to the original structure are allowed, if for the express purpose of adding guest rooms.
 - h. A home occupation for a homestay may be revoked by the Zoning Administrator: (1) in the event that three (3) or more substantiated complaints are received by the town within a calendar year; or (2) for failure to maintain compliance with any of the regulations set forth within this Section. A property owner whose home occupation has been revoked pursuant to this paragraph shall not be eligible to re-apply for a home occupation for a homestay for the remaining portion of the calendar year in which the occupation is revoked, and for the entire succeeding calendar year.

- i. All conditions for home occupation, as set out in **Section 4-3(G)**, must be fully met, except that for a Homestay the percentage of floor space rule, as stated in **Section 4-3(G)(3)** is waived.

SECTION 4-4 TEMPORARY USES AND STRUCTURES

The Zoning Administrator or designee may request from Anderson County the issuance of a temporary Certificate of Occupancy for temporary uses, as follows:

- A. Religious meetings in tents or other temporary structures in AB, AF, and CO Districts, for a period not to exceed fifteen (15) days.
- B. Open lot for Christmas trees, in the NC, AB, and AF Districts for a period not to exceed forty-five (45) days.
- C. Real estate sales office, in any residential or planned development district, except fully-or near fully-developed and occupied residential districts, for a period not to exceed one (1) year, provided no cooking or sleeping accommodations are maintained and that properties being rented, leased or sold is only those properties within the same development or subdivision on which the real estate sales office is located.
- D. Contractor's office and equipment sheds, and trailer-offices in any district except fully or near-fully developed and occupied residential districts, for a period of one (1) year, provided that such office be placed on the property to which it is appurtenant.
- E. Temporary buildings and trailers used as offices, classrooms, and for storage on school property during construction of permanent facilities. The temporary buildings shall not provide for cooking or sleeping accommodations. Where located in residential zones, the buildings shall not create an aesthetic nuisance and may, at the discretion of the Zoning Administrator or designee, be required to be skirted and/or located so as not to be visible from the view of neighboring residences. The temporary structures may be permitted for a period not to exceed one (1) year.
- F. All temporary Certificates of Occupancy may be renewed provided that it is determined that said uses is clearly of a temporary nature, will cause no traffic congestion, and would not create a nuisance to surrounding uses.

SECTION 4-5 MAXIMUM OCCUPANCY FOR DWELLINGS

Occupant: A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities in a dwelling:

- A. Any number of people related by blood, marriage, adoption, guardianship, or other duly authorized custodial relationship, plus one (1) unrelated person; or
- B. Maximum of two unrelated people and any children related to either of them or under their legal custody; or
- C. Maximum of three unrelated people (not within these zones, R-1, R-2, FRD and PDR); or
- D. Not more than nine (9) people who are:
 - 1. Residents of a “Home” as defined in Section 6-29-770 of the South Carolina Code of Laws.
 - 2. “Handicapped” as defined in the Fair Housing Act, 42 U.S.C. Section 3602 (h). This definition does not include those persons currently illegally using or addicted to a “controlled substance” as defined in the Controlled Substances Act, 21 U.S.C. Section 803(6).

ARTICLE 5 DIMENSIONAL STANDARDS

SECTIONS:

- SECTION 5-1 DIMENSIONAL REQUIREMENTS
- SECTION 5-2 USE OF LAND OR BUILDINGS
- SECTION 5-3 YARD PROVISIONS
- SECTION 5-4 HEIGHT PROVISIONS
- SECTION 5-5 DENSITY PROVISIONS
- SECTION 5-6 LOT PROVISIONS

SECTION 5-1 DIMENSIONAL REQUIREMENTS

- A. All primary structures shall be subject to the dimensional standards set forth in the following table. These standards may be further limited or modified by other applicable Sections of this Article.

DISTRICT	SUB-DISTRICT	MINIMUM LOT SIZE REQUIREMENTS					MAX BLDG COVER (%)	MINIMUM YARD REQUIREMENTS			MAX BLDG HEIGHT	
		Lot Area (sf) per dwelling	Density (units per acre)	Total Lot Area (sf)	Width (ft)	Depth (ft)		Front (ft)	Side (ft)	Rear (ft)	(story)	(ft)
CO		None										
AF		43,560	1.000	43,560	200	None	None	100	30	30	2.5	35
R-1		20,000	2.178	20,000	75	110	35	30	(1)	15	2.5	35
R-2		10,000	4.356	10,000	60	100	40	30	8	15	2.5	35
R-3		8,000	5.445	8,000	60	80	50	25	8	15	2.5	35
R-4		8,000	5.445	8,000	60	80	50	25	(2)	15	2.5	35
MF	One-Family	8,000	5.445	8,000	60	80	50	25	8	15	2.5	35
	Duplex	6,000	7.260	12,000	80	100	50	30	8	15	2.5	35
	Multi-Family	(3)			100	None	(4)	35	(5)	25	3	40
CB		None						(6)	(7)	None	3	40
NC		None						(8)	(9)	(10)	3	40
AB		None						(8)	(11)	None	3	40
LI		None										

- (1) Eight (8) foot side yard setback on one side. Combined setback (both sides) of twenty two and a half (22.5) feet.
- (2) Eight (8) foot side yard setback on one side. Combined setback (both sides) of twenty (20) feet.
- (3) Minimum square footage of land required per dwelling unit on a lot shall not be less than indicted below:

Type of Unit	Square Ft	Density
1 bedroom	3,500	12.45
2 bedroom	4,000	10.89
3 bedroom	4,500	9.68
4+ bedrooms	5,000	8.712

- (4) Forty (40) percent, may be increased to fifty (50) percent if parking is located in structure.
- (5) Fifteen (15) foot side yard setback on one side. Combined setback (both sides) of thirty five (35) feet.
- (6) Minimum depth of front yard must conform to that of adjacent structures.
- (7) Zero (0). If adjacent to residential district, side setback shall equal the side setback required in the abutting residential district.
- (8) Thirty-five (35) feet on major streets; thirty (30) feet on all other streets. Parking areas may be placed in the required setbacks, but not closer than six (6) feet from the front property line. When parking areas are opposite to a residential district on a street sixty (60) feet wide or less, a planting strip of shrubbery shall be provided in front of the parking of service areas.
- (9) Zero (0). If adjacent to residential district, a fifteen (15) foot setback is required for parking and service drives.
- (10) Parking and service drives require a fifteen (15) foot setback. All other structures require twenty five (25) foot setback.
- (11) Zero (0). If adjacent to residential district, a fifteen (15) foot setback is required for parking and service drives. If, however, such commercial use does not abut a residential use and the commercial building is not built on the property line, at least five (5) feet of side yard is required.

SECTION 5-2 USE OF LAND OR BUILDINGS

- A. No land or building shall hereafter be used or occupied, and no building or part thereof shall hereafter be constructed, erected, altered or moved, unless in conformity with all of the regulations herein specified for the zoning district in which it is or will be located. Also, in case of developments, where involving structures or not, which are part of a present or future project, development, or complex, a unity of design and character will be maintained. When an area proposed for development forms an integral part of, or is immediately adjacent to, or otherwise clearly affects the future of any established section of the Town, the design, scale, and location on the site shall enhance rather than detract from the character, value and attractiveness of the surroundings.

SECTION 5-3 YARD PROVISIONS

A. Yard Use Limitations

- 1. No part of a yard, court, or other 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, court, or other open space or off-street parking for another building or structure, except as hereinafter provided.

B. Yard Reduction Prohibited

1. No building shall hereafter be erected, altered, or moved to create narrower or smaller front yards, sides yards, rear yards, or other open spaces than required by this Ordinance for the zoning district in which such building is or will be located.

C. Exterior Yards

1. Exterior Yard Depth. Depth of exterior yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersection, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.
2. Exterior Yards – All lots:
 - a. At least one exterior yard shall be provided having the full depth as required by the Development Controls for the district in which the property is located; and
 - b. No other exterior yard on such lot shall have less than half the full depth as required by the Development Controls for the district in which the property is located, except as provided below.
3. Exterior Yards – Through Lots. Exterior yards shall be provided on all street frontages of through lot subject to the Zoning Administrator following special provisions. Where the Zoning Administrator finds that one (1) of the two (2) exterior yards that would normally be required along opposite non-intersecting streets is not in keeping with the prevailing yard depth pattern, he/she shall approve a special minimum depth of yard which shall be equal to the average of the yards actually provided or required on adjoining lots. When the Town has approved a subdivision plat filed in the Maps and Plats Records of the County and showing thereon a building set-back line along one (1) of the two (2) streets at less than the normal depth required, such line shall be the minimum yard depth for the lot.

D. Other Yard Provisions:

1. Interior Yard Required. An interior yard shall be provided in the minimum width prescribed in **Section 5-1, Dimensional Requirements**. The width shall be measured perpendicular to each interior lot line.
2. Yards – Accessory Buildings. No accessory building shall be located in a minimum required exterior yard. An accessory building having an area of more than six hundred (600) square feet shall be located not closer than six (6) feet to the interior lot line.
3. Other yard Uses. Fences, walls, poles, posts, customary fixed yard accessories and ornaments, and roof overhangs projecting not more than thirty-six (36) inches, may be permitted in any minimum required yard subject to height limitations and requirements limiting obstruction of visibility.

4. Setback Along Alley. In lieu of interior yards along public alleys, buildings shall be set back from the center of the alley right-of-way as follows:
 - a. Ten (10) feet for a residential use;
 - b. Twelve (12) feet for a non-residential use.

SECTION 5-4 HEIGHT PROVISIONS

- A. No building or structure (including signs) shall hereafter be erected, altered or moved so as to exceed the prescribed height limitations for the zoning district in which it is or will be located.
- B. The height regulations contained in the District Regulations shall not apply to spires, belfries, cupolas, antennas, power lines, water tanks, ventilators, chimneys, or other appurtenances usually placed above the roof level and not intended for human occupancy.

SECTION 5-5 DENSITY PROVISIONS

- A. No building, structure or land shall hereafter be used or occupied in excess of the prescribed density regulations, nor accommodate a greater number of dwelling units than prescribed for in the zoning district in which it is or will be located.

SECTION 5-6 LOT PROVISIONS

- A. Occupancy. No building shall hereafter be erected, altered, or moved to occupy a greater percentage of lot area than is permitted within the zoning district in which it is or will be located.
- B. Reduction. No lot shall be reduced in size which will not maintain the total lot area, lot width, necessary yards, courts, or other open space lot area per dwelling unit, or other requirements of this Ordinance.

ARTICLE 6 DEVELOPMENT AND DESIGN STANDARDS

SECTIONS:

SECTION 6-1	OFF-STREET PARKING AND LOADING
SECTION 6-2	LANDSCAPING, BUFFERING AND SCREENING REQUIREMENTS
SECTION 6-3	SITE DEVELOPMENT AND RELATED INFRASTRUCTURE
SECTION 6-4	FLOOD HAZARD AREAS
SECTION 6-5	MANUFACTURED HOME DESIGN STANDARDS
SECTION 6-6	SIGN REGULATIONS
SECTION 6-7	RELOCATION AND MOVING OF BUILDINGS
SECTION 6-8	CONSTRUCTION SITE REST ROOM FACILITIES
SECTION 6-9	TOWNHOME AND DUPLEX DEVELOPMENT DESIGN STANDARDS
SECTION 6-10	INFILL DEVELOPMENT DESIGN STANDARDS

SECTION 6-1 OFF-STREET PARKING AND LOADING

Areas suitable for parking or storing automobiles in off-street locations shall hereafter be required in all CB zoning districts at the time of the initial construction of any principal building; or when a structural alteration or other change in a principal building produces an increase in dwelling units, guest rooms, floor area, seating or bed capacity, or which changes the use so as to require more parking to serve that use, or when a conversion in use occurs. Such off-street parking area shall have direct access to a street or alley, and shall be developed and maintained in accordance with [Section 6-2, Landscaping, Buffering and Screening Requirements](#).

- A. **Required Spaces.** The number of off-street parking spaces shall be calculated on the basis of the use of the land or principal building on a lot, according to requirements indicated in the table below. Any on-street parking provided shall be supplemental to the off-street parking spaces required.

USE OR USE CATEGORY	MINIMUM SPACE REQUIREMENTS
RESIDENTIAL USES	
One-family dwelling	Two (2) spaces per dwelling unit
Two-family dwelling	
Multi-family dwelling	
Manufactured home	
Boarding and Rooming House	One (1) space per each sleeping room; PLUS One (1) space per each two (2) employees
PUBLIC AND SEMI-PUBLIC USES	

Nursing home, sanitarium, inpatient clinic, home for the aged, and similar institutions	One (1) space per each five (5) beds; PLUS One (1) space per each two (2) regular employees in a single shift
Medical/Dental office and Outpatient clinic	One (1) space per each 200 sq. ft. of gross floor space (minimum of four (4) spaces)
Church and other places of worship, recreation and places of public assembly	One (1) space per five (5) fixed seats in main assembly hall OR Five (5) spaces per classroom, whichever is greater
Places of public assembly or recreation not containing fixed seats in the main assembly room	One (1) space per each 100 sq. ft. of gross floor area in the main assembly room
Nursery, elementary or Junior High School	One (1) space per each ten (10) seats in the main assembly room OR One (1) space per classroom, whichever is greater; PLUS One (1) space per employee
High School, trade, or business school	One (1) space per each four (4) seats in the main assembly room OR Five (5) spaces per classroom, whichever is greater; PLUS One (1) space per each two (2) employees
Country Club/Golf Club	One (1) space per each five (5) members; PLUS One (1) space per each two (2) employees
Library, museum, art gallery or similar building	Ten (10) spaces; PLUS One (1) space per each 500 sq. ft. of floor area
Club, fraternity, sorority or lodge	One (1) space per sleeping room OR One (1) space per five (5) active members or suite, whichever is greater; PLUS One (1) space per each three (3) employees
COMMERCIAL USES	
Public or private office buildings	One (1) space per 300 sq. ft. of gross floor area (four (4) space minimum)
Bank, savings & loan association, and similar lending institutions	One (1) space per each 200 sq. ft. of gross floor area
Service or repair establishment not otherwise mentioned specifically	One (1) space per each 250 sq. ft. of gross floor area not used for storage
Retail business not otherwise specifically mentioned	One (1) space per each 200 sq. ft. of gross retail floor area not used for storage (three (3) space minimum); PLUS Plus one (1) space per each three (3) employees
Theater, night club and similar places of assembly	One (1) space per each four (4) seating accommodations; PLUS One (1) space per each 3 employees
Automobile service stations	One (1) space per employee but in all cases, a minimum of five (5) spaces; PLUS One (1) space per each grease rack
Motel, hotel, and tourist court	One (1) space per sleeping room or suite; PLUS One (1) space per each three (3) employees
Furniture, home furnishings, appliance, machinery, equipment, automotive, farm and boat sales and service	One (1) space per 300 sq. ft. of retail floor area (three (3) spaces minimum) <i>**Automobile sales and service must have ten (10) spaces minimum**</i>

Bowling Alley	Five (5) spaces per lane
Funeral home or mortuary	One (1) space per 50 sq. ft. of gross floor area exclusive of storage and work areas <i>**Thirty (30) spaces minimum**</i>
Planned shopping center	Five-and-a-half (5.5) spaces per 1,000 sq. ft. of gross area for lease
Sit-down restaurant	One (1) space per each four (4) seats; PLUS One (1) space per each three (3) employees on shift of greatest employment
Drive-in restaurant	One (1) space per each 35 sq. ft. of gross building area; PLUS One (1) space per each three (3) employees on shift of greatest employment
Take-out restaurant	One (1) space per each 100 sq. ft. of gross building area; PLUS One (1) space per each three (3) employees on shift of greatest employment
WHOLESALE AND INDUSTRIAL USES	
Manufacturing, processing, research, testing laboratories, wholesale bottling, warehouse storage, junk and supply yards, brick, coal, or lumber yards and similar establishments	One (1) space per each two (2) employees at maximum employment; PLUS One (1) space for company vehicle operating from the premises
Printing, publishing, plumbing, heating, or broadcasting station	One (1) space per each three (3) employees OR One (1) space per 1,500 sq. ft., whichever is greater
Transportation terminal facility including bus depot, truck terminal, and railroad station	One (1) space per 100 ft. of public waiting room; PLUS One (1) space for each two (2) employees, plus all commercial motor vehicles incident to the facility

B. Application of Parking Requirements:

1. **Location of Off-Street Parking Areas.** All parking spaces required herein shall be located on the same lot with the principal building for use or uses served.
2. **Mixed Uses.** Where more than one principal or accessory use or uses, whether with 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.
3. **Change in Use, Alteration of Use, or Extension of Use.** Off-street parking spaces shall be provided in accordance with these regulations whenever a building or use is changed, altered, or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise.
4. **Requirements for Uses Not Specifically Listed.** The parking space requirements for a use not specifically listed in **Section 6-1(A)** shall be the same as for a listed use of similar characteristics of parking demand generation, as determined by the Zoning Administrator.
5. **Compilation of Total Employment.** Except as otherwise provided, the number of employees shall be compiled on the basis of the number of persons employed on the

premises at one time on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.

6. Fractional Computations. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
- C. Area and Paving Required for Parking Spaces. Excluding aisles, maneuvering space, turn-around space, and drives, each required off-street parking area, lot, or other facility shall contain a minimum of one hundred eighty (180) square feet and shall contain a minimum measurement of nine (9) feet in width and twenty (20) feet in length for each automobile to be accommodated. Aisles, islands, and pedestrian walkways shall conform to the requirements of **Section 6-2, Landscaping, Buffering and Screening Requirements**. No parking or maneuvering area shall be located in any public right-of-way. The number and location of all curb-cuts shall be governed by **Section 6-3(B)(2)**. All off-street parking spaces shall be paved with concrete, asphalt, tar gravel, or gravel except the following: (1) one and two-family dwelling units; (2) those instances where residential dwelling units are being converted to commercial uses which require less than five (5) parking and loading spaces or more in order to meet the terms of this Ordinance. A scale drawing or layout of all required parking areas showing the location, size and arrangement of the individual parking spaces, loading spaces, and landscaped areas shall be submitted to the Zoning Administrator for approval.
 - D. Traffic Impact Study Required. Developments that require more than one hundred (100) parking spaces based on **Section 6-1(A)** may be required to submit a traffic impact study by the Zoning Administrator prior to approval of the permit.
 - E. Joint Use of Off-Street Parking Areas. Two (2) or more principal uses may utilize a common area in order to comply with off-street parking requirements, provided:
 1. The total number of individual spaces available in such common area is not less than the sum of the spaces required for the individual uses as separately computed in accordance with the provisions of this section; and
 2. Where such space for parking is not located on the same lot as the principle use or uses and a recorded covenant agreement with the Town, the owner of the property where available parking is located, and the person/business seeking the right to park off the premise of the primary use.

The Zoning Administrator or designee may allow the total parking spaces required to be reduced below that otherwise required by this ordinance for common parking facilities when it can be demonstrated that such reduction in parking requirement is warranted by the particular grouping of uses.
 - F. Off-Street Loading Area Required. Except within CB districts, areas suitable for loading and unloading motor vehicles in off-street locations and specifically designated for this purpose shall hereafter be required at the time of the initial construction or alteration or conversation of any

building or structure used or arranged to be used for commercial, industrial, governmental, or multi-family residential purposes. Such off-street loading areas shall have access to a public alley or street and shall be provided and maintained in accordance with the following requirements, the computation of which shall not be included in the off-street parking requirements.

- G. **Number of Off-Street Loading Spaces Required.** The number of off-street loading spaces shall be calculated on the basis of the use of the land or principal building on a lot, according to the requirements indicated in this Section.

Gross Floor Area in Structure (sq. ft.)	Number of Berths
0—25,000	1
25,001—50,000	2
50,001—100,000	3
100,001—150,000	4
150,001—200,000	5
Each 100,000 above 200,000	1

- H. **Amount of Area Required for Each Loading Space.** Each off-street loading and unloading space required by the provisions of this Ordinance shall be least twelve (12) feet wide, forty (40) feet long and fourteen (14) feet high. Such space shall be clear and free of obstruction at all times.
- I. **Location of Off-Street Loading Areas.** Required off-street loading and unloading areas shall in all cases be located on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading area provided to satisfy off-street parking requirements as listed herein.
- J. **Adequacy of Loading Area.** All uses, whether specified in this Ordinance or not, shall provide off-street loading areas sufficient for their requirements. Such space shall be adequate so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walk, alley, or way.

SECTION 6-2 LANDSCAPING, BUFFERING AND SCREENING REQUIREMENTS

In all districts, emphasis shall be placed upon landscaping, buffering and screening as a means of enhancing the character, value, and attractiveness of both development and surrounding properties. To this end, landscaping, buffering and screening will be required on all new developments or buildings, and any old buildings with renovation or remodeling equaling fifty (50) percent of the building’s value. General landscaping, buffering and screening criteria are as follows:

- A. **To Apply in all Zoning Districts:**

1. **Integral Design.** Landscape design and planning shall be integrated with the overall project design and environs, and shall not be considered merely as an afterthought.
 2. **Natural Landscaping.** The natural landscape character shall be preserved in every reasonable instance. Also, in an area containing a stand of trees, the developer/owner should preserve as many of these trees as possible, and further landscape in a complimentary manner. The provisions of **Section 7-5, Grading Permit** outline steps to insure appropriate clearing or grading of a property.
 3. **Included in Landscape.** In applying landscaping to compliment natural conditions, factors to be included in the integral design of development projects include: trees, plantings, all vegetative cover and ornamentation, paving, pedestrian benches, fountains, fences, lighting fixtures, and all items of exterior furniture. Landscape materials/items shall be selected for their functional and aesthetic value, as complementary to the project's total impact.
 4. **Screening and Landscaping.** Landscaping shall be considered in meeting the requirements of **Section 6-2(C)** of this Ordinance. To this end, screening may include walls, fences, earthen mounds, or vegetation, when such screening accomplishes the purpose of **Section 6-2(C)**, and is an integral part of a development design. Particular development factors, which may lend well to screening by other than fencing or walls, include parking lots, trash receptacles, air-conditioning units, and similar unaesthetic applications.
 5. **Landscaping Maintenance.** The owner, occupant, tenant, and the respective agent of each, if any, shall be jointly and severally responsible for the maintenance of all landscaping. Landscaping shall be maintained in a good condition so as to present a healthy, neat, and orderly appearance at least equal to the original development, and shall be kept free of refuse, with dead vegetation promptly replaced.
 6. **Public Dedication.** All landscaping materials placed in the public right-of way shall be either bonded or guaranteed by the owner of the premises for a period of one (1) year after approval for acceptance thereof by the Town.
 7. **Certificate of Occupancy.** All landscaping and planting designated on all development plans reviewed for granting the Building Permit (see **Section 7-4, Building Permit**) shall be installed in accordance with specified height, spread, density, and quality before a Certificate of Occupancy (see **Section 7-6, Certificate of Occupancy**) is granted.
- B. **Landscaping of Parking and Vehicular Use Areas.** These areas, aside from being designed according to functional requirements as described herein, shall also be designed as aesthetic assets to the facility, building, or neighborhood which they serve. To this end, such vehicular areas are considered in light of their surroundings, and shall be developed as outdoor spaces-transitional spaces between access areas (roads) and the particular land use served.

1. Application. All areas used for the parking or display of vehicles, boats, and equipment, whether self-propelled or not, and all land upon which vehicles traverse the property as a function of the primary use (referred to in this Ordinance as “other vehicular uses”), including but not limited to activities of a drive-in nature, such as banks, service stations, grocery and dairy stores, restaurants and the like, shall conform to the landscaping requirements promulgated herein.
2. Landscape Area. Ten (10) percent minimum of the gross parking area shall be devoted to vegetative landscaping which includes trees, shrubs, grass, ground covers and other plants. The gross parking area shall be computed by measuring from the edge of the paved parking or driveway area, extending five (5) feet beyond such edges, but shall not include any area enclosed by a building, nor any area necessary to satisfy buffer screen/landscaping requirements.
3. Landscape Effect. The atmosphere within parking lots and vehicular use areas is to be park-like rather than a hardstand of paving. In attaining this effect, trees are of primary importance, and shall not be minimized in height or quantity. The natural landscape shall be preserved wherever possible (See [Section 7-4, Building Permit](#) and [Section 6-2\(A\)\(2\)](#)).
4. Lighting. Parking lots and vehicular use areas shall be lighted for efficient use during hours of darkness. Specifically, lighting will not illuminate, nor cast glare into neighboring properties nor in the eyes of motorists. Lighting fixtures shall be part of the overall project design, and contribute to the landscaping effect both in daylight and dark.
5. Screening. All parking lots and vehicular use areas shall be screened from all abutting properties or rights-of-way by the minimum requirements of [Section 6-2\(C\)\(3\)](#), or vegetative screen as part of the overall project design approved by the Zoning Administrator. As a minimum, however, the following shall apply:
 - a. Parking facilities, unless located on or within a structure, shall be separated from the exterior wall of a structure, exclusive of paved pedestrian entrance ways or loading areas, by a buffer strip at least five (5) feet in width, shall be landscaped.
 - b. Entryways into multiple car parking lots shall be bordered by a buffer strip a minimum of eight (8) feet in width.
 - c. Ground-level parking facilities and the ground level of parking structures shall be screened from the adjacent streets by means of an effective screening device which is at least three (3) feet in height above the grade of the edge of the parking area. Ground-level parking facilities and the ground level of parking structures shall be screened from adjacent properties by means of an effective screening device which is at least six (6) feet in height above the grade of the edge of the parking area. Appropriate screening devices may include solid decorative brick walls, wood fences, beams, tight evergreen hedges which shall reach the required height, within two (2) years of planting, or any combination of the above.

6. Interior Landscaping. Interior areas of parking lots shall contain planter islands located so as to best relieve the expanse of paving. A maximum of fifteen (15) parking spaces in a row will be permitted without a planter island. However, when a strict application of this Section will seriously limit the function of an area, the required landscaping may be relocated with the approval of the Zoning Administrator.

Planter islands shall be a minimum of fifty (50) square feet in area and shall contain at least one (1) tree having a minimum clear trunk of five (5) feet and a minimum overall height of eight (8) feet. The remainder shall be landscaped with shrubs, lawn, ground cover or other approved material not to exceed three (3) feet in height.

7. Existing Plant Material. As required in [Section 7-4, Building Permit](#) and [Section 6-2\(A\)\(2\)](#), the natural character of the landscape shall be preserved in all possible instances. Wherever healthy plant material exists on a site prior to its development, the above mentioned standards may be adjusted to allow credit for such plant material, if, in the opinion of the Zoning Administrator or designee such adjustment is in the best interest of the Town, and preserves all intents of this Ordinance.

C. Buffer Screens

1. Along certain lot lines within any district, along the boundary lines separating districts, along the Town Limit boundaries of a zoning district, or in conjunction with any potentially-conflicting adjacent land uses, a buffer screen may be required by this Ordinance or by the Zoning Administrator. The purpose of a screen will be to remove or substantially reduce any noise, glares, visual nuisances and/or undesirable effects which a use on a lot might have on an adjacent lot or use.
2. Buffers Required. Where the rear or side lot line of a lot zoned and used for commercial, industrial, or multi-family purposes abuts the rear or side lot line of a lot zoned for single family residential purposes, the commercial, industrial, or multi-family development shall provide a buffer screen which meets the requirements of this Section.
3. Type of Screen. A buffer screen may be of three basic types, as listed below, and must be constructed of durable material and designed so as to obscure the contents of the adjacent yard and otherwise reduce or eliminate the undesirable effects of the adjacent use. The screen may either be totally or substantially solid, and shall be constructed of stone, wood, brick, or similar durable material. A dense vegetative buffering may be substituted for all or a portion of such fence or wall, provided that such buffering shall not be unsightly at any season, nor create a fire hazard at any season, and that in all seasons it shall be equivalent in its screening effects to a fence a wall. In all instances, attention shall be given to the provision of screening as an integral part of the entire development and its environs (see [Section 6-2\(A\)\(4\)](#)). Plastic sheeting and panels or corrugated sheet metal shall not be utilized as screening.

- a. Visual Screen. To be constructed of suitable material mentioned above, intended to enhance privacy and the aesthetic quality of the living environment.
 - b. Visual and Acoustic Screen. To be constructed of suitable material mentioned above. Although vegetative buffering is frequently preferred, it shall be approved only if it is a dense-growing evergreen, capable of effecting appropriate noise reduction. The intent of this type screen is to enhance both the visual and acoustic aesthetic qualities of the adjacent site environment.
 - c. Visual, Acoustic, and Separation Buffer. To be constructed of suitable material mentioned above as an integral part of a “greenbelt” or other dedicated “barrier zone” of such width and overall design as to provide greater screening than otherwise possible. The intent of this buffer is to provide the maximum in separation from potentially obnoxious land uses, by increasing sound attenuation and visual disturbance more than would be provided by screens alone.
4. Height of Screen. Unless otherwise approved by the Zoning Administrator (as in the case of screening as part of a Planned Development or Flexible Review District) all buffer screens must be at least six (6) feet high above the finished grade, or if composed of planted materials, the screen (tight evergreen hedge) must be capable of growing to a height of six (6) feet within a period of two (2) years. Screens constructed of other than planted materials shall not exceed eight (8) feet in height. This requirement notwithstanding, appropriate setback or other modification of screens shall insure that the requirements of **Section 6-3(A)** are upheld.
 5. Maintenance of Screen. The maintenance and repair of a buffer screen is the responsibility of the owner of the property on which it is placed. It must, at all times, be maintained in good condition and be routinely painted, trimmed, and repaired by the owner of the property of his designee. The area surrounding the screen and the lot line should be landscaped and must be kept clear of trash and debris.
 6. Front Yard Requirements. Screens constructed of other than planted materials shall comply with any front yard requirements established for the district in which it is located.

SECTION 6-3 SITE DEVELOPMENT AND RELATED INFRASTRUCTURE

- A. Road Intersection Sight Clearance. In order to minimize accidents caused by obstruction to vision at road intersections, clear sight triangles shall be maintained in all districts.
 1. Within the clear sight triangle, any object that obstructs the driver’s view should be removed. These objects may include (but are not limited to) parked vehicles, trees, hedges, tall crops, unmowed grass, fences, and retaining walls. No new obstructions should be

placed in the clear sight triangle without approval by the Town. The following exceptions may apply to clear sight triangles:

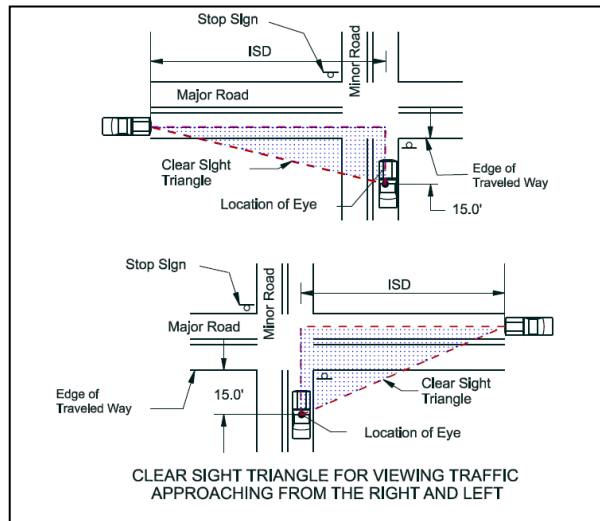
- a. Requirements of this Section shall not be deemed to prohibit any necessary retaining wall.
 - b. Existing trees shall be permitted provided that foliage is cut away within the prescribed height.
 - c. Buildings, structures, signs or other immovable objects within the sight clearance triangle shall be considered non-conforming and are subject to regulations as set forth in **Article 11, Non-Conforming Situations**.
2. Applicable height to Clear Sight Triangle. The Clear Sight Triangles shall apply between the height of three (3) feet and ten (10) feet. The Clear Sight Triangles shall also apply to heights outside of three (3) and ten (10) feet when a change in grade creates a situation in which the height of the driver's eye (figured at 3.5 feet) cannot clearly see to a point 3.5 feet above the road grade at the Intersection Sight Distance (ISD) point farthest from the intersection on the Major Road. Intersection Sight Distance (ISD) refers to the corner sight distance available in intersection quadrants that allows a driver approaching an intersection to observe the actions of vehicles on the crossing leg(s).
3. Clear Sight Triangle Dimensions. The clear sight triangles at intersections are figured for the following intersection types as follows:
- a. Intersections with Stop Control on the Minor Road. Where traffic on a road of an intersection is controlled by stop signs (referred to as a minor road), the driver of the vehicle on the minor road should have sufficient sight distance for a safe departure from the stopped position assuming that the approaching vehicle comes into view as the stopped vehicle begins its departure. At a four-road intersection, the sight distance across the intersection should be maintained.
 - b. For this intersection type, Clear Sight Triangle is the space bounded by the three legs as described below with lengths determined as follows:
 - (1) Minor Road (road with stop control at the intersection). The length of the leg along the minor road is based on two parts. The first is the location of the driver's eye on the minor road. This is typically assumed to be fifteen (15) feet from the edge of traveled way for the major road and in the center of the lane on the minor road. The second part is based on the distance to the center of the vehicle on the major road. For vehicles approaching from the left, this is assumed to be the center of the closest travel lane from the left. For vehicles approaching from the right, this is assumed to be the center of the closest travel lane for vehicles approaching from the right.

- (2) Major Road (road without stop control at the intersection). The length of the major road leg, or Intersection Sight Distance (ISD), is determined using the following chart:

Miles per hour	Intersection Sight Distance (ISD) in Feet (ft)	
	Two Lane Roads	Four Lane Roads
15	170	195
20	225	255
25	280	320
30	335	385
35	390	445
40	445	510
45	500	575

- (3) Sight Line. The sight line is the line connecting the location of the driver's eye on the Minor Road to the endpoint of the ISD point farthest from the intersection on the Major Road.

- c. Intersections with all-way stop control. For intersections with all-way stop control (stop signs at all roads or a traffic light), provide sufficient sight distance so that the driver in the first stopped vehicle on each approach is visible to all other approaches.



- B. Access to Properties. Access to properties will be subject to the following guidelines:

1. Street Access. Except as herein provided, no building shall hereafter be erected, constructed, moved or relocated on a lot not located on a publicly dedicated, publicly accepted or publicly maintained existing street with a right-of-way of not less than thirty (30) feet, and/or a vehicle access width of not less than twenty (20) feet.
2. Curb Cuts. Ingress-egress openings in concrete, asphalt, rock, or other street curbing provisions, commonly referred to as "curb cuts" shall be regulated in several zoning districts established by this Ordinance for Town-owned street right-of-way in accordance with the following requirements:

- a. Size and Spacing of Curb Cuts. In no case shall a curb cut be less than nine (9) feet and no more than forty (40) feet in length. No two (2) curb cuts shall be closer than twenty (20) feet from each other except in residential zoning districts.
- b. Location of Curb Cuts. At residential street intersections, no curb cut shall be located closer than twenty (20) feet from the intersecting point of the two street right-of-way property lines involved (or such lines extended in case of a rounded corner); or twenty-five (25) feet from the intersection of the two curb lines involved (or such lines extended in case of a rounded corner), whichever is the least restrictive.
- c. Curb Cuts on State Rights-of-Way. The regulations of the South Carolina Department of Transportation shall take precedence on State-owned rights-of-way.

SECTION 6-4 FLOOD HAZARD AREAS

- A. Hazard Areas. Flood Hazard Areas are herein established for lands and Property subject to inundation and flooding conditions. Such areas, as determined by the Federal Department of Housing and Urban Development are shown on the Official Zoning Map, and are on file in the office of the Zoning Administrator. Any zoning applications affecting property subject to the National Flood Insurance Program must comply with guidelines established by the Department of Housing and Urban Development.
 1. Use of Land and Building in Flood Hazard Area. The use of land and buildings within a flood Hazard Area shall be in accordance with regulations of the Department of Housing and Urban Development, provided such regulations conform to the uses permitted in the zoning district in which the Flood Hazard Area is located and meets the following special conditions:
 - a. Application to the Zoning Administrator for Building Permit or Certificate of Occupancy for any use in a Flood Hazard Area shall include evidence that no appreciable expansion of a Flood Hazard Area would result from such use or construction either in the area or elsewhere in that drainage area.
 - b. Further, that the proposed development will be adequately protected from inundation without appreciable interference with the flow of any watercourse or into an impounding basin.
 - c. All such evidence including surveys and specifications shall be submitted to the Zoning Administrator for review and verification and no building or use permit shall be issued unless the plans of development have been approved by the Zoning Administrator.

- d. No certificate of Occupancy shall be issued authorizing the use of any lot or structure within a Flood Hazard Area until all required improvements and compensating adjustments made are approved by the Zoning Administrator.
 - e. Nothing in this Section shall prevent the erection of any accessory use incidental to any existing residential use; provided, however, that all of the above requirements are satisfied.
2. Landfilling the Flood Hazard Area. The filling of public and/or private property within the Flood Hazard Area is prohibited.

SECTION 6-5 MANUFACTURED HOME DESIGN STANDARDS

- A. **Manufactured Home Design Standards.** Manufactured home design standards are meant to allow affordable options for housing while achieving the appearance of permanence and attractive aesthetics that sustain the value and community feel of neighborhoods.
- B. Manufactured home design standards shall be applicable to all newly permitted or newly relocated manufactured homes in all zoning districts.
- C. Compliance with these standards is subject to approval by the Zoning Administrator or designee. All manufactured homes must bear the red HUD label of compliance per the National Manufactured Housing Construction and Safety Standards Act, and subsequent amendments, governing homes built after June 15, 1976. Mobile homes as defined in **Article 2, Definitions** shall not be permitted to be relocated to or within the Town of Pendleton.
 1. **Siding.** Manufactured homes shall not have metal siding except for exchange of a single section unit where the unit being replaced had metal siding.
 2. **Skirting.** Manufactured homes in all zoning district shall have brick skirting installed. Skirting shall be installed for all manufactured homes in all zoning districts before a certificate of occupancy is granted.
 3. **Roof pitch.** Manufactured homes in all zoning districts shall have a roof pitch of 5:12 or steeper.
 4. **Porches.** Multi-section manufactured home units that do not include covered porches in their original design shall have a covered front porch with a floor surface that measures at least 8' wide by 8' deep along the front façade. An entrance to the inside of the home shall be accessible by the porch.
 5. **Shutters.** Manufactured homes shall have shutters for each window or adjoining span of windows.

6. Additions. Additions to manufactured home units shall be prohibited except for porches and decks.
7. Habitability. The “Minimum Habitability Standards” per SC Regulation 79-43 shall be obeyed.
8. Single Section Home Location. Single section manufactured homes shall not be permitted except as an exchange for an existing single section unit as defined in **Section 11-3(F)**.

SECTION 6-6 SIGN REGULATIONS

- A. Purpose. The purpose of the Ordinance is to promote health, safety, and general public welfare by governing the location, size, and other characteristics of signs in each of the use districts established in this Ordinance. Safeguards must be in place to:
 1. Protect historic character of the Town
 2. Protect property values
 3. Encourage attractive community appearances
 4. Preserve natural environment and scenic beauty
 5. Improve pedestrian and traffic safety through the proper placement of signs
 6. Protect the public from unsafe signs and require that signs be properly constructed, installed and maintained
 7. Lessen the confusion, visual clutter and sight impairment that can be caused by the proliferation, improper placement, excessive illumination and disproportionate size of signs when such signs are not properly controlled and regulated
 8. Create a balance between the need to advertise, identify, and communicate, and desire to maintain a safe, healthful and attractive community
- B. General Provisions. All signs within the Town of Pendleton shall comply with the following regulations:
 1. A permit shall be required for the erection, alteration, or reconstruction of any sign unless otherwise noted in **Section 6-6(D)** and shall be issued by the Zoning Administrator or designee in accordance with **Section 6-6(G)**.
 2. Construction and Maintenance:

- a. Signs must be constructed of durable materials, maintained in good condition and not permitted to become dilapidated. Each sign shall be securely fastened to the ground or to some other substantial supportive structure so that there is no danger of causing injury to persons or property. The design, selection of materials, supports, installation, and electrical wiring for all permanent signs erected shall conform to the Standard Building Code and the National Electric Code.
 - b. All signs and components thereof shall be maintained in a state of good repair. A sign shall have not more than ten (10) percent of its surface covered with disfigured, cracked, ripped, or peeling paint, poster paper, or other material. A sign shall not have bent or broken sign facing or supports, loose appendages or struts, or be more than ten (10) degrees from vertical. A sign shall not have weeds, vines, or other vegetation growing upon it or obscuring the view of the sign from the street or right-of-way. An illuminated sign shall not have only partial illumination.
3. Sign Placement:
- a. No sign shall be placed in the public right-of-way, and no sign shall be placed closer than five (5) feet to the public right-of-way or property line, unless specifically allowed otherwise.
 - b. No sign shall be placed within a parking space or loading zone, attached to or painted on a fence, accessory structure, dumpster enclosure, power or telephone pole, or any natural feature including a stone, except that sponsorship signs placed on fences at recreation facilities shall be allowed.
 - c. Vehicle Area Clearance. When a sign of any type extends over a public road, private road, vehicle travelway, or storage area, the bottom of the sign structure must be at least sixteen (16) feet above grade. Vehicle travelways include driveways, alleys, parking lots and spaces, loading areas, and maneuvering areas. No variances permitted.
 - d. Pedestrian Area Clearance. When a sign of any type extends over a pedestrian area, which shall include any area traversed by a pedestrian, the bottom of the sign structure must be at least nine (9) feet above grade. No variances permitted.
 - e. Vision Clearance Triangle. No permanent or temporary sign or advertising device shall be erected or maintained within the right-of-way or interfering with the Vision Clearance Triangle of any street, driveway, or entry/exit point. (see [Section 6-3\(A\)](#))
 - f. No sign shall interfere with the vision of vehicles operated along any highway, street, or road, or at any intersection of any street, highway or road with a railroad track.

- g. Off-premise signs shall be permitted only to non-profit organizations as permanent directional signs. Such non-profit organizations may only apply for a permit if the organization's building or site is located off of and is not visible from a major road. Placement of off-premise signs shall only be permitted in the right-of-way and is subject to Town approval. Only two (2) off-premise signs shall be allowed per organization. To ensure a consistent design of signs for non-profits in Town, off-premise signs shall conform to the following standards:
 - (1) The dimensions of the face of each sign shall be 2'0" tall by 1'6" wide.
 - (2) The color of the sign background shall be white.
 - (3) Each sign shall be supported by a rigid metal pole at the height of 4'0" at the bottom of the sign face.
 - (4) Signs shall be one (1) or two (2) sided.
 - (5) Content of the sign shall include the name of the organization and an arrow showing the direction where the organization is located. Organizational logos may also be included on the sign.
- h. Signs on walls or a building shall be limited to the use, business, or profession conducted on the premises.

4. Sign Illumination and Electronic Message Board Signs:

- a. No sign shall be illuminated by lights which intermittently cut on and off, change in intensity and/or color, or otherwise create the illusion of flashing or movement. Additionally, no illumination simulating traffic control devices or emergency vehicles may be used.
- b. Illumination from all bare light bulbs shall be directed toward the face of the sign except where power rating of individual bulbs does not exceed fifteen (15) watts.
- c. Signs illuminated by direct lighting shall have such lighting shielded as not to directly shine in the line of vision of the public using the streets or sidewalks.
- d. An illuminated sign within three hundred (300) feet of a residential district shall be shielded in a manner preventing light being cast into such districts.
- e. Electronic Message Board Signs shall be permitted in zoning districts as specified in the **Section 6-6(E)** and the **Section 6-6(F)**. They shall not contain flashing, intermittent, or moving lights. Each message displayed shall remain fixed for at least one (1) hour. When a message is changed, it shall be accomplished within an interval of two (2) seconds or less. Exception: Time and temperature signs that continuously

show one message for a minimum of three (3) seconds in time before switching to the other message shall be permitted.

5. No sign shall have more than two (2) faces.
6. Signs located within Overlay Districts or Special Review Districts (e.g. PD or FRD) shall adhere to additional requirements found in **Article 3, Zoning Districts** and shall adhere to any standards adopted as part of a change in zoning to a Special Review District. Where there is a conflict between regulations, the more limiting regulation shall apply.
7. Flags. Residential uses in all zoning districts may have decorative flags attached to mailboxes, flag poles, or permanent structures on a lot, which shall not be considered as signs.

All uses in all zoning districts can have the following flags on premise, which shall not be considered as signs: the official flag of a government, governmental agency, public institution, religious affiliation, or other similar entity, or flags flown on a temporary basis for the purpose of honoring declared national or civic holidays. Such flags shall not contain commercial advertisements, and shall not be used to draw attention to a site. EXCEPTION: A business may have one (1) flag stating or showing that the business is open/closed, such flag shall be no larger than 6 square feet, and it shall not require a sign permit.

Flagpoles shall be no taller than twenty-five (25) feet tall, as measured from grade, and they must be out of all setback requirements. No permit is needed for flags, for they are not signs.

8. Window Displays. Retail stores may have an unlimited amount of window displays of merchandise, free-standing three-dimensional promotional items (with or without proprietary words or symbols solely describing the merchandise and/or merchandise sold within the store), and/or display fixtures or backdrops not affixed to windowpanes or glass, which shall not be considered as signs.
9. Exempt Signs. Town sponsored signs are exempt from all sections and zoning districts printed in the Town's zoning ordinance. Public service projects, highway projects and Special events are typically what this exemption will be used for to protect the health safety and welfare of the residence of the Town of Pendleton. This exemption shall also apply to the location of the signs, which may be located in the road, on right-of-way, on the sidewalk or on private property if the need arises.

C. Prohibited Signs.

1. Signs or sign structures that are structurally unsafe.
2. Searchlights or beacons.

3. Signs or advertising devices attached to or painted on a fence, accessory structure, dumpster enclosure, power or telephone pole, stone, or any other natural feature, or placed within a parking space or loading zone. Sponsorship signs per **Section 6-6(D)(15)** that are placed on fences at recreation facilities shall be allowed, and are an exception to this prohibition.
 4. Signs which display flashing illumination.
 5. Abandoned signs.
 6. Signs that revolve, are animated, or that utilize movement or apparent movement to attract the attention of the public.
 7. Signs that exhibit statements, words or pictures of an indecent, obscene, or pornographic nature.
 8. Roof mount signs and combination wall-roof mount signs.
 9. Portable signs that are not specifically allowed per **Section 6-6(D)** and **Section 6-6(E)**.
 10. Inflatable signs, including balloons used as signs, balloons attached to a sign, or balloons used to draw attention to a commercial site or residential development.
 11. Vehicles used as signs.
 12. Off-premise signs, except those specifically allowed in **Section 6-6(B)(3)(g)**.
 13. Pennants and pennant strings.
 14. Flags used as signs for business purposes, except for open/closed flags allowed per **Section 6-6(B)(7)**.
 15. Signs in a right-of-way, unless specifically approved by the Director of Public Works as specified in this ordinance.
 16. Billboards.
 17. Any sign not specifically allowed.
- D. Signs Exempt from Permitting Procedures. The following signs are exempt from permitting procedures but shall adhere to the applicable standards listed herein.
1. **Warning, Directional, and Information Signs** consisting solely of arrows, or such words as “steps”, “fire escape”, “exit”, “entrance”, “Parking Lot”, “danger”, “security system,” or

similar symbols, and displaying the name of a business, but not any advertisements. Such signs may be pole-supported.

- a. Maximum Area: Three (3) square feet.
 - b. Maximum Height: Three (3) feet.
 - c. No minimum setback, but shall not be in the right-of-way or vision clearance triangle.
 - d. Allowed in all zoning districts.
2. **Temporary, Real Estate Signs (unlighted) in Residential Districts** shall be removed upon the sale, rent or lease of the real estate advertised. Such signs shall be pole-supported, banner, or temporary window sign. Only one (1) sign per lot or unit shall be allowed.
- a. Maximum Area: Nine (9) square feet.
 - b. Maximum Height: Three (3) feet.
 - c. Minimum Setback: Five (5) feet from all property lines.
3. **Temporary, Real Estate Signs (unlighted) in Non-Residential Districts** shall be removed upon the sale, rent or lease of the real estate advertised. Such signs shall be pole-supported, banner, or temporary window sign. Only one (1) sign per lot or business shall be allowed.
- a. Maximum Area: Thirty (30) square feet.
 - b. Maximum Height: Five (5) feet.
 - c. Maximum Width: Six (6) feet.
 - d. Minimum Setback: Five (5) feet from all property lines.
4. **Temporary Building Contractor's or Developer's Sign** shall be located on a lot where a building is actually under construction, renovation, or demolition and shall be removed upon completion of work and/or when a permanent sign has been constructed. Such sign shall be pole-supported, banner, or temporary window sign. Only one (1) sign per development shall be allowed.
- a. Maximum Area: Thirty (30) square feet.
 - b. Maximum Height: Five (5) feet.
 - c. Maximum Width: Six (6) feet.
 - d. Minimum Setback: Five (5) feet from all property lines.
 - e. Allowed in all zoning districts.
5. **Temporary Subcontractor Signs** shall be located on a lot where a building is actually under construction, renovation, or demolition, and shall be removed upon completion of work. Such signs shall be pole-supported, banner, or temporary window sign. Only one (1) sign per development shall be allowed.
- a. Maximum Area: Ten (10) square feet.

- b. Maximum Height: Five (5) feet.
 - c. Minimum Setback: Five (5) feet from all property lines.
 - d. Allowed in all zoning districts.
6. **Residential Use Signs** that are customarily associated with residential use and that are not of commercial nature, including the name and address of occupants, family name plates, coat-of-arms, signs on mail boxes or paper tubes, and similar signage. Such signs shall have a maximum area of one (1) square foot per sign. Such signs shall have no minimum setback, but shall not be in the right-of-way or vision clearance triangle. Such signs shall be allowed in all zoning districts where there are residential uses.
7. **Temporary Short-Term Personal Information/Event Signs** consisting of lost and found pets or items, wedding receptions, and other life events, celebrations, or parties, but not including Garage Sale signs (Garage Sale Signs shall obey Town Ordinance No. 03-07). Such signs shall be displayed for a maximum of seven (7) consecutive days within any thirty (30) day period and shall be removed within twenty-four (24) hours after the completion of the event, or at the end of the seven (7) day period, whichever occurs first. Such signs shall be on private property with the property owner's permission. Such signs shall be pole-supported, banner, or temporary window sign, flag, etc. Only one (1) sign per lot shall be allowed.
- a. Maximum Area: Ten (10) square feet.
 - b. Maximum Height: Five (5) feet.
 - c. No minimum setback, but shall not be in the right-of-way or vision clearance triangle.
 - d. Allowed in all zoning districts.
8. **Temporary Expressive and Seasonal Signs** that express an opinion, feeling, point of view, good will, opposition, or other sentiment, or a sign pertaining to a holiday or season. Seasonal decorations and holiday lighting shall not be considered as signs if they contain no commercial message. Such signs shall be pole-supported, banner, or temporary window sign, flag, etc. There is no maximum number of signs.
- a. Maximum Area: Eight (8) square feet.
 - b. Maximum Height: Four (4) feet tall if free-standing.
 - c. No minimum setback, but shall not be in the right-of-way or vision clearance triangle.
 - d. Allowed in all zoning districts.
9. **Governmental Signs** erected by or pursuant to the authorization of governmental body, including legal notices, and traffic, directional, informational, or regulatory signs, and shall be allowed in all zoning districts. These signs can be pole-supported and there is no limit to the area or height.
10. **Building, historical markers, or memorial tablets**, which shall be allowed in all zoning districts. These signs can be pole-supported and there is no limit to the area or height.

11. **Indoor signs**, that are not legible through windows as viewed from a property line, which shall be allowed in all zoning districts.
12. **Gasoline Pump Signs** shall be allowed on gasoline pumps so as to provide required information to the public such as “gallons”, “price”, “octane rating”, and “type of fuel.” Electronic Message Board Signs may be used on the face of the pump. As the trade name of the business is often incorporated into the name for the different types of fuel, said trade name and any associated symbols shall be permitted on the pumps as flat signs not to exceed three (3) square feet in area per sign face and an aggregate area of six (6) square feet per pump. Gasoline pumps shall obey the setback regulations for their respective zoning districts. Shall be allowed in all zoning districts that allow gasoline pumps.
13. **Oil Rack Signs, Vending Machines, ATMs**, and other similar products shall be permitted within the gasoline pump island, immediately adjacent to the store building, or within the bank drive-through. The Identification Signs on the merchandise may be visible and shall be allowed. Any additional signs on the oil rack/vending machine/ATM shall not exceed three (3) square feet per sign face and an aggregate area of six (6) square feet per rack. Shall be allowed in all zoning districts that allow oil racks/vending machines/ATMs.
14. **Window Signs**, for commercial and institutional zoning districts and uses, can advertise the business, merchandise, services, and/or events within the business/institute or within the community, Help Wanted, Coming Soon, Open/Closed, Going Out of Business, real estate, contractor/builder, auction, warning, directions, short-term personal information/event signs, and expressive/seasonal signs. For residential zoning districts or uses, such signs may include anything non-commercial and non-indecent. Such signs may be hung inside the window, painted or etched on the glass, or included within stained glass and shall cover no more than 25% of the total window area on the side of the building on which it is displayed.
15. **Sponsorship Signs**, such as those within a ballpark, field, or diamond, which indicate sponsorship of the teams or activities that occur therein. Such signs may be placed on fences, scoreboards, permanent structures or walls, and shall not be limited in number or size.
16. **Political Signs** shall be removed within seven (7) days after the election (to include primary, general, and run-off elections). In accordance with S.C. law, no such political signs shall be placed within two-hundred (200) feet of any building in which an election poll is being conducted. Such signs shall not be placed on utility poles within the Town, placed within the public right-of-way or located in such a way as to create a traffic hazard. If placed in these areas, signs shall be subject to removal and destruction by the Town without notice. Such signs shall be pole-supported, banner, or temporary window sign.
 - a. Maximum Area: Twenty (20) square feet.
 - b. No minimum setback.
 - c. Allowed in all zoning districts.

E. Temporary Signs Requiring a Permit. There are a number of instances in which a temporary sign may be necessary to advertise a unique event or business sale of short duration. Therefore, the Zoning Administrator may permit temporary signs in addition to the allowed permanent signs. All temporary signs within the Town of Pendleton shall comply with **Section 6-6(B)**, and the following:

1. Requirements for Temporary Sign

- a. All temporary signs must receive a permit prior to being displayed or erected, unless specifically stated otherwise, and may not be permanently attached to the ground, buildings, or other structures.
- b. All temporary signs must be located on the premises for which they are advertising, unless specifically stated otherwise.
- c. No signs may be placed in the public right-of-way, unless specifically stated otherwise.
- d. No temporary sign shall be permitted to project into or over any public street right-of-way, except for a banner announcing a fair, festival, parade, seasonal festivities, or similar activity that will be open to the general public, and receive approval by the Director of Public Works. Such sign shall have a minimum clearance of sixteen (16) feet above a street.
- e. Temporary signs shall be displayed for not more than thirty (30) days in any three (3) month period, unless specifically stated otherwise.
- f. A business may only have one (1) temporary sign at a time that requires a permit. Umbrella signs shall not be included in this limit.
- g. Message board signs and electronic message board signs shall not be used as temporary signs.

2. Types of and Standards for Temporary Signs Requiring a Permit:

- a. **Banners for Commercial Activities.** Only (1) banner allowed per site.
 - (1) Maximum Area: Fifty (50) square feet.
 - (2) Maximum Height: Six (6) feet if pole-supported, or below the roofline if attached to a structure.
 - (3) Maximum Width: Twelve (12) feet.
 - (4) Minimum Setback: Five (5) feet from all property lines.
 - (5) Allowed in all commercial zoning districts.

b. **Banners for Multi-family Residential Activities.** Only (1) banner allowed per site.

- (1) Maximum Area: Twenty (20) square feet.
- (2) Maximum Height: Six (6) feet if pole-supported, or below the roofline if attached to a structure.
- (3) Maximum Width: Twelve (12) feet.
- (4) Minimum Setback: Five (5) feet from all property lines.
- (5) Allowed in all zoning districts that permit multi-family uses.

c. **Promotional Signs for Non-Profit Purposes,** pertaining to drives, races, civic, educational, or religious events, or of general public Interest. Such signs shall be erected no more than thirty (30) days prior to the event and shall be removed no later than seven (7) days following the end of such event. Such signs shall be pole-supported, banner, window, etc. One (1) sign allowed per site.

- (1) Maximum Height: Six (6) feet if free-standing.
- (2) Maximum Area: Forty-eight (48) square feet.
- (3) Minimum Setback: Five (5) feet from all property lines.
- (4) Shall be allowed in commercial zoning districts and lots containing institutional or religious uses.

d. **Sandwich Board Signs** may be displayed year round, not just thirty (30) days within any three (3) month period. Such signs shall not be permitted within a roadway, but the Public Works Director may approve a permit for it to be located within a public sidewalk directly adjacent to a business. Only one (1) sandwich board sign per business shall be permitted.

- (1) Maximum Area: Nine (9) square feet in area per side.
- (2) Maximum Height: Forty-two (42) inches tall.
- (3) Setback: If on a sidewalk, a maximum of five (5) feet from primary business entrance; if not on a sidewalk, a minimum of five (5) feet from any property line.
- (4) Width: Shall not be placed so as to cause the width of the sidewalk to be reduced below four (4) feet in width, nor shall it prevent free ingress or egress from any door, window or fire escape.
- (5) Allowed in all commercial zoning districts.

e. **Umbrella Signs** are allowed when used in conjunction with outdoor dining and outdoor vending and may be displayed year round, not just thirty (30) days within any three (3) month period. Umbrella itself shall be no larger than eight (8) feet in diameter and may contain a logo or message on each panel on the exterior umbrella face, advertising the business, products, services, or events associated with the business. More than one (1) umbrella sign shall be allowed, with no maximum.

- (1) Maximum Area: Nine (9) square feet in area per side.
- (2) Maximum Height of Umbrella: Nine (9) feet tall.

- (3) Minimum Setback: Ten (10) feet from the right-of-way, unless the Public Works Director has approved a permit for it to be located within a public sidewalk directly adjacent to a business.
- (4) Width: Shall not be placed so as to cause the width of the sidewalk to be reduced below four (4) feet in width, nor shall it prevent free ingress or egress from any door, window or fire escape.
- (5) Allowed in all commercial zoning districts.

F. Sign Regulations by Zoning District. All signs within the Town of Pendleton shall comply with **Section 6-6(B)**, and the following:

1. Residential Zoning Districts (including Multi-family).

a. Signs allowed in **Section 6-6(D)** and **Section 6-6(E)** as noted for residential use.

b. **Religious House of Worship or Institutional Use Signs.**

(1) Sign Types: Free-standing monument-style and pole-supported signs shall be allowed. Message board or electronic message board signs shall be allowed as monument-style only.

- Maximum Area: Forty-eight (48) square feet.
- Maximum Height: Six (6) feet.
- Maximum Width: Eight (8) feet.
- Minimum Setback: Five (5) feet from all property lines.
- One (1) free-standing sign is allowed per road frontage.

(2) Bulletins that are attached to building walls and are not legible from property lines shall be allowed. They shall not be considered as signs.

c. **Subdivision Entrance Sign.**

(1) Sign Types: Free-standing monument-style or pole-supported signs located adjacent to entry/exit points.

- Maximum Area: Forty-eight (48) square feet if two (2) signs at an entrance, or ninety-six (96) square feet if only one (1) sign at an entrance.
- Maximum Height: Six (6) feet.
- Maximum Width: Eight (8) feet if two (2) signs at an entrance, or sixteen (16) feet if only one (1) sign at an entrance.
- Minimum Setback: Five (5) feet from all property lines.
- No more than two (2) signs per entrance.

d. **Apartment, Condominium, or Townhouse Development Signs.**

- (1) Sign Types: Free-standing monument-style or pole-supported permanent sign shall be allowed.
 - Maximum Area: Forty-eight (48) square feet.
 - Maximum Height: Six (6) feet.
 - Maximum Width: Eight (8) feet.
 - Minimum Setback: Five (5) feet from all property lines.
 - One (1) free-standing sign is allowed per road frontage.

- (2) Sign Types: Wall, painted wall, canopy, awning, projecting wall, or marquee sign
 - Maximum Area: Twenty (20) square feet total.

- e. **Home Occupation Signs.** One (1) exterior sign, of dimensions no greater than three (3) square feet, may be placed on the exterior of the dwelling or an accessory structure to indicate the presence or conduct of the home business.

2. Neighborhood Commercial and Central Business Districts.

- a. All signs allowed in [Section 6-6\(F\)\(1\)](#) are also allowed in the Neighborhood Commercial and Central Business Districts.

- b. **Free-standing Monument-style or Pole-supported Business Signs** in the Neighborhood Commercial District:

- (1) Maximum Area: Thirty-six (36) square feet.
- (2) Maximum Height: Six (6) feet.
- (3) Maximum Width: Six (6) feet.
- (4) Minimum Setback: Five (5) feet from all property lines.
- (5) Permanent Message Board Signs and/or Electronic Message Board Signs shall be prohibited as free-standing signs in the Neighborhood Commercial zoning district, but they may be used as signs attached to building structures (i.e. wall signs).
- (6) One (1) shall be permitted per lot per road frontage, provided that the distance between the structure and the right-of-way line is at least fifteen (15) feet.

- c. **Free-standing Monument-style or Pole-supported Business Signs** in the Central Business District:

- (1) Maximum Area: Twenty-four (24) square feet.
- (2) Maximum Height: Six (6) feet.
- (3) Maximum Width: Four (4) feet.
- (4) Minimum Setback: Five (5) feet from all property lines.
- (5) Permanent Message Board Signs and/or Electronic Message Board Signs shall be prohibited as free-standing signs in the Central Business zoning district, but they may be used as signs attached to building structures (i.e. wall signs).

- (6) One (1) shall be permitted per lot per road frontage, provided that the distance between the structure and the right-of-way line is at least fifteen (15) feet.

d. **Awning, canopy, projecting, marquee, wall, or painted wall signs.** Commercial uses may request signs that do not exceed an area of fifty (50) square feet in total for all combined signage on a building (a business can mix and match these sign types). The following are the dimensional requirements for each type of sign:

(1) Awning or Canopy Signs.

- Maximum Area: Twenty (20) square feet.
- Shall not project more than forty-two (42) inches away from the face of a structure.
- Must be located between the top of a doorway and the bottom of the roof line.
- One (1) permitted per business per exterior wall.

(2) Projecting Signs.

- Maximum Area: Thirty (30) square feet.
- Shall not be lower than nine (9) feet above grade or taller than twenty-five (25) feet above grade.
- Shall not project more than forty-two (42) inches away from the face of a structure.
- No more than one (1) permitted per business per exterior wall.

(3) Marquee Signs.

- Maximum Area: Thirty (30) square feet.
- Shall not project more than forty-two (42) inches away from the face of a structure.
- Must be located between the top of a doorway and the ceiling level of the first story.
- No more than one (1) permitted per business per exterior wall.

(4) Wall Signs and Painted Wall Signs.

- Maximum Area: Twenty (20) percent of the wall area per exterior wall that the sign occupies, not to exceed fifty (50) square feet per wall, and shall be calculated by drawing a box around all sign elements on a wall.
- Shall not extend more than eighteen (18) inches from the wall.
- No more than one (1) permitted per business per exterior wall.

3. Area Wide Business District.

- a. All signs allowed in [Section 6-6\(F\)\(1\)](#) and [Section 6-6\(F\)\(2\)](#) are also allowed in the Area Wide Business District.
- b. **Free-standing Monument-style or Pole-supported Business Signs.**
 - (1) Maximum Area: Two hundred (200) square feet.
 - (2) Maximum Height: The greater of twenty (20) feet from the grade at the road centerline; or eight (8) feet from the grade at the bottom center of the sign structure.
 - (3) Maximum Width: Ten (10) feet.
 - (4) Minimum Setback: Five (5) feet from all property lines.
 - (5) Signs measuring eight (8) feet or taller from the grade at the bottom center of the sign structure shall have a minimum two (2) foot tall base of brick, stone, or stucco or have landscaped plantings covering the bottom two (2) feet of the sign structure as measured from the bottom center of the sign structure.
 - (6) Each business on the property where the sign is located may be listed on this sign, in addition to one attached sign for each business (wall, painted wall, projecting, awning, permanent window, or marquee) to be located on the building for which the business is located. See [Section 6-6\(F\)\(2\)\(d\)](#) for size specifications per sign type.
 - (7) Permanent Message Board Signs and/or Electronic Message Board Signs are prohibited as pole-supported signs. Permanent Message Board Signs and/or Electronic Message Board Signs may be used as a free-standing monument-style sign, or incorporated into such sign. A hold time of one (1) hour shall apply, except for the display of time and temperature only, which has a hold time of three (3) seconds (reference [Section 6-6\(B\)\(4\)\(e\)](#)).
 - (8) One (1) pole-supported or monument-style business sign shall be permitted per property.
- c. **Menu Boards.** One (1) single faced "Menu Board" type sign is allowed for a "drive through" facility and shall not be counted toward the number of free-standing business signs allowed, provided such sign is no larger than forty (40) square feet, six (6) feet tall, and out of all zoning district setbacks. Message Board Signs and/or Electronic Message Board Signs may be incorporated into the menu board, and the copy may change with no hold time limits for ordering purposes.
- d. **Bench Signs.** Such sign shall advertise a product, service, or business located on the same site as the bench sign.
 - (1) Maximum Area: Twenty (20) square feet.
 - (2) Maximum Height: Four (4) feet tall.
 - (3) Minimum Setback: Five (5) feet from all property lines.
 - (4) Shall be no closer than seventy-five (75) feet from another bench sign.
 - (5) One (1) advertising panel allowed on one (1) bench surface.
- e. **Gas Station Canopy Signs.**

- (1) Maximum Area: Sign on the canopy shall be a maximum of fifty (50) square feet per side on any two sides of the canopy, and a business symbol, not to exceed twelve (12) square feet, may be allowed on a third side.
 - (2) Maximum Height: Gas station canopies shall not exceed sixteen (16) feet in height or the highest point of the structure, whichever is less.
 - (3) Minimum Setback: Setbacks for structures per zoning district shall be obeyed for the canopy structure.
- f. **Directory Signs** internal to a site are allowed without a permit. Directories may list tenants, provide directions, and contain other related information. They shall be no larger than six (6) feet tall, fifty (50) square feet in area, and shall not be legible from any property line. There is no limit to the number of directory signs allowed. They can be pole-supported, monument-style, or wall signs.
4. Light Industrial District.
- a. All signs allowed in **Section 6-6(F)(1)** and **Section 6-6(F)(2)** are also allowed in the Light Industrial District.
 - b. **Free-standing Monument-style or Pole-supported Business Signs.**
 - (1) Maximum Area: Forty-eight (48) square feet.
 - (2) Maximum Height: Six (6) feet.
 - (3) Maximum Width: Eight (8) feet.
 - (4) Minimum Setback: Five (5) feet from all property lines.
 - (5) Permanent Message Board Signs and/or Electronic Message Board Signs may be used as the freestanding monument-style sign, or incorporated into such sign. For this type of sign, pole-supported signs are prohibited. A hold time of one (1) hour shall apply, except for the display of time and temperature only, which has a hold time of three (3) seconds (reference **Section 6-6(B)(4)(e)**).
 - (6) One (1) shall be permitted per lot per road frontage.
- G. Administration and Enforcement:
1. Sign Permit Required:
 - a. Except for those signs specifically mentioned in **Section 6-6(D)**, it shall be unlawful, after enactment of this Ordinance, for any person to erect or place a sign within the corporate limits of the Town of Pendleton unless a permit is secured.
 - b. In the event that the owner wishes to alter an existing sign for which a permit has been issued, a new permit must be submitted. (Alteration shall exclude routine repair.)

- c. The existence of a permanent sign at the time of passage of this Ordinance which does not conform with the standards of this Ordinance or other Ordinances of the Town of Pendleton shall constitute a vested right.
 - d. The existence of a temporary sign at the time of passage of this Ordinance shall not constitute a vested right.
 - e. Any nonconforming temporary sign, (i.e. not permanently mounted), shall be removed or brought into conformity no later than fifteen (15) days after the date of the adoption of this Ordinance.
 - f. When any permanent sign is removed, or whenever any renovation, change, or repair becomes necessary, other than routine re-painting or other repair of up to fifty (50) percent of the sign itself, such sign shall not be replaced, repaired, or renovated, except in conformity with the regulations of this and other Ordinances of the Town of Pendleton.
2. Application for Sign Permit:
- a. An application for a permit required by this Section shall be filed with the Zoning Administrator or designee, who shall mark such applications as received and filed as of the date of such receipt and filing. The application form for a sign permit shall contain the following, at a minimum:
 - (1) Name, address, and phone number of the property owner.
 - (2) Name of persons or firms, as well as its Town business license number thereof, erecting the sign.
 - (3) Written consent of the owner of the building or lot, if different from the applicant, where such sign is to be erected or attached.
 - (4) Time limitations on the sign, if it is a Temporary Sign (i.e. start date and end date).
 - (5) Zoning District and Tax Map number.
 - (6) Type of sign proposed.
 - (7) Height, width, and area (square footage) of the sign.
 - a. All sign permit applications shall be accompanied by a Sign Plan, containing the following information, at a minimum:
 - (8) Two (2) copies of a sign plan must be submitted, showing the specific location of all the existing and/or proposed sign on the applicable site, with each sign labeled as existing or proposed.
 - (9) Two (2) copies of a sign plan must be submitted, showing the specific location of all the existing and/or proposed sign on the applicable site, with each sign labeled as existing or proposed.
 - (10) Distances from the proposed sign to the nearest adjacent property line and right(s)-of-way shall be shown.

- (11) All applicable setbacks for the signs shall be shown and listed on the site plan. The proposed sign shall obey the applicable setbacks, unless a variance from the Board of Zoning Appeals is approved.
 - (12) The dimensions of the proposed sign(s), including the height, width, and square footage, shall be provided.
 - (13) Where applicable, provide the dimensions of the wall surface of the building or window to which the sign is to be attached.
 - (14) If the sign is to be attached to an existing building, a current photograph of the face of the building to which the sign is to be attached shall be provided with the Sign Plan.
 - (15) Two (2) copies of a photograph or drawing depicting the proposed sign with the wording to be contained on the sign, along with any emblems, insignias, and other adornments, shall be provided along with the Sign Plan.
 - b. Fees. All sign permit applicants shall be required to pay an administrative fee, established by the Town, unless expressly waived in this Section.
 - c. A sign permit shall become null and within six (6) months of the date of issuance of the permit if the sign has not been placed on the site within that time frame.
3. Action on Sign Permit Application. The Zoning Administrator or designee shall reply to such application in writing within fourteen (14) calendar days.
4. Sign Permit Issuance, Refusal, or Appeal:
- a. If the Zoning Administrator or designee authorizes the erection or alteration of a sign pursuant to an application filed under this Section, then a permit shall be issued to the applicant. If the Zoning Administrator or designee does not authorize the erection or alteration of the sign as applied for in the application, then the Zoning Administrator or designee shall write a letter to the applicant, advising that the request in the application is refused.
 - b. Appeals of refused applications shall be made to the Board of Zoning Appeals within thirty (30) days after the sign permit is refused.
5. Enforcement:
- a. In the event that a permanent or temporary sign is erected or altered on private property without an approved permit, the lot owner will be notified and given fifteen (15) days to remove the sign or secure a permit. If after fifteen (15) days the sign is not removed and/or a sign permit is not secured, a fine will be charged to the lot owner for the violation. **Article 12, Legal Status Provisions** outlines the enforcement process. A sign shall be treated as a structure for enforcement purposes.

- b. The Town shall have the authority to remove all signs, without notice to the owners thereof, placed within any street right-of-way, or attached to trees, fence posts, telephone poles, utility poles, or other natural features, or signs otherwise prohibited within this Ordinance, and properly dispose of them.
 - c. If it is determined by the Zoning Administrator or designee that a sign is abandoned, is not being maintained, or not being used for purposes under which the original permit was issued, the lot owner will be notified and given thirty (30) days to remove the sign. After thirty (30) days the Town will have the sign removed and the property owner will be charged for costs of removal incurred by the Town.
6. **Sign Inspection.** All signs for which a permit is required shall be subject to inspection by Town officials. Town officials will be authorized to enter at all reasonable times upon any property or premises to ascertain whether the provisions of the code are being obeyed. In the event that maintenance is deemed necessary, the sign owner will be notified by letter. The sign owner will then have thirty (30) days in which to have the maintenance completed, or a fine will be charged to the lot owner for the violation. **Article 12, Legal Status Provisions** outlines the enforcement process. A sign shall be treated as a structure for enforcement purposes.
7. **Variances.** Sign variances are intended to allow flexibility in the sign regulations while still fulfilling the purpose of the regulations. The specific approval criteria allow signs which enhance the overall character of an area or allow for mitigation of unusual site conditions. Variances shall only pertain to the sign's height, width, area, location, or number of signs allowed on a site.
- a. **Procedures.** An application for a variance from the specific sign requirements set forth in this Ordinance may be made to the Town of Pendleton Board of Zoning Appeals. The application shall be submitted to the Zoning Administrator or designee thirty (30) days before the meeting at which the request will be heard.
 - b. **Approval Criteria.** Sign variances may be approved if the Board of Zoning Appeals finds that the applicant has shown that the criteria below have been met. The applicant must meet the following criteria:
 - (1) The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in an exceptional hardship upon the owner as distinguished from an inconvenience.
 - (2) The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.
 - (3) The hardship has not been created by any person having an interest in the property.
 - (4) Financial returns only shall not be considered as a basis for granting the variance.
 - (5) The variance will not be detrimental to the public welfare, injurious to other property, or to the intent and spirit of this ordinance.

- (6) The variance does not confer a special privilege to the applicant that is denied to others.
- c. Under no circumstance shall a variance be requested or granted to allow a sign type which is not allowed by this ordinance, nor a sign type that is not expressly allowed in the specific zoning district in question.
- d. The Board of Zoning Appeals may impose such conditions and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any injurious effect upon adjoining uses or property, and to better carry out the general intent of this ordinance.

SECTION 6-7 RELOCATION AND MOVING OF BUILDINGS

- A. It is the general intent of this Section to prevent the relocation of buildings such that the quality and character of the neighborhood into which a building might be moved is adversely affected.
- B. No building may be moved, either intact or in a dismantled state, except in accordance with the following:
 - 1. The intended use of the building must be a permitted use in the zone into which it is to be located.
 - 2. All buildings or structures which are moved shall conform to the requirements, minimum standards and other provisions of the applicable state codes or the Town's ordinances. The owner/agent of the structure shall be responsible for coordinating the move with the police department, the fire chief and the utility companies (phone, cable and electric) to ensure the move will occur without incident. The zoning official shall receive a notice from each entity that the appropriate permits and arrangements have been made, and that a day certain shall be specified for the actual move.
 - 3. Site preparation and all work performed incidental to moving and placing the building at its new location and all reconstruction of the building as may be necessary must conform to all applicable state and local laws and regulations and shall be completed within six months following the issuance of a building permit to move the structure.
- C. The exterior appearance of the building shall be made equal or superior to the general nature, quality and character of the neighborhood into which it is to be located. For purposes of this Subsection, the term neighborhood shall be defined as those residences constructed on lots within the block contiguous to the lot on which the house is to be relocated, and shall specifically include those houses located within two hundred (200) feet of the lot on which the house will be located.

- D. The owner/agent and/or contractor shall submit a building permit application, including evidence and plans demonstrating the intent of the applicant to comply with Subsections (B)(1) through (B)(3) of this Section.
- E. Buildings relocated within the town limits or extraterritorial jurisdiction shall be charged the currently required building permit fee.
- F. The mover shall show proof of liability insurance coverage in an amount equal to that required by the state department of transportation and motor vehicles, but in any event no less than five hundred (500) dollars.
- G. Prior to the issuance of a house moving permit, the town shall be paid all outstanding assessments, taxes and water and sewer bills due on the parcel from which the structure is being moved.
- H. A certificate of occupancy shall not be issued until all conditions of this Section have been met.
- I. The property owner of the previous site must clear the site of all debris within 60 days.

SECTION 6-8 CONSTRUCTION SITE REST ROOM FACILITIES

Rest room facilities (port-o-lets) shall be required on all building sites for all new primary structures. These facilities shall be placed no closer than ten feet from all property lines and shall not be placed within any drainage and/or utility easements. These facilities shall be placed on the building site prior to the initial footing inspection on the primary structure and removed from the site prior to final inspection on a residential primary structure and ten days after final inspection on commercial structures.

SECTION 6-9 TOWNHOME AND DUPLEX DEVELOPMENT DESIGN STANDARDS

Purpose: Attention to building design encourages an aesthetically appealing and safe place to live. The following is the minimum requirement for Townhomes or Duplex Developments in all allowed zones. Overlay Districts, Planned Unit Developments, and Flexible Review Districts are subject to these requirements plus any additional requirements that may be imposed under those approval processes.

- A. All exterior elevations must be approved by the Planning Commission. If located inside an overlay district, these requirements will apply in addition to any Design Review Board requirements as set forth by the zoning ordinance for each corridor.
- B. Abutting townhouses shall have complementary but not identical facades as approved by the Planning Commission.

- C. Building facades and roofs shall include architectural elements that vary the appearance of a large building mass, break up long blank walls, express the individuality of each dwelling, and enhance the character of the neighborhood.
- D. The main entry to units adjacent to a public street shall face the street and provide direct access to the street sidewalk system.
- E. All mechanical equipment must be located in the rear or side yard.
- F. Garages must be recessed at minimum 12 inches from the front façade of the building. Detached, side load or rear loaded garage systems are preferred.
- G. Street trees are required on all new construction and must have a minimum of one (1) tree per (50) linear feet of road frontage. Existing trees to remain can be considered towards this requirement upon approval from the zoning administrator.
- H. Provide pedestrian entries that are clearly defined and highly visible from other buildings and public areas and consider safe alignments of sidewalks and paths.
- I. Each townhouse unit shall feature a main entry that is covered and includes architectural features that provide weather protection and visual interest to the structure.
- J. Each unit must have a rear porch area. Size 100 SQFT.
- K. For units without street frontage, main entries shall connect to the street sidewalk system through parking lots.
- L. Areas of development sites that are not occupied by buildings or infrastructure shall be landscaped with ground cover.
- M. The current International Building Code requirements shall be adhered to, paying particular attention to the firewall requirements.
- N. Where new or substantially remodeled buildings are set back from property lines and sidewalks, intervening landscaping shall be designed to enhance the look of the structures.
- O. The maximum building height shall be two stories, but in no event shall the height exceed 40 feet.
- P. Sidewalks must be installed. In cases where grade or other situations prohibit the installation of sidewalks, a payment of 150 percent of the cost must be made to the Town of Pendleton sidewalk fund by the developer. The Town of Pendleton reserves the right to determine the best location to allocate the sidewalk fund.
 - 1. The 150 percent will be calculated on the cost of all sidewalks, street trees, streetlights, curbing, or other infrastructure needed that can not be installed by the developer.

- Q. Where these standards and the standards of the overlay district or underlying zoning district differ, the more restrictive standard shall prevail.

SECTION 6-10 INFILL DEVELOPMENT DESIGN STANDARDS

Purpose. The purpose of requiring design standards for infill development is to ensure new developments within existing residential neighborhoods retain the character of that neighborhood.

A. Definitions

1. **Infill Development:** The development, reuse, or change of use of vacant, underdeveloped, or proposed redeveloped land on an existing street that is surrounded on at least two (2) sides by existing development.
2. **Study Area:** The single-family residential properties surrounding the property to be developed. Surrounding development includes each property whose front or side property lines fall within 500 feet, measuring from each corner of the property to be developed. The Planning Director has the discretion to reduce or enlarge the boundary when major separations (highways, railroads) are located within 500 feet of the property to be developed.

- B. Requirements. All building plans of the primary structure of an infill development are required to be reviewed and approved by the Planning Department prior to the issuance of a building permit. For infill development property that will be subdivided into multiple properties, each building plan shall be considered infill development and subject to the provisions of this Section of the Ordinance.

C. Design Standards. Design standards shall include, but are not limited to:

1. The main entryway shall have front porches or defined entryways. This entryway shall face a public street and provide direct access to the street or sidewalk system.
2. Foundation types will be reviewed by the Planning Department using the following guidelines:
 - a. The foundation type within the 500-foot study area found on more than 50% of the structures shall be required. Lots requiring basements shall be exempt, along with accessory units and garages.
 - b. In no case shall this limit the use of crawl space construction in an area that is predominantly slabs on grade.

- c. In areas where the predominant construction type is crawl spaces, a foundation plan shall be required that shows the use or replication of a crawl space façade.
 - d. Foundations, curtain walls, slab edges, or other visible features of the foundation shall have one of the other following materials and must be continuous under the principle structure excluding porches and other decorative structures:
 - (1) Where Slab on grade is allowed or basement walls are required, concrete will be acceptable.
 - (2) Brick
 - (3) Block
 - (4) Stucco
 - (5) Decorative Rock
3. The structure shall have at least two substantial architectural details. Examples include but are not limited to: columns, bay windows, eyebrow windows, various roof pitches, etc. If 50% or more residential primary structures within the study area have a similar design standard, that standard shall be required on the building plans of the infill development.
 4. Additionally, if over 75% of the dwelling units in the study area have masonry details on the exterior wall covering, the infill development shall have masonry details similar to the study area. Excluding the foundation wall above grade, in study areas where masonry details are required, at least 25% of the front facade that faces the street shall have a masonry detail.
 5. Preservation of existing trees or replanting of trees. Each lot shall be replanted with one (1) tree in each front and rear yard at least 3 inches in caliber. Preservation of existing trees can be counted to meet this requirement but must be a minimum of 6 inches in caliber.
 6. Each residential dwelling unit must contain a minimum of 1,000 square feet of living space. Exception, if the median value of the residential dwellings within the study area is less than 1,000 square feet, the value shall be the minimum required living space can be adjusted to this median value.
 7. The stricter regulation will apply if an infill lot is located inside an area governed by a Homeowners Association.

D. Stormwater Mitigation

1. Stormwater Retention/Detention Standards. For subdivisions where stormwater quantity requirements are part of a larger common plan, major or minor stormwater permits are required per the Town of Pendleton Land Development Regulations. Stormwater Management applies to infill subdivisions where above-ground detention/retention facilities are proposed, they shall:
 - a. Be located at least 20 feet from an exterior property line;

- b. Be sloped in a manner that is easily maintained; and
 - c. Be designed as an amenity to development when deemed feasible by the Zoning Administrator. Amenity features may include additional landscaping, fountains, trails, or other features acceptable to the Zoning Administrator.
2. Stormwater Standards other than Detention/Retention. For single- family lots or subdivisions, where the property is not part of a larger common plan and where major or minor stormwater permits are not required or where water quality requirements, as part of a minor stormwater permit are not required, then the following requirements shall apply:
- a. Any increase in the impervious surface shall be mitigated on-site using the techniques outlined in the Guidelines for Green Infrastructure & Low Impact Development.
 - b. Any removal and replacement of existing impervious surface shall be mitigated on-site using the Guidelines for Green Infrastructure & Low Impact Development.
 - c. A grading plan that includes details and mitigation techniques as specified above shall be submitted with the application. The grading plan shall conform to the following:
 - (1) Setback slopes shall not exceed a 4:1 ratio, i.e., no more than a 1-foot change in elevation per 4 horizontal feet.
 - (2) Runoff collected and concentrated from impervious surfaces shall be discharged within the property boundaries and no closer than 2 feet to the property line unless a design approved by the Administrator dissipates the discharge.
 - (3) One site infiltration mitigation technique may be up to the property line.
 - d. On-site infiltration mitigation options not otherwise listed in the Guidelines for Green Infrastructure & Low Impact Development may be used only upon the approval of the Zoning Administrator.
 - e. Where the applicant cannot meet the requirements of on-site mitigation due to adverse site conditions, the Zoning Administrator may approve a grading plan that incorporates best management practices for conveyance and dissipation of stormwater runoff off-site.

E. Review Process

- 1. The Planning Department shall review, within twenty (20) working days of submittal, each building plan of the primary structure to determine if its design is similar in design to the surrounding development by conducting a survey of the designs of the primary residential structures within the surrounding development. Once reviewed, the Planning Department

will approve the design or disapprove the design with an explanation of which design standards are required for approval.

2. When the proposed building is in a design overlay corridor, these guidelines shall set the minimum, and the stricter of the two shall apply.
- F. Appeals. Appeals of the Planning Department's decision shall be made to the Board of Zoning Appeals, in accordance with **Article 9, Board of Zoning Appeals**.

ARTICLE 7 PROCEDURES AND ADMINISTRATION

SECTIONS:

SECTION 7-1	ENFORCEMENT OF ORDINANCE
SECTION 7-2	ORDINANCE COMPLIANCE LETTER
SECTION 7-3	SITE PLAN REVIEW
SECTION 7-4	BUILDING PERMIT
SECTION 7-5	GRADING PERMIT
SECTION 7-6	CERTIFICATE OF OCCUPANCY

SECTION 7-1 ENFORCEMENT OF ORDINANCE

The duty of administering and enforcing the provisions of this Ordinance is hereby conferred upon the Town Administrator's designee, herein referred to as the Zoning Administrator. His / Her duties shall include:

- A. Interpreting zoning ordinance provisions;
- B. Receiving and processing applications for permits, certificates, and ordinance compliance letters, including fee collection.
- C. Receiving and processing applications for zoning amendments, variances and special exceptions, including fee collection;
- D. Keeping on file for public review the official zoning map;
- E. Coordinating activities of the Building Inspector;
- F. Investigating and resolving complaints;
- G. Enforcing the zoning ordinance;
- H. Coordinating activities of the Board of Zoning Appeals, Design Review Board and the Planning Commission on matters relating to the administration of the Zoning Ordinance; and
- I. Other general requirements which are deemed necessary by the Town to administer this Ordinance.

It shall also be the duty of all officers and employees of the Town to assist the Administrator by reporting to him/her new construction, reconstruction or new land uses, and apparent violations of this Ordinance.

SECTION 7-2 ORDINANCE COMPLIANCE LETTER

- A. No building permit shall be issued prior to issuance of an ordinance compliance letter.
- B. An ordinance compliance letter shall not be issued by the Zoning Administrator, except for a use which is in conformity with the provisions of this chapter or for a use authorized by order of the Board of Zoning Appeals;
- C. Certification of ordinance compliance shall be determined by review of site plans or other relevant graphical representations requested by the Zoning Administrator, showing:
 - 1. The actual dimensions and shape of the lot to be used;
 - 2. The sizes and locations of existing structures on the lot; and
 - 3. The location and dimensions of a proposed structure or alteration.
- D. The application shall include such other information as may be required by the Zoning Administrator to determine conformance with this chapter, including:
 - 1. Existing or proposed buildings or alterations;
 - 2. Existing or proposed uses of buildings and land;
 - 3. Number of families, housekeeping units, or rental units proposed or existing on the property; and
 - 4. Existing conditions on adjacent property.
- E. One copy of the plans shall be returned to the applicant, with the signed approval or disapproval of the Zoning Administrator noted on the copy, within a reasonable time;
- F. An ordinance compliance letter may be issued and renewed by the Zoning Administrator for permitted temporary uses for the times permitted by zoning district regulations;
- G. Any ordinance compliance letter or building permit shall become invalid unless the work authorized by it has been commenced within six (6) months of the date of issue of the letter or permit, or if the work authorized by it is suspended or abandoned for a period of one (1) year or more.

SECTION 7-3 SITE PLAN REVIEW

- A. Purpose. This Section lists the criteria by which PD, Planned Development district and FRD, Flexible Review district, are reviewed. Permitted uses must be in conformance with the zoning district requirements. A site plan meeting the requirements of this Section shall be reviewed and approved by the Zoning Administrator prior to the issuing of permits (i.e. grading, encroachment). All site plan review approvals are valid for one (1) year, where upon if no permit has been issued, a new site plan review will be required.
- B. Application for Site Plan Review. All applications for development in the PD, Planned Development district, and FRD, Flexible Review district shall be made to the office of the Zoning Administrator.
- C. Notice and Posting of Signs. The Zoning Administrator shall provide the applicant or his designated representative with an adequate number of Public Notice Plan Review signs to allow the applicant or his designated representative to properly post and maintain on the property a notice of public hearing at least fifteen (15) days prior to the date of the Planning Commission hearing.
- D. Administrative Approval. The Planning Commission may authorize the Zoning Administrator to review and approve site plans. At the discretion of the Zoning Administrator or in the case of an appeal of the decision of the Zoning Administrator, the Planning Commission will act on the application. In this case, the Zoning Administrator shall submit a written review and recommendation of the application to the Planning Commission. The Planning Commission will evaluate the recommendation in its consideration of the application. The Planning Commission may impose additional or more restrictive requirements if it is determined that it is within the best public interest.
- E. Application Evaluation Criteria. Before the Zoning Administrator makes a recommendation to the Planning Commission, they shall determine the following:
 - 1. That the spirit of the zoning district shall not be violated.
 - 2. That the proposed development will harmonize with existing developments.
 - 3. That the proposed development will be a desirable addition to the physical pattern of the neighborhood.
 - 4. That the design be such that additional traffic will not be a burden on existing streets.
 - 5. That no adverse environmental impacts will be created by the proposed development.
 - 6. That the visual appearance of the development will harmonize with the existing development.

7. That the architectural character blends with the surrounding area.
- F. Site Plan Submittal Requirements. Two (2) reproducible copies of the site plan meeting the requirements of this Section must be submitted to the Zoning Administrator. In order to ensure proper and expeditious review, the site plan must meet the following criteria:
1. The site plan must be drawn to a scale of not less than one hundred (100) feet to one (1) inch by a registered engineer/surveyor of the State of South Carolina;
 2. A vicinity map, title block, scale, north arrow, site size, and property line survey;
 3. The location of any utility easements;
 4. The land use for every part of the site and the number of acres devoted to each use;
 5. The site's traffic circulation plan, including the location of curb cuts and points of ingress/egress, and also including the location and width of all streets, drives, medians, service areas, dumpster pads, entrances to parking areas, etc.;
 6. The site's parking plan, including all off-street parking, loading/unloading areas, and structures, and also including all parking spaces and their dimensions;
 7. Storm Water Management and Sedimentation and Erosion Control Plans;
 8. The site's sign plan, which includes all exterior signage of the development;
 9. The site's lighting plan, including the location, height, and type of all exterior light fixtures;
 10. If applicable, the location of all proposed nonresidential buildings or structures, their general exterior dimensions, and gross square footage;
 11. If applicable, the location of all proposed residential structures, their general exterior dimensions, the number of residential dwelling units by type, and the number of the bedrooms in each unit;
 12. If applicable, the site's pedestrian circulation plan, including the location of all sidewalks, paths, trails, etc. and the dimensions thereof;
 13. The screening and landscape plan for the site; including the location, size, and type of plant material;
 14. Specifications indicating the proposed treatment or improvements to all open space areas and the delineation of those areas proposed for specific types of developed recreational activities;

15. Elevations of proposed development;
16. Perspective sketch indicating colors and materials of all structures and screening.

SECTION 7-4 BUILDING PERMIT

- A. It shall be unlawful to commence construction, moving or alteration of any building until the Zoning Administrator or designee has issued an ordinance compliance letter and a building permit has been obtained from Anderson County as Anderson County requires for such work.
- B. It shall be unlawful to commence the clearing or grading of any lot for the purpose of construction of any building until the Zoning Administrator or designee has issued an ordinance compliance letter and a building permit has been obtained from Anderson County.
- C. Clearing or grading of any lot for the purpose of construction prior to receiving a building permit for construction of such building or proceeding to clear or grade in a manner that is inconsistent with that which was approved on the ordinance compliance letter shall be subject to fines and penalties. Fines and penalties are as stated in **Article 12, Legal Status Provisions** and may also include delay in issuance of an ordinance compliance letter or building permit up to one (1) year.
- D. Any construction, moving, or alteration of any building prior to obtaining a building permit shall be subject to the same penalties as described above.
- E. This Section shall not be construed to restrict individual landowners who may desire to landscape or otherwise alter the appearance of property for purposes which do not otherwise require a building permit. Specifically a landowner may cut trees considered a nuisance or threat to the safety of a person or property, or reduce the number of trees for aesthetic reasons. Landowners who cut, or contract to have cut, trees for the purposes of sale and/or development shall require a permit under the provisions of this Section. Further information on landscaping requirements for new construction on properties can be found in **Section 6-2, Landscaping, Buffering and Screening Requirements**.

SECTION 7-5 GRADING PERMIT

- A. It shall be unlawful to commence the clearing or grading of any parcel or property where a combined area of one (1) acre or more property is being disturbed until the Zoning Administrator or designee has issued a grading permit and all other required permits from Anderson County and the South Carolina Department of Health and Environmental Control (SCDHEC) have been obtained.
- B. Clearing or grading of any a combined area of one (1) acre or more property is being disturbed or proceeding to clear or grade in a manner that is inconsistent with that which was approved on the

grading permit shall be subject to fines and penalties. Fines and penalties are as stated in **Article 12 Legal Status Provisions**, and may also include:

1. Delay in issuance of an ordinance compliance letter or building permit up to one (1) year; or
 2. Delay in approval of subdivision of property for up to two (2) years.
- C. Clearing regulations in this Section shall not apply to forestry operations in AF, Agriculture-Forest Districts so long as the use of tree farming or forestry is continued on that property. Penalties as stated above may apply if these stated uses are abandoned

SECTION 7-6 CERTIFICATE OF OCCUPANCY

Anderson County, with input from the Town of Pendleton, shall issue a Certificate of Occupancy upon determination by the Zoning Administrator or designee that the building, sign, or other structure is constructed, or the change in occupancy, as proposed, conforms in all respects to the Zoning Ordinance, the Building Code and other applicable regulations.

ARTICLE 8 CHANGES AND AMENDMENTS

SECTIONS:

SECTION 8-1	DECLARATION OF POLICY
SECTION 8-2	AUTHORITY TO AMEND ORDINANCE
SECTION 8-3	PROCEDURE
SECTION 8-4	FEE
SECTION 8-5	LIMITS ON RE-APPLICATION

SECTION 8-1 DECLARATION OF POLICY

Town Council declares the enactment of these regulations governing the clearing, uses, and development of land, buildings and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

- A. To correct a manifest error in the regulations or map, or
- B. To recognize changed or changing conditions or circumstances in a particular locality, or
- C. To recognize changes in technology, the style of living, or manner of doing business.

Every proposal to amend these regulations shall be considered in light of the above declaration of policy and by the purposes enumerated in **Section 1-4, Interpretation and Purposes**.

SECTION 8-2 AUTHORITY TO AMEND ORDINANCE

Changes in this Ordinance shall be made by the Town Council following a public hearing to be held by the Planning Commission and report issued by that body. The Town Council may, from time to time, amend, supplement, or change the boundaries of the districts or the regulations herein established, in accordance with the procedures set forth in this Article. Any such amendment, supplement or change may be initiated by the Town Council, by the Planning Commission, or by petition of any property owner. Petitions for amendment, supplement, or change, shall be on application forms supplied by the Zoning Administrator's Office. Any communication purporting to be an application for a change shall be regarded as mere notice to seek relief until it is made in the form required. Upon receipt of any communication the interested party shall be supplied by the Zoning Administrator with the proper form for presenting the application.

SECTION 8-3 PROCEDURE TO AMEND ORDINANCE

- A. **Proposal Required.** Every proposal to amend these regulations shall be considered in light of the above declaration of policy and by the purposes enumerated in **Section 1-4, Interpretation and Purposes**.
- B. **Public Hearing and Notice.** Prior to making its report to Town Council, the Planning Commission shall hold at least one (1) public hearing thereon. Notice of hearings shall be given by paid advertisement at least one time in a newspaper of local distribution stating the time and place of the hearing. Such advertisement shall be given at least fifteen (15) days prior to the hearing.
- C. **Commission Report.** The Commission, after the public hearing is closed, shall prepare its report and recommendation on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the Town's Comprehensive Plan at such time as a Comprehensive Plan has been adopted by Council. The Commission may defer its report for not more than thirty (30) days until it has had opportunity to consider other proposed changes which may have direct bearing thereon. In making its determination, the Commission shall consider the following factors:
 - 1. Whether the uses permitted by the proposed change would be appropriate in the area concerned;
 - 2. Whether adequate public school facilities, roads, and other public services exist or can be provided to serve the needs of additional residences likely to be constructed as a result of such change, and the consequences of such change;
 - 3. Whether the proposed change is in accord with any existing or proposed plans for providing public water supply and sanitary sewers to the area;
 - 4. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the Town, and any special circumstances which may make a substantial part of such vacant land available for development;
 - a. The recent rate at which land is being developed in the proposed zoning district; particularly in the vicinity of the proposed change; and
 - b. How other areas designed for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.
- D. **Council Consideration**
 - 1. **Proposal Recommended for Approval.** Every proposal which is recommended favorably by the Commission shall be forwarded to the Council, who may set and hold a public meeting

thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

2. Proposal Recommended for Denial. When the Commission determines that a proposal should be denied it shall so report and recommend to the Council. No public meeting shall be held by Council on the proposal until and unless the Council has reviewed the recommendations of the Commission, has considered any appeal, as provided below, and has adopted a motion setting the matter for a public meeting.
3. Appeal Procedure. An appeal from the decision of the Commission may be taken whenever any party in interest is aggrieved by the action of the Commission on a specific proposal. Such appeal shall show that the Commission either: (1) has been prejudiced in its deliberation; or (2) has not been given the opportunity to consider certain information because it could not have been made available to the Commission at the time of its public meeting. The following Procedure shall be required:
 - a. The aggrieved party shall reduce his appeal to writing stating specifically how, in his opinion, the Commission committed error. He shall file the appeal with the Zoning Administrator and the Commission within the thirty (30) days following the Commission's action. The Zoning Administrator shall forward the appeal to the Council with the regular report of the Commission's action on the subject proposal.
 - b. Upon receipt of written appeal the Council shall determine whether or not the Planning Commission committed error. If the Council concludes that certain previously unavailable information should be considered by the Commission, it may refer to the original proposal, and the appeal for a new public meeting, new report and recommendation. If the Council concludes that the Commission's prejudice prevented a fair public meeting or recommendation, the Council may schedule its own public meeting on the original proposal and recommendation.
- E. Council Hearing and Notice. The Council may from time to time amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established. A public meeting on such amendment, supplement or change shall be held by the Council. Notice or hearing shall be given by paid advertisement at least one time in a newspaper of local distribution stating the time and place of the hearing. Such advertisement shall be given at least (15) fifteen days prior to the hearing.
- F. Negative Recommendations; Written Protest. An amendment, supplement, or change shall not become effective except by favorable vote of the majority of all members of the Council:
 1. If the commission recommends disapproval of the proposed change, or
 2. If a written protest is filed, signed by owners of twenty (20) percent or more of the area of:
 - a. The lots or land included in such proposed change, or

- b. Those lots or land immediately adjacent in the rear thereof, or
- c. Those lots on land directly opposite thereto.

Protests signed by property owners may be filed prior to or at one of the public meetings conducted by the Commission or the Council. Written protests filed with the Commission shall be forwarded to the Council with the Commission's recommendation on the proposed amendment.

SECTION 8-4 FEE

Before any action shall be taken as provided for in this Article, the party or parties requesting a change or amendment shall deposit a fee with the Zoning Administrator's office, the sum of such fee to be determined by the Zoning Administrator, with Town Council approval, as adequate to pay for public meeting advertising and zoning petition handling. Each application shall require payment of said fee.

SECTION 8-5 LIMITATIONS ON RE-APPLICATION

When the Town Council has denied a proposal, or when the applicant has withdrawn his proposal at the Commission meeting thereon, no new applications of like nature shall be accepted by the Town nor scheduled for hearing by the Commission for a period of twelve (12) months from the date of the original applications. Provided, however, on receipt of written request by the original applicant stating how conditions have changed substantially in the community since prior consideration of his proposal so as to justify an earlier review of this matter, Town Council may waive the mandatory delay period and authorize the acceptance of a new application. If Council concludes that Commission prejudice prevented a fair public meeting or recommendation, the Council may schedule its own public meeting on the original proposal and recommendation.

ARTICLE 9 BOARD OF ZONING APPEALS

SECTIONS:

SECTION 9-1	ORGANIZATION
SECTION 9-2	DUTIES AND POWERS
SECTION 9-3	PROCEDURES
SECTION 9-4	HEARINGS AND DECISIONS

SECTION 9-1 ORGANIZATION

- A. Creation. There is hereby created a Board of Zoning Appeals to be composed of five (5) members. It is the declared policy of the Town Council that it will consider and appoint only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgement, and availability to prepare for and attend meetings.
- B. Terms of Office. The term of office shall be four (4) years. The terms of three (3) members shall expire in each odd numbered year and the terms of two (2) members shall expire in each even numbered year. The members of the Board shall be identified by place numbers one (1) through five (5). The odd numbered places shall expire in the odd numbered years and the even numbered places shall expire in the even numbered years. Board members may be appointed to succeed themselves.
- C. Vacancy. Vacancies shall be filled for unexpired terms; no member shall be appointed for a term in excess of four (4) years. A vacancy in a term of office shall occur whenever the Council finds that a member has resigned or has not maintained the qualifications required for appointment; or whenever the Council finds that a member:
 - 1. Has repeatedly failed to attend properly called meetings of the Board without just cause, or
 - 2. Has been guilty of malfeasance or misconduct in office, and based upon such findings has removed the member from office.
- D. Organization. The Board shall hold an annual organizational meeting and shall elect a Chairman and Vice-Chairman from among its members before proceeding regularly and shall designate the time and place of its meetings. The Board shall adopt its own rules of procedure and keep a record of its proceedings in accordance with the State statutes and these regulations. Newly appointed members shall be installed at the first regular meeting after their appointment.

- E. Meetings and Quorum. Three (3) members of the Board shall constitute a quorum for the conduct of business. The members of the Board shall regularly attend meetings and public hearings of the Board and shall serve without compensation, except for reimbursement for authorized expenses, attendant to the performance of their duties.

SECTION 9-2 DUTIES AND POWERS

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the Enforcement of this Ordinance.
- B. To authorize upon appeal in specific cases a variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in a individual case, result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship only upon finding by the Board of Zoning Appeals that all of the following factors exist. This is a provision of Act 487 of 1967 South Carolina Code of Laws:
 - 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
 - 2. The application of the Ordinance on this particular piece of property would create an unnecessary hardship;
 - 3. Such conditions are peculiar to the piece of property involved; and
 - 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance or the Land Use Plan, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district by this Ordinance. Economic Hardship shall not be deemed the sole basis for relief.
- C. To permit uses by special exception subject to standards and conditions in this ordinance.
- D. In exercising the above powers, the Board of Zoning Appeals may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part or may modify the order requirements, decision, or determination, and to the end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in the 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 9-3 PROCEDURES

- A. Interpretation Request; Variance Appeal. A request for interpretation of regulations or an appeal for variance from provisions of the Zoning Ordinance may be taken by a person aggrieved or by an officer, department, or board of the Town affected by a decision of the Enforcing Officer. Such appeal shall be taken within fifteen (15) days time after the decision has been rendered, by filing with the Board of Zoning Appeals a written notice of appeal specifying the grounds thereof. The Board shall maintain for review all papers constituting the record upon which the action appealed from was taken.
- B. Special Exceptions. An owner or authorized agent may appeal to the board, on a form provided by the Zoning Administrator, for a special exception for a use permitted by district regulations as a special exception after review, subject to applicable criteria subject to the following:
1. The board shall consider the following factors in determining whether a special exception should be granted, in addition to specific criteria in district regulations:
 - a. Traffic impact;
 - b. Vehicle and pedestrian safety;
 - c. Potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property;
 - d. Adverse impact of proposed use on the surrounding area, including the aesthetic character of the area; and
 - e. Orientation and spacing of improvements or structures.
 2. The board may prescribe appropriate conditions and safeguards to relieve or reduce adverse impact of a special exception and to protect the character of the area.
 3. No variance may be granted by the board in connection with the granting of a special exception.
- C. Stay of Proceedings. An appeal shall stay all proceedings of the action appealed from unless the Board concurs by reason of facts that a stay would cause imminent peril to life or property. In such case proceedings shall not be stayed except by a restraining order which may be granted by the Board or by a court of record.
- D. Form of Appeal or Application. The appeal or application shall be in such form and shall contain such information as the Board may require under its Rules of Procedure. It shall be accompanied by a fee, the sum of which is to be determined by the Zoning Administrator, with Town Council approval, as adequate to pay for advertisement, proceedings, and handling. An incomplete

appeal or application shall be deemed only to give notice of intent to appeal or apply to the Board and shall not be reviewed or scheduled for hearings until brought to completion.

- E. Notice of Hearings. Notice of hearings shall be given by paid advertisement one time in a newspaper of local distribution stating the time and place of such public meeting. The notice shall be posted no earlier than thirty (30) days nor later than fifteen (15) days prior to the date of meeting, stating the time and place of such public meeting.

SECTION 9-4 HEARINGS AND DECISIONS

A. General:

1. The Board shall fix a reasonable time for the hearing of an appeal, give public notice thereof, and decide the same within a reasonable time. Any party may appear in person at the hearing or be represented by an attorney or agency. Evidence supporting the grant or denial of an appeal shall be submitted to the Board only in public meeting.
2. Any appeal or application may be withdrawn upon written notice to the Board, but no appeal shall be withdrawn after posting of hearing notice and prior to Board action thereon without formal consent of the Board.

B. Decision and Voting:

1. Every decision of the Board shall be based upon findings of fact and every finding of fact shall be supported in the record of proceedings. The enumerated conditions required to exist on any matter upon which the Board is authorized to pass under these regulations shall be construed as limitations on the power of the Board to act.
2. Nothing herein contained shall be construed to empower the Board to change terms of these regulations, or to effect changes in the zoning districts. The powers of the Board shall be so applied that the terms of these regulations will be strictly enforced.
3. In exercising its powers, the Board of Zoning Appeals, in conformity with the provisions of Act 487 of 1967 of the General Statutes of South Carolina, may modify in whole or in part any order, requirement, decision, or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken.
4. The concurring vote of three (3) members of the Board shall be necessary to approve application upon which it is required to pass under these regulations or to effect any variance in said regulations.
5. Member disqualification:

- a. A member shall disqualify himself from voting whenever he has a personal or monetary interest in the property under appeal, or will be directly affected by the decision of the Board.
- b. A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the member's vote on the appeal, other than in the public hearing.

C. Approval of Request:

1. In approving any request the Board may designate such conditions in connection therewith in order to secure substantially the objectives of the regulation or provision to which such variance is granted and to provide adequately for the maintenance of the integrity and character of the zone in which such permit is granted.
2. When necessary, the Board may require guarantees, in such form as it deems proper, to ensure that conditions designated in connection therewith are being or will be complied with. Where any condition under which a request has granted appears to have been violated, the Board may hold a public hearing thereon to determine whether or not the permit theretofore granted shall be terminated.
3. Upon approval of an application for a variance appeal, the applicant shall apply for occupancy or building permits within sixty (60) days after the Board's decision unless a greater time is requested in the application and is authorized by the Board. Any approval may be granted one emergency extension of sixty (60) days on written request filed with the Board before expiration of the original approval. Failure of the applicant to apply for occupancy or building permits within the authorized time period shall void the right to secure such permits except upon the filing of a new application or appeal.

D. Denial of Request. No appeal or application shall be further considered by the Board unless:

1. The new plans materially change the nature of the request, or
2. The permitted development of other nearby property in the same zone has been substantially altered or changed by a ruling of the Board so as to support an allegation of changed conditions.

E. Appeal of Board Action. Any person or persons, jointly or separately, aggrieved by any decision of the Board or any taxpayer, or any officer, department, or board of the Town may present to a court of record, a petition, duly verified, setting forth that such decision of such illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision complained of in the offices of the Board and not thereafter.

ARTICLE 10 DESIGN REVIEW BOARD

SECTIONS:

SECTION 10-1	CREATION OF DESIGN REVIEW BOARD
SECTION 10-2	ORGANIZATION
SECTION 10-3	DUTIES AND POWERS
SECTION 10-4	PROCEDURES
SECTION 10-5	VARIANCES AND APPEALS
SECTION 10-6	MOST RESTRICTIVE SHALL PREVAIL

SECTION 10-1 CREATION OF DESIGN REVIEW BOARD

- A. Creation. There is hereby created a Design Review Board, for the administration of all design overlay districts.

- B. Purpose. The purpose of the Design Review Board is to review the design and development standards within the Town of Pendleton’s overlay districts, in order to foster high-quality, attractive, and sustainable development that is compatible with the Town’s existing character. The Design Review Board shall act to protect and enhance the character and quality of the community’s development while maintaining and strengthening a recognizable identity and character that is unique to the Town of Pendleton. The Design Review Board shall not require the replication of the existing built form, or a certain stylistic result, but shall allow imaginative design that is respectful of its neighborhood.

SECTION 10-2 ORGANIZATION

- A. Appointment of Officers. The Design Review Board shall be composed of five (5) members. It is the declared policy of the Town Council to appoint only those persons who have demonstrated their civic interest, general knowledge of the design overlay districts, independent judgment, and availability to prepare for and attend meetings.

- B. Terms of Office. The term of office shall be four (4) years. The terms of three (3) members shall expire in each odd numbered year and the terms of two (2) members shall expire in each even numbered year. The Design Review Board shall be identified by place numbers one (1) through five (5). The odd numbered places shall expire in the odd numbered years and the even numbered places shall expire in the even numbered years. Design Review Board members may be appointed to succeed themselves.

- C. Vacancy. Vacancies in the Design Review Board membership shall be filled by appointment by the Town Council for the unexpired term. It shall be the duty of the Chairperson of the Design Review Board to notify the Town Administrator within ten (10) days after any vacancy shall occur among members of the Design Review Board.
- D. Removal. Members of the Design Review Board may be removed from office for cause by the affirmative votes of a majority vote of the Town Council. Members of the Design Review Board may be removed by the Town Council at any time for:
 - 1. Failure to attend three (3) consecutive meetings without an excused absence, or
 - 2. Failure to attend thirty (30) percent or more of the meetings within a twelve (12) month period without an excused absence, or
 - 3. Any other valid reason related to performance of duties.
- E. Organization. The Design Review Board shall hold an annual organization meeting and shall elect a Chairperson and Vice-Chairperson from among its members before proceeding to any other matters of business. A Secretary shall be elected from either members of the Design Review Board or the Zoning Administrator. The Design Review Board shall meet regularly and shall designate the time and place of its meeting. The Design Review Board shall adopt its own rules of procedure and keep record of its proceedings in accordance with the State Statutes and these regulations. Newly appointed members shall be installed at the first regular meeting following their appointment.
- F. Meetings and Quorum. Three (3) members of the Design Review Board shall constitute a quorum for the conduct of business. The members of the Design Review Board shall regularly attend meetings and public hearings of the Design Review Board.

SECTION 10-3 DUTIES AND POWERS

- A. Exterior Alteration of Structures and Sites. All exterior alterations to structures and sites that the Zoning Administrator or designee finds not to be in clear compliance with overlay district regulations may be reviewed by the Design Review Board. Full façade renovations shall be reviewed by the Design Review Board.
- B. Demolition and Relocation of Structures. Structures proposed to be moved from, or demolished within, an overlay district shall be reviewed by the Design Review Board. Alternatives to demolition or relocation shall be provided and discussed by the Design Review Board if the structure is considered to be of historic or cultural distinction. Criteria to support demolition or relocation of a structure from the overlay district shall include the following:

1. The structure cannot be economically rehabilitated on the site to provide a reasonable income or residential environment compared to other structures in the general area.
 2. There is a demonstrated public need for the new use on that specific site, which outweighs any public benefit which might be gained by preserving the subject building on the site.
 3. The proposed development, if any, is compatible with the surrounding area, considering such factors as location, bulk, landscaping, and exterior design.
- C. New Construction, Building Additions, and New Parking Areas. All new construction, building additions, and new parking areas shall be reviewed by the Design Review Board for compliance with the overlay district guidelines.
- D. Interior Renovations. All interior renovations shall be exempt from review by the Design Review Board, although building permits may be required for such work.
- E. Variance Requests. All requests for variances from the overlay district guidelines shall be reviewed by the Design Review Board based upon the specific criteria listed in **Section 10-5, Variances and Appeals**. Variances from any other section of the Zoning Ordinance shall be reviewed by the Board of Zoning Appeals.

SECTION 10-4 PROCEDURES

- A. Procedure for Application. The application process for development within the design overlay districts shall begin with submittal of an application for review. Application forms shall be requested from the Zoning Administrator. Supplemental materials shall be required as part of the application. A list of required supplemental materials may be requested from the Zoning Administrator and include:
1. Sketch plans for new construction, additions, relocated structures into the overlay district, and new parking areas. They shall contain the following (not all items below are required for all development - check with the Zoning Administrator for verification):
 - a. An engineer's scale
 - b. North arrow
 - c. Plan date
 - d. Owner name and address
 - e. Site address with Tax Map Number
 - f. Area of parcel (in acres or square feet)
 - g. Zoning district of parcel
 - h. Height and/or stories (if new or addition)
 - i. Footprint of all existing and proposed structures (label as "existing" or "proposed")

- j. Property lines with dimensions
 - k. Setback lines with widths
 - l. Street names
 - m. Sidewalks
 - n. Points of ingress/egress (driveway)
 - o. List amount of parking required and provided
 - p. Parking layout, with dimensions of:
 - (1) Drive aisles
 - (2) Parking spaces
 - (3) Planting islands
 - (4) Pedestrian paths
 - (5) ADA parking space locations
 - q. Traffic circulation within site
 - r. Square footage of new structure(s) or addition(s)
 - s. Square footage of existing structure(s) (if any)
 - t. List existing and proposed uses
 - u. Show/label landscape buffer areas and screens
 - v. Show all landscaping (existing and proposed)
 - w. Location of sign structures (existing and proposed)
 - x. Label mechanical equipment, service areas, and screens
 - y. Any additional information required per overlay district guidelines.
2. Architectural sketches (renderings/elevations) shall show the following (not all items below are required for all development - check with the Zoning Administrator for verification):
- a. Architectural features
 - b. Proposed materials
 - c. Proposed color samples
 - d. Walls
 - e. Terraces
 - f. Plantings
 - g. Window and door details
 - h. Ornamental light poles, and light coverings attached to structures
 - i. Attached signage
3. Photographs, which shall include:
- a. All existing structures on the lot from all four sides of the property (if structures exist)
 - b. Structures proposed for demolished (if any)
 - c. Area of structure proposed for repairs, alterations, and additions (if any)
 - d. Perspective view of lot frontage
 - e. Adjoining and adjacent properties

4. A Sign Permit Application Form is required for all new signage and shall be a separate submittal.
5. A Variance Application Form is required for all variance requests and shall be a separate submittal.

B. Procedure for Hearings:

1. Hearings. The Design Review Board shall have a public hearing anytime a variance from the overlay district guidelines is requested. The hearing shall allow the applicant or representative of the applicant, along with any persons in support or opposition of the variance, to be heard in a significant manner.

Notice of Hearings. Notice of hearings shall be given by paid advertisement one time in a newspaper of local distribution, stating the time and place of such public meeting, which time shall not be earlier than thirty (30) days from the date of the meeting, and not later than fifteen (15) days from the date of meeting, stating the time and place of such public meeting. Notice of hearings shall also be given via a sign announcing the public hearing, which shall be placed on the street frontage of the lot on which the modifications are proposed. More than one (1) sign may be required due to the size of the site.

C. Procedure for Decisions:

1. The Design Review Board shall decide to approve the request, deny the request, or table the request no more than forty-five (45) days after receiving all required application materials. Conditions of approval may be attached to any approval.
2. If the case is approved, a Certificate of Appropriateness shall be issued to the applicant by the Zoning Administrator or designee.
3. If a case is denied, the Design Review Board shall state the reasons in the minutes and in a letter to the applicant. The letter may include advice and illustrative drawings in regard to appropriateness of design, arrangement, texture, material, color, and the like, of the property involved. An applicant may re-apply for approval at any time; there is no waiting period following denial by the Board.
4. The Design Review Board may table a request only if there is insufficient data (data not presented that is in excess of the required materials listed in **Section 10-4(A)**) to make an appropriate decision. The Board must state specifically what data is needed and shall approve or deny the development request at the next schedule meeting after the additional materials are submitted.

D. Procedure for Obtaining a Certificate of Appropriateness:

1. A Certificate of Appropriateness shall only be issued for items approved by the Design Review Board.
2. The Zoning Administrator or designee shall issue a Certificate of Appropriateness after all conditions of approval (if any) defined by the Design Review Board have been met.
3. No building permit, grading permit, sign permit, or other permit shall be requested until a Certificate of Appropriateness has been issued. Any permit obtained that is not in conformity with this Section shall be invalid.

SECTION 10-5 VARIANCES AND APPEALS

- A. Procedure for Requesting a Variance from Overlay District Guidelines. Approval of a variance from overlay district guidelines shall not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the overlay district guidelines will, in an individual case, result in unnecessary hardship. The spirit of the overlay district shall be observed, public safety and welfare secured, and substantial justice done. A variance may be granted in such individual case of unnecessary hardship only upon finding by the Design Review Board that at least two (2) of the four (4) following factors exist:
1. There are extraordinary and exceptional physical conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
 2. The proposed variance to the overlay district guidelines will more closely approximate the character, design, or building material desired per the overlay district character.
 3. Such conditions are unique to the piece of property or structure involved.
 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the overlay district guidelines. Economic hardship shall not be deemed the sole basis for relief.
- B. Procedure for Appeals:
1. The applicant, owner, or any aggrieved party may appeal a non-variance decision made by the Design Review Board pertaining to an alleged error in the due process or order of the proceeding. The appeal shall be heard by the Board of Zoning Appeals, as detailed in **Article 9, Board of Zoning Appeals**. If the appeal concerns any item other than the due process or order of the proceeding, then the appeal must be made to the Courts of South Carolina pursuant to the South Carolina Code of Laws, Section 6-29-900 et sequitur.

2. The applicant, owner, or any aggrieved party may appeal a decision made by the Design Review Board pertaining to a variance, whether it is a variance from an overlay district requirement or any other section of the Zoning Ordinance. The appeal must be made to the Courts of South Carolina pursuant to the South Carolina Code of Laws, Section 6-29-900 et sequitur.
3. All appeals shall be requested from either the Board of Zoning Appeals or the Courts of South Carolina within thirty (30) days after the decision of the Design Review Board is rendered.

SECTION 10-6 MOST RESTRICTIVE SHALL PREVAIL

The standards of both the overlay district and the underlying zoning district shall apply. Where the standards of the overlay district and the underlying zoning district differ, the more restrictive standard shall prevail.

ARTICLE 11 NON-CONFORMING SITUATIONS

SECTIONS:

SECTION 11-1	PURPOSE
SECTION 11-2	NON-CONFORMING LOTS
SECTION 11-3	NON-CONFORMING STRUCTURES AND USES

SECTION 11-1 PURPOSE

Non-conformities in the use and development of land and buildings are to be avoided, wherever and whenever possible, except when necessary to preserve property rights established prior to the date these regulations became effective.

SECTION 11-2 NON-CONFORMING LOTS

- A. Continuation of Non-Conforming Lots. Subject to all limitations herein set forth, any non-conforming lot may continue without change in boundaries and may be utilized or developed provided that the uses and development are otherwise authorized by these regulations. No new structure shall be placed thereon except in conformity with the applicable controls of the district in which the lot is located.
- B. Discontinuance of Non-Conforming Lots. Any lot which is made conforming by combining with other lots for purpose of sale or development, or by subdividing or re-subdividing, thereafter shall be recognized as a conforming lot and shall comply in full with the provisions of these regulations.

SECTION 11-3 NON-CONFORMING STRUCTURES AND USES

Where buildings or uses legally existing on the effective date of this Ordinance are not in conformity with the provisions of this Ordinance, it is the intent and purpose of this Section to declare such buildings and uses within the Town of Pendleton to be non-conforming and detrimental to the orderly development of the Town and to eliminate such non-conforming uses and buildings as quickly as possible consistent with the rights of the owners and users thereof, for the purpose of protecting the public health, safety and general welfare.

- A. Continuing Existing Uses. Any use, building, or structure, existing at the time of enactment of this Ordinance, which does not conform to the provisions of this Ordinance for the District in which it

is located shall be deemed to be a non-conforming use and may be continued only as hereinafter specified.

- B. **Change of Use.** Once changed to a conforming use, no building or use of land shall be permitted to revert to a non-conforming use.
- C. **Abandonment of Use.** A non-conforming use of a building or land which has been abandoned permanently or temporarily for any reason for a period of thirty (30) days shall not thereafter be re-established except in conformity with the provisions of this Ordinance.
- D. **Repairs, Alteration, and Maintenance.** Ordinary non-structural repairs, alterations, or maintenance may be made to a non-conforming structure as required to keep it in sound condition. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition for any part of any building or structure declared unsafe by proper authority.
- E. **Mobile Home Units.** All mobile home units as defined in [Article 2, Definitions](#) are to be considered non-conforming structures in all zoning districts.
- F. **Exchange of Mobile or Manufactured Home Units.** Exchanging a pre-June 15, 1976 built mobile home unit or any manufactured home unit with a newer HUD Certified manufactured home shall be allowed even if the use is non-conforming, but not if the density is non-conforming. The exchange of the unit on a property shall be subjected to all setback standards outlined in the district regulations and design guidelines, with the exception that an exchange unit may occupy the same footprint of the structure it is replacing.
- G. **Restoration of Damaged Structures.** Any non-conforming building damaged more than fifty (50) percent of the structure itself shall not be restored or reconstructed and used as before such happenings; but if less than fifty (50) percent is damaged, it may be restored, reconstructed or be used as before, provided that such reconstruction shall be started within six (6) months of such happenings. A building permit must be requested within 30 days of the incident causing damage; otherwise, the structure shall be considered abandoned.
- H. **Extensions.** A non-conforming use shall not be enlarged, intensified, or extended.
- I. **Parking.** Where the automobile parking facilities are insufficient to meet the standards set in this Ordinance, or where no such parking facilities have been provided for buildings constructed prior to the effective date of this Ordinance, such buildings may not be altered nor any additional facilities be provided within such buildings until after the requirements for off-street parking shall have been satisfied for those facilities thus added or enlarged.
- J. **Construction Approved Prior to Ordinance.** Nothing herein contained shall require any change in plans, construction, or designated use of building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three (3) months of the date of such permit, and which entire building shall be completed according to

such plans as filed within one (1) year from the date of this Ordinance. Such building shall be deemed to be a non-conforming use and shall thereafter be subject to the regulations set forth herein.

ARTICLE 12 LEGAL STATUS PROVISIONS

SECTIONS:

SECTION 12-1	INTERPRETATION AND CONDUCT
SECTION 12-2	VIOLATION
SECTION 12-3	PENALTY
SECTION 12-4	VALIDITY
SECTION 12-5	REPEAL OF CONFLICTING ORDINANCES
SECTION 12-6	EFFECTIVE DATE

SECTION 12-1 INTERPRETATION AND CONDUCT

In interpreting and applying the provisions of this Ordinance, the provisions shall be held to be the minimum requirements necessary to uphold the purpose of this Ordinance. It is not necessary to uphold the purpose of this Ordinance. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires more open spaces than required by other resolutions, ordinances, rules or regulations, or by easements, covenants or agreements, the provisions of this Ordinance shall govern. When the provisions of any other statute require more restrictive standards than are required by the regulations of this Ordinance, the provisions of such statute shall govern.

SECTION 12-2 VIOLATION

In case any building is erected, constructed, reconstructed, altered, repaired, or converted, or any building or land is used in violation of this Ordinance, the Zoning Administrator is authorized and directed to institute any appropriate action to put an end to such violation.

SECTION 12-3 PENALTY

It shall be unlawful to construct, reconstruct, alter, change the use of or occupy any land, building or other structure without first obtaining the appropriate permit from the Zoning Administrator; and such Zoning Administrator shall not issue any permit unless the requirements of this Ordinance and of any ordinance or resolution, adopted pursuant to it are complied with. A violation of any ordinance or resolution, adopted pursuant to the provisions of this act is hereby declared to be a misdemeanor under the laws of the State and, upon conviction thereof, an offender shall be liable to a fine of not more than

five hundred (500) dollars, or imprisonment not exceeding thirty (30) days, or both. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is or is proposed to be in violation of this Ordinance, the Zoning Administrator or any adjacent or neighboring property owner who would be especially damaged by such violation, may in addition to other remedies institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or 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.

SECTION 12-4 VALIDITY

Should any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 12-5 REPEAL OF CONFLICTING ORDINANCES

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

SECTION 12-6 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after January 1, 2019.



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