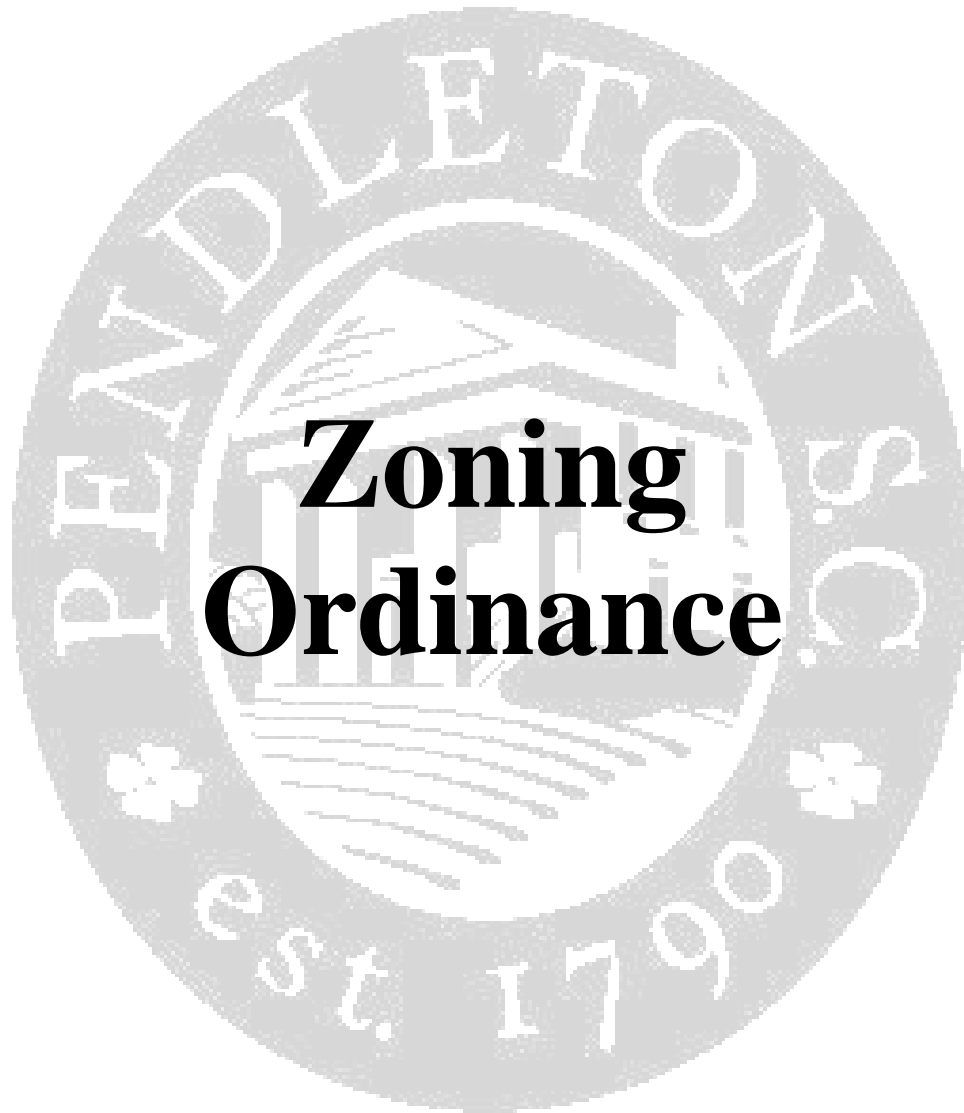


# **Town of Pendleton**

South Carolina



## **Zoning Ordinance**

**January 2014**



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ARTICLE I: ENACTMENT

SECTION 101 – 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 102 – 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of penalties for violations of these regulations; to establish a means by which conflicting regulations can be repealed; and for other purposes.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.

## ARTICLE II: ESTABLISHMENT OF CONTROLS AND DEFINITIONS

SECTION 201 – ADMINISTRATION

Until such time as the Town of Pendleton employs a Zoning Administrator or Director of Code Enforcement, all references in this Ordinance to the Zoning Administrator or Director of Code Enforcement shall mean the Town Administrator. The use of the term Planning Commission in this Ordinance refers to one administrative body, and the use of the term Commission implies the Planning Commission.

SECTION 202 – 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 203 – 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 Land Use 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.



SECTION 204 – 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:

- 204.1 Words used in the present tense include the future tense.
- 204.2 The singular number includes the plural, and the plural number includes the singular.
- 204.3 The word “person” includes a corporation, firm, company, partnership, association, organization, or public or private authority, as well as an individual.
- 204.4 The term “shall” is always mandatory, and the word “may” is permissive.
- 204.5 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”.
- 204.6 The word “building” includes the word “structure” and the word “structure” includes the word “building”.
- 204.7 The word “lot” includes the word “plot” or “parcel”.

SECTION 205 – DEFINITIONS

- 205.1 Accessory: A use or building customarily incidental and subordinate to and detached from the principal use or building and located on the same lot with such principal use, uses, or building.
- 205.2.1 Adjoining Lot: Land immediately adjacent to the lot in question, including lots located immediately across streets, alleys, water courses, drainage easements and other rights-of-way.
- 205.2.2 Adult Entertainment Establishment: An adult (defined as 18 (eighteen) 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)
- 205.3 Alley: A permanent service way used primarily as a secondary means of access to the side or rear of abutting property or properties.
- 205.4 Alter: As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

- 205.5 Alteration of Building: Any change in the supporting members of a building such as bearing walls, columns, beams, girders, or floor joists.
- 205.6 Apartment House: See 205.36 Dwelling, Multi-Family.
- 205.7 Area, Building: 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.
- 205.8 Area, Site: The total area within the property lines of a project, excluding streets rights-of-way.
- 205.9 Automobile Service Station: (Includes gasoline or filling station). 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.
- 205.10 Automobile Wrecking Yard: 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.
- 205.11 Basement: 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. (See 205.21 Cellar)
- 205.12 Boarding House: (See also Tourist Home). Any dwelling other than a hotel or motel, in which more than three persons either individually or as families, who are not members of the operator's family, are housed or lodged for hire with or without meals. A rooming house, or a "furnished room" house shall be deemed a boarding house.
- 205.13 Buffer Screens: 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 904).
- 205.14 Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. The term "building" shall be construed as if followed by the words "or part thereof".

- 205.15 Building Coverage: 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.
- 205.16 Building, Height of : As applied to a building, 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.
- 205.17 Building Line: (including the term “setback”) That line which represents the minimum distance, when measured at right angles which a building or structure must be placed from a street right-of-way in accordance with the terms of this Ordinance.
- 205.18 Building Permit: 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.
- 205.19 Building, Principal: (See also Use, Principal). A building or structure in which is conducted the main or principal use of the lot on which said building is situated.
- 205.19.1 Carport: An open-sided shelter primarily used for vehicles and permanently constructed using rigid materials (no tarps or fabric covers).
- 205.20 Car Wash: (Also, self-service car wash). 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.
- 205.21 Cellar: 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.
- 205.22 Certificate of Occupancy: 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.
- 205.22.1 Clearing: Removal of natural growth trees on a combined area of 1 acre or more on a single a parcel or part of a single project.

- 205.23.1 Club, Lodge, Civic, or Fraternal Organization: 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.
- 205.23.2 Communication Towers: 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).
- 205.24 Conditional Use: A use not otherwise permitted in a district, and which would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location, relation to the neighborhood, and subject to the conditions noted, would promote the public health, safety, welfare order, comfort, convenience, appearance, prosperity, or general welfare of the Town.
- 205.25 Condominium: A unit is a series or in a multi-unit type structure which may be owned or leased by an individual, firm or corporation who may have common use of all related activities associated with the structure.
- 205.26 Court: An open unoccupied space bounded on two 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.
- 205.27 Customary Home Occupation: An occupation, profession or trade customarily carried on by an occupant in a dwelling unit as a secondary use which is clearly incidental to the dwelling unit for residential purposes, and which meets with the following conditions:
- 205.27.1 The occupation, profession, or trade is carried on wholly within the principal building;
- 205.27.2 Not more than twenty-five (25) percent of the floor area of the principal building is used for the conduct of said home occupations;
- 205.27.3 No merchandise or articles are displayed for advertising purposes, nor are displayed in such a way as to be visible from outside the dwelling;

- 205.27.4 No merchandise or articles are stored other than inside the principal building;
- 205.27.5 There is no alteration of the residential character of the building or premises;
- 205.27.6 No person, not resident on the premises, is employed;
- 205.27.7 No traffic shall be generated by such home occupation in greater than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front – yard.
- 205.27.8 The occupation, profession, or trade is licensed by the Town, and generates no noise, vibration, heat, glare, smoke, odor, or dust perceptible to adjacent uses.
- 205.28 Day Nursery: 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.
- 205.29 Density: The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this Ordinance are expressed in dwelling units per net acre that is, per acre of land devoted to residential use exclusive of land utilized for streets, alleys, drives, parks, playgrounds, school grounds, or other public uses. Gross residential acres where used in this Ordinance shall include all land within a specific parcel or lot.
- 205.30 Diameter Breast High: (DBH) is the diameter of a tree, measured at breast height (four and one-half – 4 ½ - feet) above ground (See Section 302).
- 205.31 Drive-in Establishment: 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.
- 205.32 Dwelling: A building or portion of a building arranged or designed to provide private living quarters.
- 205.33 Dwelling, One-Family: A detached dwelling other than a manufactured/ mobile home designed for or occupied exclusively by one family.

- 205.34 Dwelling, Two-Family: A detached dwelling other than a manufactured/ mobile home designed for or occupied exclusively by two families living independently of each other.
- 205.36 Dwelling, Multi-Family: (Also, an apartment house). A dwelling designed for or occupied by three or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. Each multi-family living unit constitutes a dwelling unit.
- 205.37 Dwelling, Townhouse: One of a series of three or more attached one-family dwelling units separate which: (1) may or may not have a common roof; (2) share at least one common wall; (3) are separate from each other by fire resistive party wall partitions extending at least from grade through the roof; (4) may be developed as either condominiums or sold as individual lots of record.
- 205.38 Dwelling Unit: One or more rooms connected together and constituting a separate independent housekeeping establishment for use on a basis involving owner occupancy or rental or lease on a weekly, monthly, or longer basis, with provisions for cooking, eating, sleeping, bathroom facilities and physically set apart from other dwelling units in the same structure.
- 205.39 Family: 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:
- (a) Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship, plus one (1) unrelated person; or
  - (b) Two unrelated people and any children related to either of them or under their legal custody; or
  - (c) Three unrelated people (not permitted in R-1, R-2 and PDR); or
  - (d) Not more than nine (9) people who are:
    - (i) Residents of a “Home” as defined in Section 6-29-770 of the South Carolina Code of Laws.
    - (ii) “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).

- 205.40 Flood Plain: Those areas subject to periodic inundation by large floods which occur with calculable flood frequency and subject to flooding which may reasonably be executed to cause damage sufficient to justify protection therefrom.
- 205.41 Floor Area: The total number of square feet of heated floor space including the exterior walls of a building, not including space in cellars or basements.
- 205.41.5 Frontage, Lot: The side of a lot abutting the street; the front lot line.
- 205.42 Frontage, Street: All the property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end-street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street that it intercepts.
- 205.43 Garage: A structure or any portion thereof in which one (1) or more motor vehicles are housed, kept, or repaired, not including exhibition or showrooms, or storage of vehicles for sale.
- 205.44 Garage (private): An accessory building used for storage purposes only and which is provided primarily for the occupants of the premises on which such a garage is accessory, and in which no businesses, service or industry connected directly or indirectly with automotive vehicles is carried on. Space may be rented for not more than two (2) vehicles of non-occupants of the building to which such garage is an accessory.
- 205.45 Garage, Public: (Also, a commercial garage). 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.
- 205.46 Garage, Repair: 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 Articles VIII, IX, and XII of this Ordinance.
- 205.47 Grade: The average elevation of the surface of the ground adjacent to the exterior walls of a building as officially established by the Town authorities.
- 205.48 Grade, Finished: The completed surfaces of lawns, walks, and roads brought to the elevation shown on official plans or designs relating thereto.

- 205.48.1 Grading: Cutting, filling, excavation, or moving any dirt on a property that requires the use of heavy machinery (backhoe, bulldozer, etc.) to move.
- 205.49 Group Development Project: Two or more principal buildings which are: (1) devoted to a common or related use; (2) constructed on a lot in a single or joint ownership; and (3) made a part of an integrated industrial, commercial, residential or public project, according to a comprehensive plan for development under specific requirements.
- 205.50 Hotel: (Includes motel, tourist courts, motor lodges, and auto courts). A building or buildings containing multiple rooms intended or designed to be used or which are used, rented or hired out to be occupied for sleeping purposes by transient or permanent guests, and where only common kitchen and dining facilities are provided within the principal building or in an accessory building. (“Efficiencies” are considered to be dwelling units).
- 205.51 Junk or Salvage Yards: 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.
- 205.52 Loading Space: A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks.
- 205.53 Lot: A plot or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings permitted in this Ordinance and having its principal frontage upon a street or access in accordance with Municipal regulations, and the customary accessories and open spaces belonging to the same. Unless clearly indicated otherwise, the word “lot”, when used alone in this Ordinance, shall mean a “zoning lot” as herein defined. (Section 205.60).
- 205.54 Lot, Corner: A lot at the junction of and fronting on two (2) or more streets at their intersection. (Lots “A” in Diagram 205.54A on following page).
- 205.55 Lot, Double Frontage: A lot having frontage on two (2) streets, (Lot “C” in preceding diagram) at a point other than at their intersection, as distinguished from corner lot.
- 205.56 Lot, Depth of: A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.
- 205.57 Lot, Interior: A lot other than a corner lot, having frontage on only one (1) street other than an alley. (Lots B in preceding diagram).
- 205.58 Lot Lines: Any line dividing one lot from another.



- 205.59 Lot, Width of: The distance between side lot lines as measured at the building line.
- 205.60 Lot, Zoning: 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.
- 205.61 Lot, of Record: An area designated as a separate and distinct parcel of land on a legally recorded deed as filed in the official records of the County Clerk of Court.
- 205.62 Manufactured Home: A manufactured home is built to the Manufactured Home Construction and Safety Standard (HUD Code) and displays a certification or seal on the exterior of each transportable section. Manufactured homes are built in a manufacturing plant and are transported in one or more sections on a permanent chassis. Such homes have been built since June 15, 1976, and bear the red HUD label. Manufactured homes shall be used as residential dwelling units only.
- 205.62.1 Mobile Home: A home built on a chassis in a manufacturing plant and transported in one or more sections to the site. A mobile home was built previous to June 15, 1976.
- 205.62.2 Manufactured Home Park: A premise where eight (8) or more manufactured or mobile homes are located on one parcel or on a group of adjacent parcels for living purposes.
- 205.63 Modular Homes: Modular homes are built in sections called modules that are transported to the home site for final erection. They are placed on a pre-made foundation, joined, completed and are not designed for removal to another site. A modular home must be certified and labeled according to the SC Modular Building Construction Act of 1984. Modular homes shall be considered detached single-family dwellings.
- 205.64 Non-Conforming Use: A building, structure or parcel of land lawfully occupied by a use that does not conform to the regulations of the zoning district in which it is situated.
- 205.65 Nursing Home: 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.

- 205.66      Open Space: A space open to the sky on the same lot with the building and free of automotive traffic, parking, and undue hazard, and readily accessible by all those for whom its use is intended.
- 205.67      Outdoor Advertising: 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.
- 205.68      Parking Lot, Off-Street: A paved area provided primarily for motor vehicle parking purposes, located entirely off a street; which affords ingress and egress for automobiles.
- 205.69      Parking Space, One Car: The area required for parking one (1) automobile, which in this Ordinance is held to be a minimum area of nine (9) feet wide and twenty (20) feet long, not including passageways, aisles, drives, maneuvering areas, and entryways.
- 205.70      Permitted Use: Any use listed as a use by right in any given district and stated in the Use District Regulations (Article XI).
- 205.71      Plat: 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.
- 205.72      Public Use: 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.
- 205.73      Retail Store: 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.
- 205.74      Semi-Public Use: 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.
- 205.75      Setback: See 205.17 Building Line.
- 205.75.1     Shopping Center: 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).
- 205.76      Sign: (See definitions in Article IX, Section 902).

- 205.77 Story: That portion of a building included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and ceiling next above it. A cellar or basement less than six (6) feet in height is not a story.
- 205.78 Story, Half: 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.
- 205.79 Street: Any public or private thoroughfare, street, avenue, boulevard, way or space which affords the principal means of access to abutting properties.
- 205.80 Street Centerline: That 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.
- 205.81 Street Line: The dividing line between a lot, tract, or parcel of land and a street right-of-way.
- 205.82 Structure: Anything construed or erected which requires a fixed location on the ground, including but not limited to buildings, manufactured homes, signs, billboards, backstops for athletic activities, swimming pools, walls and fences. The term “structure” shall be construed as if followed by the words “or part thereof”.
- 205.83 Tourist Home / Bed and Breakfast Inn: A dwelling in which sleeping accommodations in separate rooms are provided or offered for the use of guests in return for compensation, and where meals may or may not be offered. The use of a dwelling as a tourist home shall not be considered an accessory use or a customary home occupation.
- 205.84 Town: Town of Pendleton, South Carolina.
- 205.85 Townhouse: See 205.37
- 205.86 Trailer: 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.

- 205.87 Travel Trailer: A portable vehicular structure designed and primarily intended by its manufacturer as a temporary dwelling during recreational and vacation uses, not exceeding twenty-nine (29) feet in length.
- 205.88 Uses, Principal: The main or primary purposes for which a building, other structure, and/or lot is designed, arranged or intended, or for which they may be used, occupied or maintained under this Ordinance. The use of any other building, other structure and/or land on the same lot and incidental or supplementary thereto and permitted under this Ordinance shall be considered an accessory use.
- 205.89 Variance: A modification of the strict terms of this Ordinance granted by the Town of Pendleton where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of any action on the part of the property owner, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.
- 205.90 Yard Exterior: That part of a lot lying between the building and a public street right-of-way.
- 205.91 Yard, Front: A yard situated between the front building line and the street right-of-way extending the full width of the lot.
- 205.92 Yard, Rear: A yard situated between the rear building line and the rear lot line.
- 205.93 Yard, Side: A yard situated between a side building line and an interior lot line and extending from the front yard to the rear yard.
- 205.94 Zoning District: 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 III: ADMINISTRATION AND ENFORCEMENT

SECTION 301 – ENFORCEMENT OF ORDINANCE

The duty of administering and enforcing the provisions of this Ordinance is hereby conferred upon the Zoning Administrator. His / Her duties shall include receiving applications for building permits, receiving applications for zoning amendments and variances, keeping on file for public review the official zoning map, coordinating activities of the Building Inspector, 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 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 302 – BUILDING PERMIT REQUIRED

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. 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.

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 the “Penalties” section and may also include delay in issuance of an ordinance compliance letter or building permit up to one (1) year.

Any construction, moving, or alteration of any building prior to obtaining a building permit shall be subject to the same penalties as described above.

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 808.

SECTION 303 – GRADING PERMIT

It shall be unlawful to commence the clearing or grading of any parcel or property where a combined area of 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.

Clearing or grading of any a combined area of 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 the "Penalties" section and may also include:

- a) delay in issuance of an ordinance compliance letter or building permit up to one (1) year; or
- b) delay in approval of subdivision of property for up to two (2) years.

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 304 – APPLICATION FOR ORDINANCE COMPLIANCE LETTER, BUILDING PERMIT, AND GRADING PERMIT

- 304.1 In applying for an ordinance compliance letter or grading permit, the applicant shall submit an application form which may require a dimensioned scale plan of the lot to be built upon, cleared, or graded and any other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
- 304.2 If the proposed clearing, grading, or construction, as set forth in the application, is in conformity with the provisions of this Ordinance and other Ordinances of Pendleton, South Carolina, then in force, the Zoning Administrator or designee shall issue an ordinance compliance letter or grading permit upon payment of any required fees. If a permit is refused, the Zoning Administrator or designee shall state such refusal in writing with the cause. An approved ordinance compliance letter shall allow the applicant to apply for a building permit with the Anderson County Building and Codes Department. An approved grading permit shall allow the applicant to begin clearing or grading of the property.
- 304.3 An improperly issued permit is without effect. The Town Council reserves the right to revoke any permit which is issued for any use that is contrary to the uses, areas, and other restrictions set forth in this Ordinance or any other Ordinance in effect at the time of issuance. A permit may also be revoked if unauthorized or otherwise improper clearing grading or construction has taken place under an authorized permit. Clearing or grading of any lot for the purpose of construction prior to receiving a building permit for such construction or proceeding to clear or

grade in a manner that is inconsistent with that which was approved on the ordinance compliance letter or grading permit shall be subject to fines and penalties. Fines and penalties are as stated in the “Penalties” section and may also include:

- a) delay in issuance of an ordinance compliance letter or building permit up to one (1) year; or
- b) delay in approval of subdivisions up to two (2) years.

Any construction, moving, or alteration of any building prior to obtaining a building permit shall be subject to the same penalties as described above.

#### SECTION 305 – CONSTRUCTION PROCESS

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 306 – 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.

#### SECTION 307 – TEMPORARY USES

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

- 307.1 Religious meetings in tents or other temporary structures in AB, AF, and CO Districts, for a period not to exceed fifteen (15) days.
- 307.2 Open lot for Christmas trees, in the NC, AB, and AF Districts for a period not to exceed forty-five (45) days.
- 307.3 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.

- 307.4 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.
- 307.5 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.
- 307.6 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.



## ARTICLE IV: CHANGES AND AMENDMENTS

SECTION 401 – 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 203 of these regulations.

SECTION 402 – 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 403 – PROCEDURE

- 403.1 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 203 – Interpretation and Purpose.
- 403.2 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.

403.3 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 Land Use Plan at such time as a Land Use 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:

- (a) Whether the uses permitted by the proposed change would be appropriate in the area concerned;
- (b) 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;
- (c) Whether the proposed change is in accord with any existing or proposed plans for providing public water supply and sanitary sewers to the area;
- (d) 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;
- (e) The recent rate at which land is being developed in the proposed zoning district; particularly in the vicinity of the proposed change; and
- (f) 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.

403.4 Council Consideration

403.4.1 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.

403.4.2 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.

403.4.3 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.

403.5 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.

403.6 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 404 – 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 405 – 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 V: BOARD OF ZONING APPEALS

SECTION 501 – ORGANIZATION

- 501.1 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.
- 501.2 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.
- 501.3 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:
- (a) has repeatedly failed to attend properly called meetings of the Board without just cause, or
  - (b) has been guilty of malfeasance or misconduct in office, and based upon such findings has removed the member from office.
- 501.4 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.
- 501.5 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 502 – DUTIES AND POWERS

- 502.1 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.
- 502.2 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:
- 502.2.1 There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
- 502.2.2 The application of the Ordinance on this particular piece of property would create an unnecessary hardship;
- 502.2.3 Such conditions are peculiar to the piece of property involved; and
- 502.2.4 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.
- 502.3 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 503 – PROCEDURE

- 503.1 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.

503.2 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.

503.3 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.

503.4 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 504 – HEARINGS AND DECISIONS

504.1 General

504.1.1 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.

504.1.2 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.

504.2 Decision and Voting:

504.2.1 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.

504.2.2 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.

504.2.3 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.

504.2.4 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.

504.2.5 (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.

504.3 Approval of Request:

504.3.1 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.

504.3.2 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.



504.3.3 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.

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

504.4.1 The new plans materially change the nature of the request, or

504.4.2 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.

504.5 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 is 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 VI: DESIGN REVIEW BOARD

SECTION 601 – CREATION OF DESIGN REVIEW BOARD

- 601.1        Creation: There is hereby created a Design Review Board, for the administration of all design overlay districts.
- 601.2        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 602 – ORGANIZATION

- 602.1        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.
- 602.2        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.
- 602.3        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.
- 602.4        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:

- (a) Failure to attend three (3) consecutive meetings without an excused absence, or
- (b) Failure to attend thirty (30%) percent or more of the meetings within a twelve (12) month period without an excused absence, or
- (c) Any other valid reason related to performance of duties.

602.5 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 Town Planning Staff. 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.

602.6 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 603 – DUTIES AND POWERS

603.1 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.

603.2 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.

- 603.3 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.
- 603.4 Interior Renovations: All interior renovations shall be exempt from review by the Design Review Board, although building permits may be required for such work.
- 603.5 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 604.5. Variances from any other section of the Zoning Ordinance shall be reviewed by the Board of Zoning Appeals.

#### SECTION 604 – PROCEDURES

- 604.1 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 Town Planning Staff. Supplemental materials shall be required as part of the application. Required supplemental materials include:
- (a) 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 Town Planning Staff for verification):
    1. An engineer's scale
    2. North arrow
    3. Plan date
    4. Owner name and address
    5. Site address with Tax Map Number
    6. Area of parcel (in acres or square feet)
    7. Zoning district of parcel
    8. Height and/or stories (if new or addition)
    9. Footprint of all existing and proposed structures (label as "existing" or "proposed")
    10. Property lines with dimensions
    11. Setback lines with widths
    12. Street names
    13. Sidewalks
    14. Points of ingress/egress (driveway)
    15. List amount of parking required and provided

16. Parking layout, with dimensions of:
    - a. Drive aisles
    - b. Parking spaces
    - c. Planting islands
    - d. Pedestrian paths
    - e. ADA parking space locations
  17. Traffic circulation within site
  18. Square footage of new structure(s) or addition(s)
  19. Square footage of existing structure(s) (if any)
  20. List existing and proposed uses
  21. Show/label landscape buffer areas and screens
  22. Show all landscaping (existing and proposed)
  23. Location of sign structures (existing and proposed)
  24. Label mechanical equipment, service areas, and screens
  25. Any additional information required per overlay district guidelines.
- (b) Architectural sketches (renderings/elevations) shall show the following (not all items below are required for all development - check with Town Planning Staff for verification):
1. Architectural features
  2. Proposed materials
  3. Proposed color samples
  4. Walls
  5. Terraces
  6. Plantings
  7. Window and door details
  8. Ornamental light poles, and light coverings attached to structures
  9. Attached signage
- (c) Photographs, which shall include:
1. All existing structures on the lot from all four sides of the property (if structures exist)
  2. Structures proposed for demolished (if any)
  3. Area of structure proposed for repairs, alterations, and additions (if any)
  4. Perspective view of lot frontage
  5. Adjoining and adjacent properties
- (d) A Sign Permit Application Form is required for all new signage and shall be a separate submittal.
- (e) A Variance Application Form is required for all variance requests and shall be a separate submittal.

- (f) All of the above mentioned data shall be filed with the Zoning Administrator or designee, who shall provide said data to the Design Review Board. Additional information may be required to be submitted.
- (g) The Design Review Board shall only review complete submittals.

604.2 Procedure for Hearings:

- (a) 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.
- (b) 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.

604.3 Procedure for Decisions:

- (a) 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.
- (b) If the case is approved, a Certificate of Appropriateness shall be issued to the applicant by the Zoning Administrator or designee.
- (c) 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.
- (d) 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 604.1) 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.

604.4 Procedure for Obtaining a Certificate of Appropriateness:

- (a) A Certificate of Appropriateness shall only be issued for items approved by the Design Review Board.
- (b) 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.
- (c) 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.

604.5 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 2 of the 4 following factors exist:

- (a) There are extraordinary and exceptional physical conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
- (b) The proposed variance to the overlay district guidelines will more closely approximate the character, design, or building material desired per the overlay district character.
- (c) Such conditions are unique to the piece of property or structure involved.
- (d) 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.

604.6 Procedure for Appeals:

- (a) 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 V of the Zoning Ordinance. 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.

- (b) 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.
- (c) 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 605 – 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 VII: NON-CONFORMING LOTS, STRUCTURES, AND USES

SECTION 701 – 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 702 – NON-CONFORMING LOTS

- 702.1        Continuance 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.
- 702.2        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 703 – 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.

- 703.1        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.
- 703.2        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.
- 703.3        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.

- 703.4      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.
- 703.5      Mobile Home Units: All mobile home units as defined in Section 205.62.1 are to be considered non-conforming structures in all zoning districts.
- 703.6      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.
- 703.7      Restoration of Damaged Structures: Any non-conforming building damaged more than fifty percent (50%) of the structure itself shall not be restored or reconstructed and used as before such happenings; but if less than fifty percent (50%) 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.
- 703.8      Extensions: A non-conforming use shall not be enlarged, intensified, or extended.
- 703.9      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.
- 703.10     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.

SECTION 704 – DISTRICT CHANGE

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

## ARTICLE VIII: GENERAL DEVELOPMENT PROVISIONS

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

SECTION 801 – USE OF LAND OR BUILDINGS

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 802 – HEIGHT OF BUILDINGS AND/OR STRUCTURES AND SIGNS

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.

SECTION 803 – DENSITY

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 804 – LOT 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.

SECTION 805 – LOT REDUCTION PROHIBITED

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.

SECTION 806 – YARD USE LIMITATIONS

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.

SECTION 807 – YARD REDUCTION PROHIBITED

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.

SECTION 808 – LANDSCAPING REQUIREMENTS

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

808.1 To Apply in all Zoning Districts:

- 808.1.1 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.
- 808.1.2 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 302 and 303 outline steps to insure appropriate clearing or grading of a property.
- 808.1.3 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.
- 808.1.4 Screening and Landscaping: Landscaping shall be considered in meeting the requirements of Section 904 of this Ordinance. To this end, screening may include walls, fences, earthen mounds, or vegetation, when such screening accomplishes the purpose of

Section 904, 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.

808.1.5 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.

808.1.6 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.

808.1.7 Certificate of Occupancy: All landscaping and planting designated on all development plans reviewed for granting the Building Permit (see Section 303.1) shall be installed in accordance with specified height, spread, density, and quality before a Certificate of Occupancy (Section 305.1) is granted.

808.2 To apply in all vehicular areas, including parking lots:

808.2.1 Landscaping: Landscaping requirements for vehicular use areas as are outlined in Section 903.4.

808.2.2 Parking and Loading Requirements: Nothing in these General Development provisions (Article VIII) shall reduce or affect the space requirements for the efficient and safe operation of motor vehicles, as specified in Section 903.

808.3 The provisions of this Section (808) are intended to enhance the more specific screening provisions of Section 904 of this Ordinance, and further the intent of Section 801.

SECTION 809 – RELOCATION AND MOVING OF BUILDINGS

- 809.1 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.
- 809.2 No building may be moved, either intact or in a dismantled state, except in accordance with the following:
- (a) The intended use of the building must be a permitted use in the zone into which it is to be located.
  - (b) 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.
  - (c) 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.
- 809.3 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 200 feet of the lot on which the house will be located.
- 809.4 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 (1) through (3) of this section.
- 809.5 Buildings relocated within the town limits or extraterritorial jurisdiction shall be charged the currently required building permit fee.
- 809.6 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 \$500,000.00.

- 809.7 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.
- 809.8 A certificate of occupancy shall not be issued until all conditions of this article have been met.
- 809.9 The property owner of the previous site must clear the site of all debris within 60 days.

SECTION 810 – CONSTRUCTION SITE RESTROOM FACILITIES

Restroom 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.



## ARTICLE IX: SUPPLEMENT DEVELOPMENT PROVISIONS

SECTION 901 – DESIGN STANDARDS – PURPOSE

901.1 Yard Provisions: The following provisions apply to the determination of allowable lot requirements:

901.1.1 Exterior Yards:

- (a) 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. (see drawing on page 2-10)
- (b) Exterior Yards – All lots:
  - (1) 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
  - (2) 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.
- (c) Exterior Yards – Through Lots: Exterior yards shall be provided on all street frontages of through lots (See Section 205.54) subject to the Zoning Administrator following special provisions. Where the Zoning Administrator finds that one of the two 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 of the two streets at less than the normal depth required, such line shall be the minimum yard depth for the lot.

901.1.2 Other Yard Provisions:

- (a) Interior Yard Required: An interior yard shall be provided in the minimum width prescribed in the Development Controls for the District in which the property is located. The width shall be measured perpendicular to each interior lot line.
- (b) 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.
- (c) 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.
- (d) 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:
  - (1) Ten (10) feet for a residential use;
  - (2) Twelve (12) feet for a non-residential use.

901.2 Height Limitations: 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.

901.3 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.

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 VII of the Zoning Ordinance.

901.3.1 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).

901.3.2 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.

For this intersection type, Clear Sight Triangle is the space bounded by the three legs as described below with lengths determined as follows:

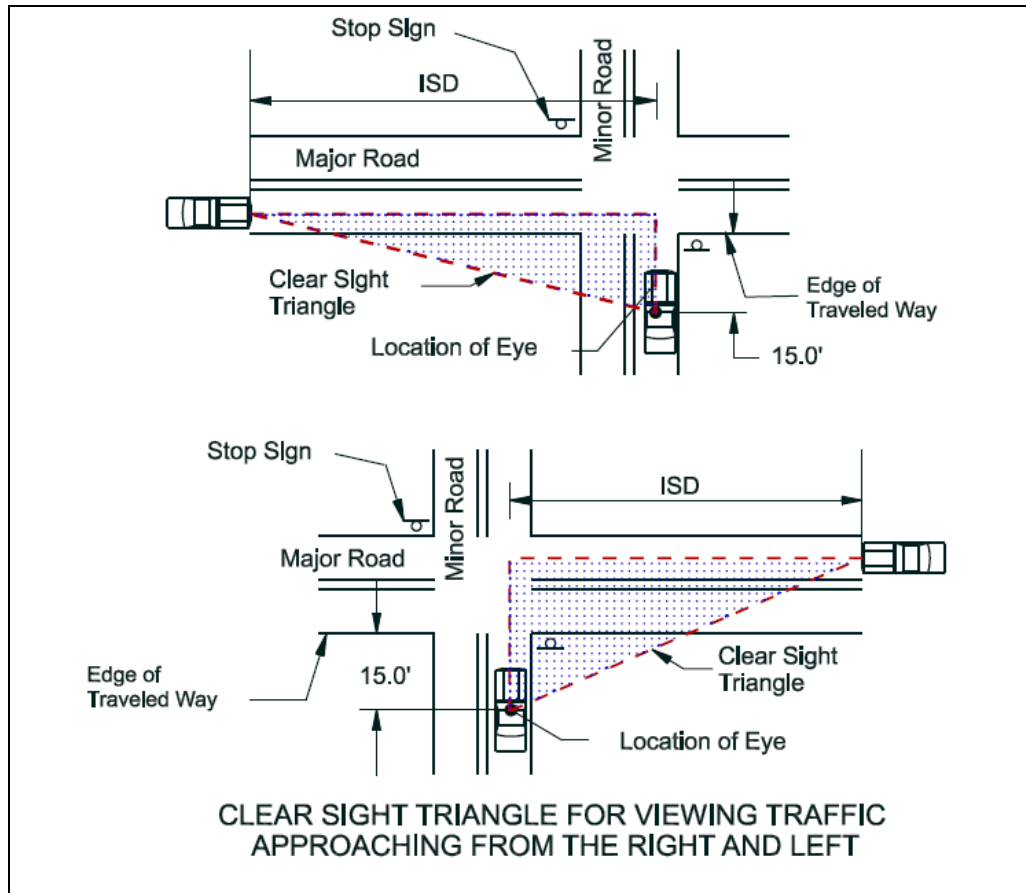
- 1) **Minor Road** (road with stop control at the intersection). The length of the leg along the minor road is based on two parts. The first is the location of the driver's eye on the minor road. This is typically assumed to be 15 feet from the edge of traveled way for the major road and in the center 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.



Reference: SC Department of Transportation "Access and Roadside Management Standards"

- (b) 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.

901.4 Access to Properties: Access to properties will be subject to the following guidelines:

901.4.1 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.

901.4.2 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 nor more than forty (40) feet in length. No two 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 Highways and Public Transportation shall take precedence on State-owned rights-of-way.

901.5 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.

901.5.1 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.

901.5.2 Landfilling the Flood Hazard Area: The filling of public and/or private property within the Flood Hazard Area is prohibited.

901.6 Swimming Pools: 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.

901.6.1 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.

901.6.2 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.

901.7 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.

Manufactured home design standards shall be applicable to all newly permitted or newly relocated manufactured homes in all zoning districts, except within pre-existing PD-MH developments as defined in Section 1211.3.

Pre-existing PD-MH developments that shall obey the design standards contained within this section include redevelopments of 25% or more of the existing development, or ten (10) units or more, whichever amount is greater. Redevelopment amounts shall be cumulative within any five (5) year period. Exchanging of units as defined in Section 703.6 shall not be considered redevelopment.

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 Section 205.62.1 shall not be permitted to be relocated to or within the Town of Pendleton.

901.7.1 Siding: Manufactured homes shall not have metal siding except:

- a) For single section units in pre-existing PD-MH zoning districts; or
- b) For exchange of a single section unit where the unit being replaced had metal siding.

901.7.2 Skirting: Manufactured homes in PD-MH zoning districts shall have skirting composed of vinyl, brick or other masonry. Manufactured homes in all other 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.

- 901.7.3 Roof pitch: Manufactured homes in PD-MH zoning districts shall have a roof pitch of a nominal 3:12 or steeper. Manufactured homes in all other zoning districts shall have a roof pitch of 5:12 or steeper.
- 901.7.4 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.
- 901.7.5 Shutters: Manufactured homes shall have shutters for each window or adjoining span of windows.
- 901.7.6 Additions: Additions to manufactured home units shall be prohibited except for porches and decks.
- 901.7.7 Habitability: The "Minimum Habitability Standards" per SC Regulation 79-43 shall be obeyed.
- 901.7.8 Single Section Home Location: Single section manufactured homes shall not be permitted except in PD-MH zoning districts or as an exchange for an existing single section unit as defined in Section 703.6.

#### SECTION 902 - SIGN ORDINANCE - PURPOSE, DEFINITIONS, AND REGULATIONS

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:

- Protect historic character of the Town
- Protect property values
- Encourage attractive community appearances
- Preserve natural environment and scenic beauty
- Improve pedestrian and traffic safety through the proper placement of signs

- Protect the public from unsafe signs and require that signs be properly constructed, installed and maintained
- 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
- Create a balance between the need to advertise, identify, and communicate, and desire to maintain a safe, healthful and attractive community

#### SECTION 902.1 DEFINITIONS

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

**Animated Sign:** 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.

**Area of a Sign:** 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.

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

**Banners:** Temporary signs which are usually made of cloth, paper or plastic and are suspended.

**Bench Sign:** Signs painted on or attached to a bench or its backrest.

**Changeable Copy:** Characters, letters, or illustration that can be changed or rearranged without altering the face or the surface of the sign.

**Combination Wall-Roof Mount Sign:** 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.

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

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

**Electronic Message Board Sign:** A Message Board Sign with changeable copy that uses LED (light emitting diode) or other lighting to display information or advertisements.

**Free-standing Sign:** 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.

**Ground Mounted Signs:** See definition of Free-standing Sign.

**Height of a Sign:** 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.

**Illumination Signs:**

- (a) **Backlighting or Backlit Sign:** 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.
- (b) **Beacon:** 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.
- (c) **Internally Illuminated Sign:** 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 (i) 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.

**Informational Sign:** 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.

**Marquee Sign:** 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.

**Message Board Sign:** A sign or portion thereof with changeable copy.

**Monument-Style Sign:** A free-standing sign supported by a contiguous structural base that is affixed to the ground.

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

**Off-Premise Sign:** 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.

**Pennants:** Signs 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 Signs:** Signs which are permanently attached to a building, the ground, or other structures and shall meet the structural and installation standards of the Standard Building Code and electrical standards of the National Electric Code.

**Pole-Supported Sign:** A sign supported by one or more poles or columns or other similar supports.

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

**Portable Sign:** 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.

**Projecting Wall Sign:** 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.

**Roof Mount Sign:** 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:** Any structure, device, letter, word, model, banner, pennant, insignia, trade flag, or representation that uses any color, form, graphic, illumination, symbol, or writing to advertise, to call attention to, to announce or identify the purpose of any person, place, or entity, or to communicate information of any kind to the public. This includes any exterior and interior signs placed for exterior observance.

**Sponsorship Signs:** Signs within a ballpark, field, or diamond, which indicate sponsorship of the teams or activities that occur therein.

**Temporary Signs:** Signs which are 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.

**Vehicle used as a Sign:** 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 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.

**Wall Sign:** 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. Murals are not considered signs if they do not relate to a business, product, or service available within the structure, and are for decorative purposes only.

**Window Sign:** 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.

#### SECTION 902.2 GENERAL PROVISIONS

All signs within the Town of Pendleton shall comply with the following regulations:

902.2.1 A permit shall be required for the erection, alteration, or reconstruction of any sign unless otherwise noted in Section 902.4 Signs For Which A Permit Is Not Required and shall be issued by the Zoning Administrator or designee in accordance with Section 902.7 Administration and Enforcement of the Sign Ordinance.

902.2.2 **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 percent (10%) 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.

## 902.2.3

**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 901.3 and LDR Section 6.4)
- (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.

## 902.2.4

**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 pertaining to Signs Regulated by Zoning District and the Section pertaining to Temporary Signs. 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.

- 902.2.5 No sign shall have more than two (2) faces.
- 902.2.6 Signs located within Design Overlay Districts shall adhere to additional requirements found in those specific Sections. Where there is a conflict between regulations, the more limiting regulation shall apply.
- 902.2.7 **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.

- 902.2.8 **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.

### SECTION 902.3 PROHIBITED SIGNS

The following signs shall be prohibited within the Town of Pendleton:

- 902.3.1 Signs or sign structures that are structurally unsafe.
- 902.3.2 Searchlights or beacons.
- 902.3.3 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 902.4.13 that are placed on fences at recreation facilities shall be allowed, and are an exception to this prohibition.



- 902.3.4 Signs which display flashing illumination.
- 902.3.5 Abandoned signs.
- 902.3.6 Signs that revolve, are animated, or that utilize movement or apparent movement to attract the attention of the public.
- 902.3.7 Signs that exhibit statements, words or pictures of an indecent, obscene, or pornographic nature.
- 902.3.8 Roof mount signs and combination wall-roof mount signs.
- 902.3.9 Portable signs that are not specifically allowed per Sections 902.4 and 902.5.
- 902.3.10 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.
- 902.3.11 Vehicles used as signs.
- 902.3.12 Off-premise signs, except those specifically allowed in Section 902.2.3.
- 902.3.13 Pennants and pennant strings.
- 902.3.14 Flags used as signs for business purposes, except for open/closed flags allowed per Section 902.2.7.
- 902.3.15 Signs in a right-of-way, unless specifically approved by the Director of Public Works as specified in this ordinance.
- 902.3.16 Billboards.
- 902.3.17 Any sign not specifically allowed.

#### SECTION 902.4 – SIGNS FOR WHICH A PERMIT IS NOT REQUIRED

All signs within the Town of Pendleton shall comply with Section 902.2, General Provisions, and the following:

- 902.4.1 **Warning, Directional, and Information Signs:**
  - (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) 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.
- (e) Can be pole-supported.
- (f) Shall be allowed in all zoning districts.

## 902.4.2

**Temporary, unlighted Real Estate Signs in residential districts:**

- (a) Maximum area = nine (9) square feet.
- (b) Maximum height = three (3) feet.
- (c) Minimum setback = five (5) feet from all property lines.
- (d) Only one sign (1) per lot or unit.
- (e) Shall be pole-supported, banner, or temporary window sign.
- (f) Sign shall be removed upon the sale, rent, or lease, of the real estate.

**Temporary, unlighted Real Estate Signs in non-residential districts:**

- (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) Only one (1) sign per lot or business.
- (e) Shall be pole-supported, banner, or temporary window sign.
- (f) Sign shall be removed upon the sale, rent, or lease, of the real estate.

## 902.4.3

**Temporary Building Contractor’s or Developer’s Sign:**

- (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) Only one (1) sign per development.
- (f) Shall be pole-supported, banner, or temporary window sign.
- (g) Sign shall be located on a lot where a building is actually under construction, renovation, or demolition.
- (h) Sign shall be removed upon completion of work.
- (i) Sign shall be removed from a development when a permanent sign has been constructed.
- (j) Shall be allowed in all zoning districts

**Each Subcontractor may display one Temporary Sign:**

- (a) Maximum area = ten (10) square feet.
- (b) Maximum height = five (5) feet.
- (c) Minimum setback = five (5) feet from all property lines.
- (d) Only one (1) sign per development.
- (e) Shall be pole-supported, banner, or temporary window sign.
- (f) Sign shall be located on a lot where a building is actually under construction, renovation, or demolition.

- (g) Sign shall be removed upon completion of work.
- (h) Shall be allowed in all zoning districts

## 902.4.4

**Residential Use Signs:**

- (a) 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.
- (b) Maximum area = one (1) square foot per sign.
- (c) No minimum setback, but shall not be in the right-of-way or vision clearance triangle.
- (d) Shall be allowed in all zoning districts where there are residential uses.

## 902.4.5

**Temporary Short-term Personal Information/Event Signs:**

- (a) Such signs shall pertain to lost and found pets or items, wedding receptions, and other life events/celebrations/parties. Garage sale signs shall obey Ordinance No. 03-07.
- (b) Allowed in all zoning districts.
- (c) Maximum area = ten (10) square feet.
- (d) Maximum height = five (5) feet.
- (e) No minimum setback, but shall not be in the right-of-way or vision clearance triangle.
- (f) Shall be displayed for a maximum of seven (7) consecutive days within any thirty (30) day period.
- (g) 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.
- (h) Only one (1) sign permitted per lot.
- (i) Shall be on private property with the property owner's permission.
- (j) Can be pole-supported, banner, temporary window sign, flag, etc.

## 902.4.6

**Temporary Expressive and Seasonal Signs:**

- (a) A sign that expresses an opinion, feeling, point of view, good will, opposition, or other sentiment, or a sign pertaining to a holiday or season.
- (b) Allowed in all zoning districts.
- (c) Maximum area = eight (8) square feet.
- (d) Maximum height = four (4) feet tall if free-standing.
- (e) No minimum setback, but shall not be in the right-of-way or vision clearance triangle.
- (f) No maximum number of signs.
- (g) Can be pole-supported, banner, temporary window sign, flag, etc.
- (h) Seasonal decorations and holiday lighting shall not be considered as signs if they contain no commercial message.

## 902.4.7

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.

902.4.8 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.

902.4.9 Indoor signs, that are not legible through windows as viewed from a property line, which shall be allowed in all zoning districts.

902.4.10 **Gasoline Pump Signs:**

(a) 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.”

(b) Electronic Message Board Signs may be used on the face of the pump.

(c) 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.

(d) Gasoline pumps shall obey the setback regulations for their respective zoning districts.

(e) Shall be allowed in all zoning districts that allow gasoline pumps.

902.4.11 **Oil Rack Signs, Vending Machines, ATMs, and other similar products:**

(a) Shall be permitted within the gasoline pump island, along side the store building, or within the bank drive-through.

(b) The Identification Signs on the merchandise may be visible and shall be allowed.

(c) 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.

(e) Shall be allowed in all zoning districts that allow oil racks/vending machines/ATMs.

902.4.12 **Window Signs:**

(a) Signs may be hung inside the window, painted or etched on the glass, or included within stained glass.

(b) Shall cover no more than 25% of the total window area on the side of the building on which it is displayed.

(c) For commercial and institutional zoning districts and uses, such signs 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.

(d) For residential zoning districts or uses, such signs may include anything non-commercial and non-indecent.

902.4.13 **Sponsorship Signs:**

(a) Signs within a ballpark, field, or diamond, which indicate sponsorship of the teams or activities that occur therein.

(b) Such signs may be placed on fences, scoreboards, permanent structures or walls, and shall not be limited in number or size.

902.4.14 **Political Signs:**

(a) Allowed in all zoning districts.

(b) Signs shall be removed within seven (7) days after the election (to include primary, general, and run-off elections).

(c) 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.

(d) No political signs shall 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.

(e) Maximum area = twenty (20) square feet.

(f) No minimum setback.

(g) Can be pole-supported, banner, window, etc.

902.4.15 **Signs located within Design Overlay Districts** shall adhere to additional requirements found in those specific Sections. Where there is a conflict between regulations, the more limiting regulation shall apply.

**SECTION 902.5 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 the General Provisions Section 902.2, and the following:

902.5.1 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.

902.5.2 All temporary signs must be located on the premises for which they are advertising, unless specifically stated otherwise.

902.5.3 No signs may be placed in the public right-of-way, unless specifically stated otherwise.

- 902.5.4 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.
- 902.5.5 Temporary signs shall be displayed for not more than thirty (30) days in any three (3) month period, unless specifically stated otherwise.
- 902.5.6 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.
- 902.5.7 Message board signs and electronic message board signs shall not be used as temporary signs.
- 902.5.8 Signs located within Design Overlay Districts shall adhere to additional requirements found in those specific Sections. Where there is a conflict between regulations, the more limiting regulation shall apply.

**Types and Specifications of Temporary Signs Requiring a Permit:**

- 902.5.9 **Banners for Commercial Activities:**
- (a) Allowed in all commercial zoning districts.
  - (b) One (1) banner allowed per site.
  - (c) Maximum area = fifty (50) square feet.
  - (d) Maximum height = six (6) feet if pole-supported, or below the roofline if attached to a structure.
  - (e) Maximum width = twelve (12) feet wide.
  - (f) Minimum setback = five (5) feet from all property lines.
- Banners for Multi-family Residential Activities:**
- (a) Allowed in all zoning districts that permit multi-family uses.
  - (b) One (1) banner allowed per site.
  - (c) Maximum area = twenty (20) square feet.
  - (d) Maximum height = six (6) feet if pole-supported, or below the roofline if attached to a structure.
  - (e) Maximum width = twelve (12) feet wide.
  - (f) Minimum setback = five (5) feet from all property lines.
- 902.5.10 **Signs pertaining to Drives, Races, Civic, Educational, or Religious Events, or of General Public Interest:**
- (a) 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.

- (b) Shall be allowed in commercial zoning districts and lots containing institutional or religious uses.
- (c) Maximum height = six (6) feet if free-standing.
- (d) Maximum area = forty-eight (48) square feet.
- (e) Minimum setback = five (5) feet from all property lines.
- (f) One (1) sign allowed per site.
- (g) Can be pole-supported, banner, window, etc.
- (h) See Section 902.5.4 for additional requirements and permissions.

## 902.5.11

**Sandwich Board Signs:**

- (a) Permitted in all commercial zoning districts.
- (b) Maximum area = nine (9) square feet in area per side.
- (c) Maximum height = (42) inches tall.
- (d) Shall not be placed more than five (5) feet from the front primary entrance of the business, if in a sidewalk, or shall be set back a minimum of five (5) feet from any property line, if on private property.
- (e) Only one (1) sandwich board sign per business shall be permitted.
- (f) 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.
- (g) 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.
- (h) May be displayed year round, not just thirty (30) days within any three (3) month period.

## 902.5.12

**Umbrella Signs** are allowed when used in conjunction with outdoor dining and outdoor vending:

- (a) Permitted in all commercial zoning districts.
- (b) 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.
- (c) Maximum height of umbrella = nine (9) feet tall.
- (d) Minimum setback = pole must be 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.
- (e) 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.
- (f) More than one (1) umbrella sign shall be allowed, with no maximum.
- (g) May be displayed year round, not just thirty (30) days within any three (3) month period.

**SECTION 902.6 – SIGN REGULATIONS BY ZONING DISTRICTS:**

All signs within the Town of Pendleton shall comply with Section 902.2, General Provisions, and the following:

- 902.6.1 Residential: In any residential district, including single and multi-family, there shall not be any signs except as follows:
- (a) Signs allowed in Section 902.4 (Signs for Which a Permit is Not Required) and Section 902.5 (Temporary Signs Requiring a Permit) as noted for residential use.
  - (b) **Religious House of Worship or Institutional Use Signs:**
    - (1) 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.
      - (a) Maximum area = forty-eight (48) square feet.
      - (b) Maximum height = six (6) feet in height.
      - (c) Maximum width = eight (8) feet wide.
      - (d) Minimum setback = five (5) feet from all property lines.
      - (e) One (1) free-standing sign is allowed per road frontage.
    - (2) One (1) wall, canopy, awning, projecting wall, or marquee sign is allowed in addition to the free-standing signs, with a maximum area of twenty (20) square feet.
    - (3) 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) Shall be free-standing monument-style or pole-supported signs located adjacent to entry/exit points.
    - (2) No more than two (2) signs per entrance.
    - (3) 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.
    - (4) Maximum height = six (6) feet.
    - (5) Maximum width = eight (8) feet wide if two (2) signs at an entrance, or sixteen (16) feet wide if only one (1) sign at an entrance.
    - (6) Minimum setback = five (5) feet from all property lines.
  - (d) **Apartment, Condominium, or Townhouse Development Signs:**
    - (1) One (1) monument-style or pole-supported permanent sign shall be permitted per road frontage:
      - (a) Maximum area = forty-eight (48) square feet.
      - (b) Maximum height = six (6) feet.
      - (c) Maximum width = eight (8) feet wide.
      - (d) Minimum setback = five (5) feet from all property lines.



(2) Wall, painted wall, canopy, awning, projecting wall, or marquee sign:

(a) Maximum area = twenty (20) square feet.

(e) The provisions of this section are not meant to prohibit signs allowed under Section 1103.e.

(f) **Signs located within Design Overlay Districts** shall adhere to additional requirements found in those specific Sections. Where there is a conflict between regulations, the more limiting regulation shall apply.

902.6.2 Neighborhood Commercial and Central Business Districts: There shall not be any on-premise signs except as follows:

(a) Signs allowed in Section 902.6.1.

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

(1) 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.

(2) Maximum area = thirty-six (36) square feet.

(3) Maximum height = six (6) feet.

(4) Maximum width = six (6) feet.

(5) Minimum setback = five (5) feet from all property lines.

(6) 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).

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

(1) 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.

(2) Maximum area = twenty-four (24) square feet.

(3) Maximum height = six (6) feet.

(4) Maximum width = four (4) feet.

(5) Minimum setback = five (5) feet from all property lines.

(6) 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).

- (c) Commercial uses may request the following: Awning, canopy, projecting, marquee, wall, or painted wall 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:

**Awning or Canopy Signs:**

- (1) One (1) permitted per business per exterior wall.
- (2) Maximum area = twenty (20) square feet
- (3) Shall not project more than 42 inches away from the face of a structure.
- (4) Must be located between the top of a doorway and the bottom of the roof line.

**Projecting Signs:**

- (1) No more than one (1) permitted per business per exterior wall.
- (2) Maximum area = thirty (30) square feet
- (3) Shall not be lower than nine (9) feet above grade, nor taller than twenty-five (25) feet above grade.
- (4) Shall not project more than 42 inches away from the face of a structure.

**Marquee Signs:**

- (1) No more than one (1) permitted per business per exterior wall.
- (2) Maximum area = thirty (30) square feet.
- (3) Shall not project more than 42 inches away from the face of a structure.
- (4) Must be located between the top of a doorway and the ceiling level of the first story.

**Wall Signs and Painted Wall Signs:**

- (1) No more than one (1) permitted per business per exterior wall.
- (2) Maximum area = 20% 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.
- (3) Shall not extend more than eighteen (18) inches from the wall.

- (d) **Gas Station Canopy Signs (Allowed in CB, but not NC):**

- (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) Setbacks for structures per zoning district shall be obeyed for the canopy structure.

- (e) **Signs located within Design Overlay Districts** shall adhere to additional requirements found in those specific Sections. Where there is a conflict between regulations, the more limiting regulation shall apply.

## 902.6.3

Area Wide Business District:

There shall not be any on-premise signs except as follows:

- (a) Signs allowed in Sections 902.6.1, and 902.6.2.
- (b) **Free-standing Pole-supported and Monument-Style Business Signs:**
- (1) One (1) pole-supported or monument-style business sign shall be permitted per property.
  - (2) Maximum area = two hundred (200) square feet.
  - (3) Maximum height = whichever is greater of:
    - a) twenty (20) feet from the grade at the road centerline; or
    - b) eight (8) feet from the grade at the bottom center of the sign structure.
  - (4) Maximum width = ten (10) feet.
  - (5) Minimum setback = five (5) feet from all property lines.
  - (6) 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.
  - (7) 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 902.6.2(c) for size specifications per sign type.
  - (8) 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 902.2.4).
- (c) **Menu Boards:**

(1) 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:**

- (1) Maximum height = four (4) feet tall.
- (2) Maximum area = twenty (20) square feet.
- (3) Minimum setback = five (5) feet from all property lines.
- (4) One (1) advertising panel allowed on one (1) bench surface.
- (5) Shall be no closer than 75 feet from another bench sign.
- (6) Shall advertise a product, service, or business located on the same site as the bench sign.

(e) **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.

(f) **Signs located within Design Overlay Districts** shall adhere to additional requirements found in those specific Sections. Where there is a conflict between regulations, the more limiting regulation shall apply.

902.6.4

Light Industrial District:

There shall not be any on-premise signs except as follows:

(a) Signs allowed in Sections 902.6.1 and 902.6.2.

(b) **Free-standing Monument-style or Pole-supported Business Signs:**

- (1) One (1) shall be permitted per lot per road frontage.
- (2) Maximum area = forty-eight (48) square feet.
- (3) Maximum height = six (6) feet.
- (4) Maximum width = eight (8) feet.
- (5) Minimum setback = five (5) feet from all property lines.
- (6) 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 902.2.4).

- (c) **Signs located within Design Overlay Districts** shall adhere to additional requirements found in those specific Sections. Where there is a conflict between regulations, the more limiting regulation shall apply.

SECTION 902.7 ADMINISTRATION AND ENFORCEMENT:

902.7.1 Sign Permit Required:

- (a) Except for those signs specifically mentioned in Section 902.4, 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 article 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 article **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.

902.7.2 Application for Sign Permit:

- (a) An application for a permit required by this article 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.
- (b) All sign permit applications shall be accompanied by a Sign Plan, containing the following information, at a minimum:
- (1) Two (2) copies of a sign plan must be submitted, showing the specific location of all the existing and/or proposed sign(s) on the applicable site, with each sign labeled as existing or proposed.
  - (2) Distances from the proposed sign to the nearest adjacent property line(s) and right(s)-of-way shall be shown.
  - (3) All applicable setbacks for the signs (per Sections above) 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.
  - (4) The dimensions of the proposed sign(s), including the height, width, and square footage, shall be provided.
  - (5) Where applicable, provide the dimensions of the wall surface of the building or window to which the sign is to be attached.
  - (6) 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.
  - (7) 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.
- (c) Fees: All sign permit applicants shall be required to pay an administrative fee, established by the Town, unless expressly waived in the Sections above.

- (d) 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.

902.7.3 Action on Sign Permit Application: The Zoning Administrator or designee shall reply to such application in writing within fourteen (14) calendar days.

902.7.4 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 article, 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.

902.7.5 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. Section 1303 Penalty 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.

902.7.6 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. Section 1303 Penalty outlines the enforcement process. A sign shall be treated as a structure for enforcement purposes.

902.7.7 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 903 – PARKING AND LOADING REQUIREMENTS – PURPOSE**

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 the landscaping provisions of this Ordinance (See Sections 801 and 808).

903.1 **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 Columns 2 and 3. Any on-street parking provided shall be supplemental to the off-street parking spaces required below:

**RESIDENTIAL USES:**

Column 1	Column 2	Column 3
USE OR USE CATEGORY	PARKING SPACES REQUIRED	ADDITIONAL REQUIREMENTS
One-family dwelling	2 spaces - Do not have to be paved	
Two-family dwelling	4 spaces - Do not have to be paved	
Multi-family dwelling	2 spaces per dwelling unit	
Manufactured home	2 spaces per unit	

Boarding and Rooming House	1 space per each sleeping room	Plus 1 space per each two employees
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**PUBLIC AND SEMI-PUBLIC USES:**

Column 1 USE OR CATEGORY	Column 2 PARKING SPACES REQUIRED	Column 3 ADDITIONAL REQUIREMENTS
Nursing home, sanitarium, inpatient clinic, home for the aged, and similar institutions	1 space per each 5 beds	Plus 1 space per each 2 regular employees in a single shift
Medical/Dental office and Outpatient clinic	1 space per each 200 sq. ft. of gross floor space (minimum of 4 spaces)	
Church and other places of worship, recreation and places of public assembly	1 space per 5 fixed seats in main assembly hall	Or 5 spaces per classroom, whichever is greater
Places of public assembly or recreation not containing fixed seats in the main assembly room	1 space per each 100 sq. ft. of gross floor area in the main assembly room	
Nursery, elementary or Junior High School	1 space per each 10 seats in the main assembly room	Or 1 space per classroom, whichever is greater, plus 1 per each employee.
High School, trade, or business school	1 space per each 4 seats in the main assembly room	Or 5 spaces per classroom, whichever is greater, plus 1 space per each 2 employees
Country Club/Golf Club	1 space per each 5 members	Plus 1 space per each 2 employees
Library, museum, art gallery or similar building	10 spaces	Plus 1 space per each 500 sq. ft. of floor area
Club, fraternity, sorority or lodge	1 space per sleeping room	Or 1 space per 5 active members or suite, whichever is greater, plus 1 space per each 3 employees

**COMMERCIAL USES:**

Column 1 USE OR USE CATEGORY	Column 2 PARKING SPACES REQUIRED	Column 3 ADDITIONAL REQUIREMENTS
Public or private office buildings	1 space per 300 sq. ft. of gross floor area (4 space minimum)	
Bank, savings & loan association, and similar	1 space per each 200 sq. ft. of gross floor area	

lending institutions		
Service or repair establishment not otherwise mentioned specifically	1 space per each 250 sq. ft. of gross floor area not used for storage	
Retail business not otherwise specifically mentioned	1 space per each 200 sq. ft. of gross retail floor area not used for storage (3 space minimum)	Plus 1 space per each 3 employees
Theater, night club and similar places of assembly	1 space per each 4 seating accommodations	Plus 1 space per each 3 employees
Automobile service stations	1 space per employee but in all cases, a minimum of 5 spaces	Plus 1 space per each grease rack
Motel, hotel, and tourist court	1 space per sleeping room or suite	Plus 1 space per each 3 employees
Furniture, home furnishings, appliance, machinery, equipment, automotive, farm and boat sales and service	1 space per 300 sq. ft. of retail floor area (3 spaces minimum)	Except that automobile sales and service must have 10 spaces minimum
Bowling Alley	5 spaces per lane	
Funeral home or mortuary	1 space per 50 sq. ft. of gross floor area exclusive of storage and work areas	30 spaces minimum
Planned shopping center	5.5 spaces per 1,000 sq. ft. of gross area for lease	
Sit-down restaurant	1 space per each 4 seats	Plus 1 space per each 3 employees on shift of greatest employment
Drive-in restaurant	1 space per each 35 sq. ft. of gross building area	Plus 1 space per each 3 employees on shift of greatest employment
Take-out restaurant	1 space per each 100 sq. ft. of gross building area	Plus 1 space per each 3 employees of shift of greatest employment

**WHOLESALE AND INDUSTRIAL USES:**

Column 1	Column 2	Column 3
USE OR USE CATEGORY	PARKING SPACES REQUIRED	ADDITIONAL REQUIREMENTS
Manufacturing, processing, research, testing laboratories, wholesale bottling, warehouse storage, junk and supply yards, brick, coal, or lumber	1 space per each 2 employees at maximum employment	Plus 1 space for company vehicle operating from the premises

yards and similar establishments		
Printing, publishing, plumbing, heating, or broadcasting station	1 space per each 3 employees	Or 1 space per 1,500 sq. ft., whichever is greater
Transportation terminal facility including bus depot, truck terminal, and railroad station	1 space per 100 ft. of public waiting room	Plus 1 space for each 2 employees, plus all commercial motor vehicles incident to the facility

903.2 Application of Parking Requirements:

- 903.2.1 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.
- 903.2.2 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.
- 903.2.3 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.
- 903.2.4 Requirements for Uses Not Specifically Listed: The parking space requirements for a use not specifically listed in Section 903.1 shall be the same as for a listed use of similar characteristics of parking demand generation, as determined by the Zoning Administrator.
- 903.2.5 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.
- 903.2.6 Fractional Computations: Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

- 903.3 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 general landscaping provisions of Section 808, and specifically to Section 903.4. No parking or maneuvering area shall be located in any public right-of-way. The number and location of all curbs-cuts shall be governed by Section 901.4.2 of this Ordinance. 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.
- 903.4 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(s) served. The following criteria supplement the general provisions of Section 808:
- 903.4.1 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.
- 903.4.2 Landscape Area: Ten percent (10%) 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 feet (5') beyond such edges, but shall not include any area enclosed by a building, nor any area necessary to satisfy buffer screen/landscaping requirements.
- 903.4.3 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 302 and Section 808.1.2). Landscaping shall conform to requirements of Sections 903.4.6, 903.4.7, and 903.4.8.

- 903.4.4 Lighting: Parking lots and vehicular use areas shall be lighted for efficient use during hours of darkness, in accordance with the District Regulations contained in Article XI. 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.
- 903.4.5 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 904.2, 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.
- 903.4.6 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.

903.4.7 Existing Plant Material: As required in Sections 302 and 808.1.2, 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.

903.5 Joint Use of Off-Street Parking Areas: Two or more principal uses may utilize a common area in order to comply with off-street parking requirements, provided:

- a) 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
- b) 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.

903.6 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 conversion 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.

903.7 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.

	Type of Use	Sq. Ft. in Total Floor Area	Space Required
903.7.1	Retail and personal service establishment	0-1,199	None
		2,000-24,999	1
		For additional 25,000	1 additional
903.7.2	Wholesale, manufacturing, governmental, institutional (includes place of public assembly), educational institution, recreation, business service, terminal and similar business uses	0-24,999	None
		25,000-49,999	1
		50,000-99,999	2
		100,000-249,999	3
		250,000-999,999	4
903.7.3	Funeral Home or Mortuary	1,000,000 or more	5
		0-2,499	None
		2,500-3,999	1
		4,000-5,999	2
903.7.4	Offices or office building	For each additional 10,000	1 additional
		0-4,999	None
		5,000-9,999	1
		10,000-20,000	2
903.7.5	Multi-family dwelling project, mobile home development, hotel, motel, tourist home, or similar establishment	For each additional 50,000	1 additional
		0-9 units	None
		10-20 units	1
		For each additional 10 units	1

903.8 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.

903.9 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.



- 903.10 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 904 – BUFFER SCREENS

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.

- 904.1 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 following requirements:
- 904.2 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 808.1.4). Plastic sheeting and panels or corrugated sheet metal shall not be utilized as screening.
- 904.2.1 Visual Screen: To be constructed of suitable material mentioned above, intended to enhance privacy and the aesthetic quality of the living environment.
- 904.2.2 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.
- 904.2.3 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.

- 904.3 Height of Screen: Unless otherwise approved by the Zoning Administrator (as in the case of screening as part of a Planned Unit Development) 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 901.3 of this Ordinance are upheld.
- 904.4 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 or his designee. The area surrounding the screen and the lot line should be landscaped and must be kept clear of trash and debris.
- 904.5 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.

## ARTICLE X: DISTRICTS AND DISTRICT BOUNDARIES

SECTION 1001 – ESTABLISHMENT OF DISTRICTS AND MAP

In order to accomplish the purposes set forth in Section 203, 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, S.C. is hereby divided into districts designated as follows:

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
CB	Central Business District
NC	Neighborhood Commercial District
AB	Area wide Business District
LI	Light Industrial District
CO	Conservation and Open Space District
AF	Agricultural-Forest District
PD-MH	Planned Development – Manufactured/Mobile Homes
PD-R	Planned Development – Residential
PD-C	Planned Development – Commercial
PD-MU	Planned Development - Mixed Use
COD	Corridor Overlay Design District
TSO	Town Square Overlay District

SECTION 1002 – INTERPRETATION OF DISTRICT BOUNDARIES

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

- 1002.1 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.

- 1002.2 Where district boundaries are indicated as approximately following incorporated area lines, such incorporated area lines shall be construed to be said boundaries.
- 1002.3 Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- 1002.4 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.
- 1002.5 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.
- 1002.6 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.
- 1002.7 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 1003 – CHANGE OF TOWN BOUNDARIES

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 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 VII.

## ARTICLE XI: USES DISTRICTS, ACCESSORY, AND SPECIAL USES

SECTION 1101 – PURPOSE OF CONTROLS

The purpose of the Use Districts established herein is to group together into several zones those uses that are reasonably compatible with one another according to their normal characteristics of operation; to permit in connection with these uses those customary and necessary accessory activities which are incidental to the principal use; and to permit certain other uses which may be established in some situations and subject to specific conditions so that such special uses will also be compatible with the uses allowed as a matter of right.

SECTION 1102 – ACCESSORY USES

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

- (a) Is customarily incident to and is maintained and operated as a part of the principal use;
- (b) 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;
- (c) 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
- (d) Is not located in a minimum exterior yard.

1102.1 Uses Customarily Accessory to Dwellings:

- 1102.1.1 Private Garage or carport.
- 1102.1.2 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.
- 1102.1.2 Utility or storage building.
- 1102.1.3 Children's playhouse and play equipment.
- 1102.1.5 Private swimming pool and bath house or cabana, tennis courts, and private recreation for tenants of principal buildings.

- 1102.1.6 Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.
- 1102.1.7 Non-commercial flower garden, greenhouse or slat house not over eight (8) feet in height.
- 1102.1.8 Laundromats in multi-family developments for the exclusive use of the tenants.
- 1102.1.9 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.
- 1102.2 Uses Customarily Accessory to Church Buildings:
- 1102.2.1 Religious education buildings.
- 1102.2.2 Parsonage, parsonage, or parish house, together with any use accessory to a dwelling as listed under subsection 1102.1 above.
- 1102.2.3 Off-street parking area for the use without charge of members and visitors to the church.
- 1102.2.4 Completely enclosed building for storage of supplies or equipment.
- 1102.3 Uses Customarily Accessory to Retail Business, Office Uses, Commercial, and Recreational Facilities:
- 1102.3.1 Off-street parking or storage area for customer, client or employee-owned vehicle.
- 1102.3.2 Completely enclosed building for the storage of supplies, stock or merchandise.
- 1102.4 Uses Customarily Accessory to Retail, Commercial, or Industrial Facilities:
- 1102.4.1 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.
- 1102.4.2 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.

- 1102.5 Location of Accessory Uses on Zoning Lot: 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.

### SECTION 1103 – HOME OCCUPATION

- 1103.1 A home occupation shall be permitted in any residential district provided that such occupation:
- (a) is conducted by no other persons than members of the family residing on the premises;
  - (b) 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;
  - (c) utilizes no more than twenty-five (25) percent of the total floor area of the principal building;
  - (d) creates no offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line;
  - (e) is not visibly evident from outside the dwelling except for an unlighted sign not to exceed three (3) square feet in size;
  - (f) 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 pupils at one time, or day care for more than six children at one time; and
  - (g) complies with Home Occupation, as defined in Section 205.27.
- 1103.2 The use of a dwelling as a “tourist home” or a bed/breakfast may be considered as a special customary home occupation with the following conditions:
- (a) No more than four (4) guest rooms can be offered.

- (b) One (1) off-street parking space must be provided for each guest room.
- (c) No long-term boarding arrangements are permitted.
- (d) No additions or extensions to the original structure are allowed, if for the express purpose of adding guest rooms.
- (e) No meals can be provided other than to registered guests.
- (f) The owner(s) of the property must reside on the premises, and must operate the business with resident family members only [see Section 1103 (a)].
- (g) Town Council must approve each application.
- (h) All conditions for home occupation, as set out in Section 1103, must be fully met, except that for this use, and this use alone, the percentage of floor space rule, as stated in Section 1103 (c) is waived.
- (i) Before a business license is issued, the property owner must sign a copy of this Ordinance. This copy is to be kept on file with the copy of the license.
- (j) Any breach of the conditions of this Ordinance will result in the forfeiture of the Business License.

#### SECTION 1105 – STRIPPING OF TOPSOIL

No person, firm, or corporation shall strip, excavate, or otherwise remove topsoil for sale in any residential district.

#### SECTION 1106 – CONDITIONAL USE

1106.1 For the purpose of this Ordinance, additional control of some use is considered necessary before they are allowed. This type of use is a Conditional Use. It is a use presumed to have certain characteristics of operation, which could, under certain conditions, be detrimental to the neighborhood and to abutting property. For this reason, review by the Planning Commission of the technical merits of such use is required prior to such use being permitted to locate on a specific site within the district.

1106.2 It is the intent of this Ordinance that such review of the technical factors involved in an application for a conditional use not have the form or nature of a public hearing. To clarify questions concerning potential impact of such use, the Planning Commission may hear or request testimony from residents of the area



involved, but advertising or posting of such application is not required or intended.

- 1106.3 It shall be the presumption of the Planning Commission that a use listed as conditional is eligible for location within a district in which it is enumerated, provided it can clearly demonstrate the following conditions exist:
- 1106.3.1 Adequate provision is made for such items as setbacks, fences, buffer or planting strips, to protect adjacent properties from possible adverse influence of the proposed use such as noise, vibration, dust, glare, odor, traffic congestion, and similar factors.
- 1106.3.2 Vehicular traffic and pedestrian movement on adjacent roads will not be hindered or endangered.
- 1106.3.3 Off-street parking and loading areas and the entrance and exits of those areas will be adequate in terms of location, amount, design, and construction to serve the proposed use.
- 1106.3.4 The proposed use will not adversely affect the level of property values or general character or general welfare of the nearby area.
- 1106.4 In approving a conditional use, the Planning Commission may impose such reasonable restrictions and conditions as in its opinion will accomplish the intent of this Ordinance.

#### SECTION 1107 – CONDOMINIUMS

- 1107.1 Ownership: Condominium dwelling units are defined in Section 205.25. 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.
- 1107.2 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.

SECTION 1108 –

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.

## ARTICLE XII: USE DISTRICT REGULATIONS

SECTION 1201 – R-1, LOW DENSITY RESIDENTIAL DISTRICT

1201.1 Purpose of District: The purposes of the R-1 Low Density Residential District are as follows:

- (a) To provide quiet, livable, low-density residential neighborhoods and to encourage the formation and continuation of a stable, healthy, residential environment for low-density one-family dwellings situated on lots having an area of 20,000 square feet or more.
- (b) To discourage unwarranted and blighting encroachments by prohibiting commercial and industrial use of the land and to disallow any other use which would subsequently interfere with the development or continuation of single-family dwellings in the district.
- (c) To prohibit any use which would substantially interfere with the development or the continuation of residential development.
- (d) To encourage the discontinuance of non-conforming uses.
- (e) To discourage any use which would generate traffic on minor streets other than that required to serve residences on those streets.

1201.2 Permitted Uses: Within the R-1 Residential District, a building or premise shall be use only for the following purposes:

- 1201.2.1 Detached single family dwelling.
- 1201.2.2 Elementary school, high school or institution of higher learning (but not a trade or business school), provided that the lot is at least five (5) acres in size, that no structure or parking area is placed within fifty (50) feet of any property line, and that parking requirements of Section 903.1 are provided on-site.
- 1201.2.3 Public park, playground or other public recreational use, provided that no building or structure is placed closer than thirty (30) feet from any lot line and no vehicle is stored on the premises.
- 1201.2.4 Private recreation area or building, provided that it is not used for commercial purposes, that no use or structure is placed within thirty-five (35) feet of any property line, and that the use is on a parcel of land at least two (2) acres in size.

- 1201.2.5 Golf course or country club, provided that golfing, tennis, or similar facilities which are lighted do not constitute a nuisance to adjacent uses.
- 1201.2.6 Public library or museum, provided that such use is on a parcel of land at least two (2) acres in size and that no building, parking area or accessory use is placed within thirty (30) feet of any property line.
- 1201.2.7 Church, synagogue or similar place of worship, provided that no structure or parking area is placed within fifty (50) feet of any property line, and that such use be placed on a lot facing only a major thoroughfare or collector street, shown on the Official Zoning Map.
- 1201.2.8 Farm, truck garden, orchard and plant nursery, provided that no retail sales are made on the premises that such use is not objectionable to surrounding residences by reason of odor, dust, noise, or similar factors.
- 1201.2.9 Cemetery, provided that the tract of land is screened with a permanent fence along any abutting property zoned for residential use.
- 1201.2.10 Customary home occupations, under the regulations of Section 1103 of this Ordinance. (See also Section 205.27).
- 1201.2.11 Accessory use, as defined under the regulations of Section 1102 of this Ordinance.
- 1201.2.12 Fire stations and police precinct stations when designed to blend harmoniously with the residential character of the neighborhood.
- 1201.2.13 Conditional Uses: Upon application to the Town Council, and a favorable decision thereon, the uses below may be permitted provided they meet the below set of standards for conditional uses in low-density residential districts.
- (a) 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.
  - (b) Said conditional use to be of such character and activity that would preserve the integrity of the residential district.

- (c) 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.
- (d) 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.

1201.3 Lot, Yard, Height, and Coverage Requirements:

1201.3.1 Minimum Lot Requirements:

Lot area per dwelling unit	20,000 sq. ft.
Density	2.178 units/acre
Lot area	20,000 sq. ft.
Lot width (as measured at building line)	75 feet
Lot depth	110 feet

1201.3.2 Minimum Yard Requirements:

Front Yard	40 feet
Side Yard	
Combined Width	22.5 feet
Width on one side	8 feet
Rear Yard	15 feet

1201.3.3 Maximum Height Permitted:

Vertical Measure	35 feet
Stories (number)	2.5

1201.3.4 Building Coverage: No more than thirty-five (35) percent of the lot may be covered by principal and accessory buildings.

1201.4 Accessory Buildings: Accessory buildings shall be allowed in this district if they meet the following standards:

- a) Each accessory building shall be under fifteen (15) feet in height;
- b) 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;

- c) 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;
- d) All accessory buildings on a lot shall occupy no more than twenty-five (25) percent of the rear yard; and
- e) Accessory buildings only as described in Section 1102.1 shall be allowed in the quantity as follows:
  - (i) Only one (1) utility or storage building shall be allowed per lot; and
  - (ii) Only one (1) other type of accessory building shall be allowed per lot. Children's playhouses and play equipment will not count towards this number.

#### SECTION 1202 – R-2, LOW DENSITY RESIDENTIAL DISTRICT

- 1202.1 Purpose of District: The purpose of the R-2 Low-Density Residential District are as follows:
- (a) To provide for quiet, livable low-density residential neighborhoods and to encourage the formation and continuance of a stable, healthy, residential environment for low-density one-family dwellings situated on lots having an area of 10,000 square feet or more.
  - (b) To discourage unwarranted and blighting encroachments by prohibiting the commercial and industrial use of the land and to disallow any other use which would substantially interfere with the development or continuation of single-family dwellings in the district.
  - (c) To prohibit any use which substantially interfere with the development or the continuation of residential development.
  - (d) To encourage the discontinuance of non-conforming uses.
  - (e) To discourage any use which would generate traffic on minor streets other than that required to serve residences on those streets.
- 1202.2 Permitted Uses: Within the R-2 Residential District a building or premise shall be used only for the following purposes:

1202.2.1 Detached single-family dwelling.

1202.2.2 Any non-residential use permitted in an R-1 Residential District, subject to the requirements of that district

1202.3 Lot, Yard, Height, and Coverage Requirements:

1202.3.1 Minimum Lot Requirements:

Lot area per dwelling unit	10,000 sq. ft.
Density	4.356 units/acre
Lot area	10,000 sq. ft
Lot width (as measured at building line)	60 feet
Lot depth	100 feet

1202.3.2 Minimum Yard Requirements:

Front yard	30 feet
Width one side	8 feet
Rear Yard	15 feet

1202.3.3 Maximum Height Requirements:

Vertical measure	35 feet
Stories	2.5

1202.3.4 Building Coverage: No more than forty (40) percent of the lot may be covered by principal and accessory buildings.

1202.4 Accessory Buildings: See R-1, Low-Density Residential District for accessory building regulations.

SECTION 1203 – R-3, MEDIUM-DENSITY RESIDENTIAL DISTRICT

1203.1 Purpose of District: The purposes of the R-3, Medium-Density Residential District are as follows:

- (a) To provide for quiet, livable, medium-density residential neighborhoods and to encourage the formation and continuance of a stable, healthy environment for medium-density one- and two-family dwellings situated on lots having an area of 8,000 square feet or more.
- (b) To discourage unwarranted and blighting encroachments by prohibiting the commercial and industrial use of the land and to disallow any other uses which substantially interfere with the development or continuation of single and two-family dwellings in the district.

- (c) To prohibit any use which would substantially interfere with the development or the continuation of residential development.
- (d) To encourage the discontinuance of non-conforming uses.
- (e) To discourage any use which would generate traffic on minor streets other than that required to serve residences on those streets.

1203.2 Permitted Use: Within the R-3 Residential District, a building or premise shall be used only for the following purposes:

1203.2.1 Detached single-family and duplex buildings.

1203.2.2 Any non-residential use permitted in an R-2 District, subject to the requirements of that district.

1203.3 Lot, Yard, Height, and Coverage Requirements: Lot, yard, height, and coverage requirements shall apply to residential uses in a Neighborhood Commercial District.

1203.3.1	<u>Minimum Lot Requirements</u>	<u>Single-family</u>	<u>Duplex</u>
	Lot area per dwelling unit (square feet)	8,000	6,000
	Lot area (square feet)	8,000	12,000
	Density	5.445 units/acres	7.26 units/acre
	Lot width (in feet) (as measured at the building line)	60	80
	Lot depth (in feet)	80	100

1203.3.2	<u>Minimum Yard Requirements:</u>	<u>Single-family</u>	<u>Duplex</u>
	Front yard	25 feet	30 feet
	Width one side	8 feet	8 feet
	Rear yard	15 feet	15 feet

1203.3.3	<u>Maximum Height</u>	<u>Single-family</u>	<u>Duplex</u>
	Vertical measure (in feet)	35	35
	Stories (in Number)	2.5	2.5



1203.3.3 Building Coverage: No more than fifty (50) percent of the lot may be covered by principal and accessory buildings.

1203.4 Accessory Buildings: See R-1, Low-Density Residential District for accessory building regulations.

SECTION 1203 A – R-4, MEDIUM-DENSITY MIXED RESIDENTIAL DISTRICT

1203A.1 Purpose of District: The purposes of the R-4, Medium Density residential District are as follows:

- (a) To provide for quiet, livable, medium-density residential neighborhoods and to encourage the formation and continuation of a stable, healthy environment for medium-density one- and two-family dwellings and one-family manufactured homes situated on individual lots having an area of 8,000 square feet or more.
- (b) To discourage unwarranted and blighting encroachments by prohibiting the commercial and industrial use of the land and to disallow any other uses which substantially interfere with the development or continuation of one- and two-family dwellings and one-family manufactured homes in the district.
- (c) To prohibit any use which would substantially interfere with the development or continuation of the residential nature of the district.
- (d) To encourage the discontinuance of non-conforming uses in the district.
- (e) To discourage any uses which would generate traffic on minor streets, other than that required to serve residences on those streets.

1203A.2 Permitted Use: Within the R-4 Residential District, a building or premise shall be used only for the following purposes:

1203A.2.1 Detached one- and two-family (duplex) dwellings

1203A.2.2 Any non-residential use permitted in an R-3 District, subject to the requirements of that district.

1203A.2.3 Manufactured homes, which shall meet the Design Standards per Section 901.7.

1203A.3 Lot, Yard, Height, and Coverage Requirements:

1203A.3.1	Minimum lot Requirements	<u>One-Family</u>	<u>Duplex</u>
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	Lot area per dwelling unit or manufactured home (square feet)	8,000	6,000
	Density	5.445 units/acres	7.26 units/acre
	Lot area	8,000	12,000
	Lot width (ft.) measured at building line	60	80
	Lot depth (ft.)	80	100
1203A.3.2	<u>Minimum Yard Requirements</u>	<u>One-Family</u>	<u>Duplex</u>
	Front yard (ft.)	25	30
	Width one side (ft.)	8	8
	Combined width		
	Side yard (ft.)	20	20
	Rear yard	15	15
1203A.3.3	<u>Maximum Height</u>	<u>One-Family</u>	<u>Duplex</u>
	Vertical (ft.)	35	35
	Stories (number)	2.5	2.5
1203A.3.4	<u>Building Coverage</u>		
	Percentage of lot	50%	50%
1203A.4	<u>Accessory Buildings</u> : See R-1, Low-Density Residential District for accessory building regulations.		

SECTION 1204 – MF, MULTI-FAMILY RESIDENTIAL DISTRICT

- 1204.1 Purpose of District: The purposes of the MF, Multi-Family Residential District are as follows:
- (a) To encourage the formation and continuance of a stable, healthy living environment for medium and high-density residential development.
  - (b) To discourage unwarranted encroachment of commercial, industrial or other uses capable of adversely affecting the residential character.
  - (c) To discourage any use which would generate traffic on minor streets other than that required to serve residences on those streets.

1204.2 Permitted Uses: Within the MF Residential District, a building or land shall be used only for the following purposes:

- 1204.2.1 Any use permitted in an R-3 Residential District, subject to requirements of that district.
- 1204.2.1 Townhouses, in compliance with provisions of this Section (1204).
- 1204.2.2 Multi-family dwellings, subject to the requirements of this Section (1204).
- 1204.2.3 Rooming, boarding, tourist, or lodging house, or other group dwelling.
- 1204.2.4 Nursing home or public or private care home, but not a hospital, clinic, doctor’s office or similar out-patient treatment establishment.

1204.3 Lot, Yard, Height, and Coverage Requirements for Single-Family and Two Family Units:

- 1204.3.1 Single-family and two-family (duplex) residential units shall conform to the minimum lot, yard, height, and coverage requirements of the R-3 Residential District.

1204.4 Lot, Yard, Height, and Coverage Requirements for Multi-Family Units:

- 1204.4.1 Minimum Lot Requirements: The minimum square footage of land required per dwelling unit on a lot shall not be less than indicated below.

<u>Type of Unit</u>	<u>Sq. Footage</u>	<u>Density</u>
1-BR	3,500	12.45 units/acre
2-BR	4,000	10.89 units/acre
3-BR	4,500	9.68 units/acre
4 or more BR	5,000	8.712 units/acre

- 1204.4.2 Efficiency Dwelling Units: The concept of one-room dwelling units is not desirable in the Town of Pendleton. If efficiency units are approved by the Planning Commission, they must conform to the requirements set forth for one bedroom units.

1204.4.2 Minimum Yard Requirements

Front yard	35 feet
Side yard	
Combined with	35 feet
Width on one side	15 feet
Rear yard	25 feet

Furthermore, no multi-family unit may be erected on a lot which has a width at the building line of less than one hundred (100) feet.

\*See Section 1204.6.

1204.4.4     Maximum Height Permitted: The maximum height of any multi-family unit shall be forty (40) feet, not to exceed three (3) stories. Furthermore, no building shall be erected which cannot be served by existing Town of Pendleton fire-fighting equipment.

1204.4.5     Building Coverage: No more than forty (40) percent of the lot may be covered by principal and accessory buildings, except that where parking is located within the structure, the coverage may be increased to fifty (50) percent.

1204.5     Accessory Buildings: See R-1, Low-Density Residential District for accessory building regulations.

1204.6     Additional Requirements:

1204.6.1     Placement of Drives and Parking Areas: No drive or parking area shall be located closer than ten (10) feet from any lot line unless there is adequate buffering as determined by the Planning Commission. No off-street parking will be permitted in any front yard. Alleys shall not be permitted.

1204.6.2     Spacing of Buildings: Detached principal or accessory buildings shall not be placed closer than ten (10) feet from any other building nor closer than 50 percent of the height of the taller structure.

1204.6.3     Swimming Pools: Swimming pools may be located within the buildable area of any tract or parcel of land used for multi-family dwelling purposes, provided that when located on property adjacent to single-family or two-family dwelling districts, such pools shall not be located within one hundred (100) feet thereof and provided that there is adequate buffering present to shield the adjacent use from the glare of outdoor lights, noise, and other adverse effects as determined by the Planning Commission.

- 1204.6.4 Buffer Zones: In an instance where a multi-family district adjoins an R-1, 2, or 3 Residential District, a buffer screen will be provided on the MF District property, in compliance with Section 904.2 of this Ordinance.

### SECTION 1205 – CB, CENTRAL BUSINESS DISTRICT

- 1205.1 Purpose of District: The purpose of this district is to provide 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.
- 1205.2 Permitted Uses: Within the CB District, a building or premise shall be used only for the following purposes:
- 1205.2.1 Business, professional, and medical offices.
  - 1205.2.2 Banks and other similar financial institutions.
  - 1205.2.3 Restaurants and other eating establishments, with the exception of drive-in or drive-through establishments.
  - 1205.2.4 Retail shops and stores.
  - 1205.2.5 Personal service establishments such as laundries and dry cleaners, barber and beauty shops, shoe shops, tailor, secretarial services, interior decorators, and similar kinds of activities.
  - 1205.2.6 Commercial entertainment such as billiards, bowling, enclosed theaters.
  - 1205.2.7 Adult day care and day nursery facilities, as defined by this Ordinance, provided such uses are licensed by the appropriate state regulatory agencies.
  - 1205.2.8 Dance schools and fitness centers.
  - 1205.2.9 Art, cultural, and tourism offices, studios and museums.
  - 1205.2.10 Light public transportation stations.
  - 1205.2.11 Public parking lots and vehicle charging areas.

- 1205.2.12 Active and passive outdoor recreation uses.
- 1205.2.13 Other similar uses that can be demonstrated to promote the purpose of this district.
- 1205.2.14 Accessory uses and buildings customarily incidental to any of the above including residential.

1205.3 Lot, Yard, and Height Requirements:

1205.3.1 Minimum Lot Requirements:

Minimum lot area required:	None
Minimum lot width:	None

1205.3.2 Minimum Yard Requirements: Minimum depth of front yard must conform to that of adjacent structures.

1205.3.2.1 Minimum width of side yards: No side yard shall be required, except where adjacent to a residential district, in which case there shall be a setback on the side abutting said district equal to the requirements for side yard setbacks in the abutting district.

1205.3.3 Maximum Height Requirements:

Maximum height of all Buildings and structures	40 feet, not to exceed three (3) stories
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SECTION 1206 – NC, NEIGHBORHOOD COMMERCIAL DISTRICT

1206.1 Purpose of District: The Neighborhood Commercial (NC) District is intended to provide 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.

1206.2 Permitted Uses: The following uses shall be permitted in any NC District:

- 1206.2.1 Business, professional, and medical offices.
- 1206.2.2 Banks and other similar financial institutions.

- 1206.2.3 Restaurants, excluding all drive-thru and drive-in eating establishments and recreation oriented eating establishments, such as bars and night clubs.
- 1206.2.4 Retail shops and stores.
- 1206.2.5 Personal service establishments such as salons, barber shops, secretarial services, and interior decorating and similar kinds of activities.
- 1206.2.6 Dry cleaning and laundry establishments and laundromats.
- 1206.2.7 Churches and other places of worship or religious instruction.
- 1206.2.8 Libraries.
- 1206.2.9 Clubs, lodges and similar non-profit membership organizations.
- 1206.2.10 Day nursery facilities, as defined by this Ordinance; provided such uses are licensed by the State.
- 1206.2.11 Dance schools and fitness centers.
- 1206.2.12 Other similar uses that can be demonstrated to be primarily for neighborhood convenience.
- 1206.2.13 Accessory land uses and buildings customarily incidental to any of the above uses including single family residential.
- 1206.2.14 Signs, in accordance with Article IX.
- 1206.2.15 All residential uses permitted in R-3 Residential Districts.
- 1206.2.16 Art, cultural, and tourism offices, studios and museums.

1206.3 Yard and Height Requirements:

- 1206.3.1 Yard Requirements: Minimum depth of front yard: The minimum depth of front yards shall be thirty-five (35) feet on all major streets and shall be 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.

1206.3.1.1 Minimum depth of side yards: No side yard setbacks shall be required for buildings used for commercial purposes except when such uses abut residential districts. Required side yards abutting residential districts may be used for parking and service drives up to a required fifteen (15) foot buffer strip.

1206.3.1.2 Minimum depth of rear yard: Rear yard setbacks shall not be less than twenty-five (25) feet and shall remain unobstructed with buildings or structures. Rear yard setbacks may be used for parking or service drives up to a required fifteen (15) foot buffer strip.

1206.3.2 Height Requirements:

Maximum height of all buildings and structures	40 feet, not to exceed three (3) stories.
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1206.4 Accessory Buildings: See R-1, Low-Density Residential District for accessory building regulations on properties with residential as the primary use.

SECTION 1207 – AB, AREAWIDE BUSINESS DISTRICT

1207.1 Purpose of District: The purpose of this district is to provide for retail and service uses along major streets and highways to serve both the traveling public and local residents.

1207.2 Permitted Uses: The following uses shall be permitted in any AB District:

- 1207.2.1 Business, professional, and medical offices.
- 1207.2.2 Banks and other similar financial institutions.
- 1207.2.3 Hotels and motels.
- 1207.2.4 Restaurants and other eating establishments, including drive-thru and drive-in establishments and bars.
- 1207.2.5 Commercial entertainment.
- 1207.2.6 Retail or wholesale shops and stores.



- 1207.2.7 Automobile, truck, trailer, and recreational vehicle sales, rentals, and service, excluding salvage or junk.
- 1207.2.8 Convenience stores and vehicle fueling stations excluding storage or sale of vehicles, provided such station shall be so arranged as to require all servicing on the premises and outside the public right-of-way and no gasoline pump or air outlet shall be placed closer than twenty (20) feet to any property line.
- 12.7.2.9 Car washes and laundromats.
- 1207.2.10 Dry cleaning and laundry establishments.
- 1207.2.11 Personal service establishments such as salons, barber shops, secretarial services, and interior decorating and similar kinds of activities.
- 1207.2.12 Light public transportation stations.
- 1207.2.13 Libraries.
- 1207.2.14 Day nursery facilities, as defined by this Ordinance; provided such uses are licensed by the State.
- 1207.2.15 Dance schools and fitness centers.
- 1207.2.16 Funeral homes.
- 1207.2.17 Veterinarian services and animal hospitals.
- 1207.2.18 Accessory uses and buildings customarily incidental to any of the above uses. Accessory uses may include residential if the residential uses are located on or above the second story. The footprint of the space for residential use shall not be greater than that of the primary use(s) for that property.
- 1207.2.19 Signs in accordance with the provisions of Article IX.
- 1207.3 Yard and Height Requirements:
- 1207.3.1 Yard Requirements:
- 1207.3.1.1 Minimum depth of front yards: The minimum depth of front yards shall be thirty-five (35) feet on all major streets and shall be thirty (30) feet on all other streets. Parking areas may be placed in the

required front 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 right-of-way sixty (60) feet wide or less, a planting strip of shrubbery shall be provided in front of the parking or service areas.

1207.3.1.2 Minimum depth of side yards: No side yard setbacks shall be required for buildings used for commercial purposes except when such uses abut residential districts. Required side yards abutting residential districts may be used for parking and service drives up to a required fifteen (15) foot buffer strip. 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.

1207.3.2 Height Requirements:

Maximum height of all buildings and structures	40 feet, not to exceed three (3) stories
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SECTION 1208 – LI, LIGHT INDUSTRIAL DISTRICT

1208.1 Purpose of District: The purpose of this Section is to provide guidelines for future industrial development. The regulations which apply within this district are 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.

1208.2 Permitted Uses: The following uses shall be permitted in any LI Zoning District:

1208.2.1 Any industrial use which involves manufacturing, processing or assembly operations, or the storage and sale of heavy materials, products, or equipment; but not including junk or salvage yards or uses which may cause injuries or obnoxious noise, vibrations, smoke, gas, fume, odor, dust, fire hazard, dangerous radiation or other conditions objectionable to adjacent or nearby areas.

1208.2.2 Warehouse.

1208.2.3 Research or experimental laboratory.

- 1208.2.4 Transportation terminal, specifically including bus station and truck terminals.
- 1208.2.5 Public building, facility or land, other than a school, playground, park, care home or cultural facility.
- 1208.2.6 Public utility installation.
- 1208.2.7 Horticultural nursery or greenhouse complex.
- 1208.2.8 Radio and/or television station and/or transmitting tower.
- 1208.2.9 Accessory use in compliance with the provisions of Section 1102.
- 1208.2.10 Retail establishment business or service, provided such business or service is: (1) incidental to a permitted industrial use; and (2) located on the same premises.
- 1208.2.11 Watchman of caretaker's one-family or two-family dwelling, provided that: (1) such dwelling is located on the premises of a permitted industrial, terminal, laboratory or warehouse use; and (2) the head of the household is employed by the industry as a watchman or caretaker.
- 1208.2.12 Private recreation facility, provided such facility is: (1) incidental to a permitted use, and (2) located on the same premises.
- 1208.2.13 Garage or shop for the repair and servicing of motor vehicles, equipment, or machine parts, provided that: (1) any open yard storage incidental to such an operation be enclosed by a solid fence or wall; and (2) no objectionable sound, vibration, heat, glare or electrical disturbance is created which is perceptible beyond the premises.
- 1208.2.14 Open yard use for the sale, rental and/or storage of new, used or salvaged materials or equipment, provided that: (1) such open yard use is enclosed on all sides by a buffer screen, in accordance with the yard's contents from the view of passing motorists or pedestrians; and in compliance with the provision of Section 904, and (2) no burning of materials or products is conducted on the premises except by means approved by the Fire Chief of the Town of Pendleton.
- 1208.2.15 Temporary use in compliance with the provisions of Section 306.

1208.3 Reference to Additional Regulations: Article IX, Off-Street Parking and Loading Regulations, Sign Regulations, Supplementary Provisions, and Buffer Screens.

1208.4 Conditional Use: The following use shall be permitted in any LI Zoning District subject to the requirements stated below:

1208.4.1 Adult Entertainment Establishments may be established subject to the following conditions:

Establishments must not be located closer than 1,000 (one thousand) 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 residential use;
- (e) A public park or recreation area;
- (f) An activity center, or
- (g) Another adult entertainment business

1208.4.2 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.

1208.4.3 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 Article IX Section 902 are allowed.

1208.5 Conditional Use: The following use shall be permitted in any LI Zoning District on a conditional basis, subject to the requirements stated below:

1208.5.1 Any communication tower must submit an application for a permit to the ZA.

1208.5.2 General Requirements:

- (1) The tower shall not be illuminated or contain any lighting unless otherwise required by state or federal regulations.
- (2) No communication tower over 75 (seventy-five) feet in height may be erected within a radius of 10,500 (ten thousand five hundred) 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 engineer, plus 20 (twenty) feet.
- (4) The tower must be set back a distance of its height plus 50 (fifty) feet from any residential structure.
- (5) The height of a tower is limited to 160 (one hundred sixty) feet as measured from existing grade at its base to the highest point of the tower or antennae. An additional 20 (twenty) 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 7 (seven) 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 12 (twelve) feet with a maximum spacing of 10 (ten) feet. These plants shall be at least 3 (three) gallon container plants or 24 (twenty-four) inches tall at the time of planting.
- (7) One sign, 2 (two) square feet per side in size, which includes the name of the company (s) 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 ZA 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 180 (one hundred eighty) days to remove the tower.

### SECTION 1209 – CO, CONSERVATION-OPEN SPACE DISTRICT

1209.1 Purpose of District: The purposes of this Section are listed as follows:

- (a) To provide for and permit an appropriate valuation by the tax assessor and/or land appraiser that reflects the conservation and/or open space use of the land;
- (a) To ensure the preservation of significant natural amenities against undesirable development;
- (b) 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;
- (c) To provide for opportunities for improved public recreation activities;
- (d) To provide for a community-wide recreation network of public paths, water courses, buffer zones, and recreation spaces;
- (e) To provide for a scenic easement where important views and vistas which could preserve the community heritage could be maintained for the public good.

1209.2 Permitted Uses: Within the CO District, the land may be used for the following purposes:

- 1209.2.1 Recreation uses which are primarily open-air and include but are not limited to: swimming areas, fishing areas, boat launching ramps, docks, parks, playgrounds, play fields, picnic grounds, wildlife or natural preserves, hiking trails, horseback riding trails, golf courses, driving ranges, archery ranges, and tennis courts.

- 1209.2.2 Recreational buildings, provided that: (1) the buildings are not placed less than fifty (50) feet from any property line; (2) there is a planted buffer strip and screen in compliance with Section 904.2.3 along the side and rear lot lines; and (3) the buildings are not placed within a flood hazard area.
- 1209.2.3 Parking areas related to recreational use.
- 1209.2.4 Public utility lines and substations.
- 1209.2.5 Travel trailer/recreational vehicle park.
- 1209.2.6 Churches, provided that they are not placed in a flood hazard area.
- 1209.2.7 Agricultural pursuits including field crop farming, truck gardening, and forestry, but excluding all animal feed lots.
- 1209.2.8 On-premises advertising signs which do not exceed the provisions established in Section 902.
- 1209.2.9 Cemeteries.

1209.3 Conditional Uses: Upon application to the Planning Commission, and favorable decision thereon, the uses enumerated below may be permitted in the CO, Conservation – Open Space District. The Commission may approve the application subject to specified conditions in addition to those described herein.

- 1209.3.1 Recreational developments including, but not limited to, private or public fishing lakes, swimming pools, golf courses or driving ranges, or other recreational developments provided that a comprehensive development plan for the area is submitted to the Commission and 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.
- 1209.3.2 Clubs and fraternal organizations not operating for profit, provided that: (1) the buildings are not placed less than fifty (50) feet from any property line; and (2) there is a planted buffer strip and screen in compliance with Section 904.2.3 along the side and rear lot lines.

1209.4 Accessory Buildings: Accessory buildings shall be allowed in this district if they meet the following standards:

- a) Each accessory building shall be under fifteen (15) feet in height;
- b) 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;
- c) 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;
- d) All accessory buildings on a lot shall occupy no more than twenty-five (25) percent of the rear yard; and
- e) Accessory buildings only as described in Section 1102.1 shall be allowed in the quantity as follows:
  - (i) Only one (1) utility or storage building shall be allowed per lot; and
  - (ii) Only one (1) other type of accessory building shall be allowed per lot. Children's playhouses and play equipment will not count towards this number.
  - (iii) For properties of two (2) acres or greater, the number of accessory buildings will not be regulated. Allowable accessory buildings must still conform to height and coverage standards as well as use standards listed in Section 1102.

#### SECTION 1210 – AF, AGRICULTURE-FOREST DISTRICT

1210.1 Purpose of District: The purpose of this Section is that the AF Zoning District be utilized and reserved for general farming and tree growing purposes as well as certain specialized residential, recreational or other public purposes. The regulations which apply within this district are designed:

- (1) to encourage the formation and continuance of a compatible environment for public and recreational areas, truck farms, orchards, livestock ranches, dairies, forest management areas, horticultural nurseries and other



agricultural uses which involve the growing of crops, livestock animals and/or trees;

- (2) to provide the suitable services, commercial and otherwise, to residents of AF districts; and
- (3) to discourage any encroachment by premature housing development capable of commercial and/or industrial operations, or other uses adversely affecting the basic agricultural or open character of the district.

1210.2 Permitted Uses: Uses permitted in the district without review include:

- 1210.2.1 Farm or establishments 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.
- 1210.2.2 Tree farm and/or forest management area;
- 1210.2.3 Horticultural nursery;
- 1210.2.4 Church, synagogue, temple;
- 1210.2.5 Private or semi-private club, lodge, grange or union hall or social center;
- 1210.2.6 Convalescent or nursing home;
- 1210.2.7 Animal hospital and/or boarding facility;
- 1210.2.8 Any publicly owned and operated building, facility or land;
- 1210.2.9 Eleemosynary, religious, semi-private or philanthropic institution or camp;
- 1210.2.10 Golf course;
- 1210.2.11 One-family dwelling located on a lot containing not less than one (1) acre of land;
- 1210.2.12 One-family dwelling or an individual manufactured home, accessory to farm operation on same property with farm and occupied by full-time owners or laborers on said farm; manufactured homes shall meet the Design Standards per Section 901.7;

1210.2.13 Customary home occupation established under the regulations of Section 1103.

1210.2.14 Museums.

1210.3 Conditional Uses: Uses permitted upon review of the Planning Commission on a conditional basis include:

- (a) Stand or shelter for the selling and/or display of seasonal produce provided that:
  - (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.
- (b) Commercial riding stable provided that no building or enclosure for animals is located closer than one hundred (100) feet from any property line;
- (c) Cemetery, when accessory to and on the same property as a permitted use in the AF District; and
- (d) Temporary use in compliance with the provisions of Section 306.

1210.4 Additional Requirements: Where appropriate, uses permitted in AF Zoning Districts shall meet all standards set forth in Article IX pertaining to off-street parking, loading and other requirements. Unless relief is granted elsewhere in this Ordinance, structures permitted in AF Zoning Districts shall be required to conform to the following standards:

1210.4.1 Lot Width and Area Requirements:

- (a) Minimum lot area: one (1) acre;
- (b) Minimum lot width, measured at the building line: two hundred (200) feet;
- (c) Minimum front yard depth measure from the nearest abutting street right-of-way line: one hundred (100) feet; except that stands or shelters for the selling and/or display of seasonal agricultural produce of other permitted

commercial activities may be located within the minimum front yard area, but no closer to the nearest street right-of-way than twenty (20) feet.

(d) Minimum side yard: thirty (30) feet for each side.

(e) Minimum rear yard: thirty (30) feet.

1210.4.2 Height Limitations: Maximum building height: thirty-five (35) feet (for exceptions to height regulations, see Section 901.2).

1210.4.3 Signs: Signs permitted in AF Zoning Districts, including the conditions under which they may be located, are set forth in Section 902.

1210.5 Accessory Buildings: See CO, Conservation – Open Space District for accessory building regulations.

#### SECTION 1211 – PD, PLANNED DEVELOPMENT DISTRICT

1211.1 Purpose: The purpose of the planned development districts is to derive the benefits of efficiency, economy and flexibility by encouraging unified development of large sites, while also obtaining the advantages of creative site design, improved appearance, compatibility with adjacent uses, better functioning of vehicular access and circulation, and optimal levels of service by community facilities and open space amenities.

It is the intent of this section to allow development of large sites subject to specific regulations concerning permitted uses, lot area, building coverage and yard spaces only insofar as the Planning Commission and Town Council shall deem appropriate, upon presentation of certification from the owners, developers, or other parties of interest in the development of such sites that they will adhere to development policies which will fulfill the intent of this section.

The provisions of Planned Development Districts, including PD-R, PD-C, PD-MH, and PD-MU Districts represent a flexibility of specific site design aspects while granting greater oversight of the initial development stages.

1211.2 Applicability: Section 1211 – PD, Planned Development and the provisions set forth within this section shall apply for all planned development zoning districts, including PD-C, Planned Development-Commercial, PD-MH, Planned Development-Manufactured Home, PD-MU, Planned Development-Mixed Use, and PD-R, Planned Development-Residential. Provisions set forth in the aforementioned sections are in addition to the provisions of this section. Application for rezoning shall be available only for PD-C, PD-MH, PD-MU, and PD-R districts and not just PD, as the PD district exists solely as a common set of regulations for the specific planned development districts.

1211.3 Procedures: The flexibility allowed through the provisions of the Planned Development districts allow a more thorough planning of a development or subdivision, and with that ability comes a greater responsibility to communicate the intentions and design of the development to the Town. By requesting a PD-\_\_\_ zoning district classification, the applicant shall agree to furnish information about the proposed development, and later to abide by certain conditions and safeguards as may be imposed by the Town Council in establishing such developments. To that end the regulations set forth herein are minimum requirements and it is the intent of this section that the Town Council may impose conditions and safeguards in excess of, or in addition to, the specific requirements set forth herein.

The guarantee of meeting the minimum requirements set forth herein does not per se create an indication that an applicant should be entitled to such an amendment, and notice is hereby given to that effect.

All Planned Development Districts are subject to the development processes and procedures listed in the Land Development Regulations as they apply to the specific major subdivision and must satisfy additional procedures. The following procedures are to take place in the order specified in the “Planned Development Districts” section of the Land Development Regulations.

1211.3.1 Preliminary Site Development Plan/Conceptual Plan: The preliminary site development plan/conceptual plan shall coincide with the Pre-Application Conference step in the Land Development Regulations.

- 1) Submittal: In order to avoid undue delay in the review process, and in order to facilitate review of materials which may be in preliminary form, and in order to avoid unnecessary expense in preparation of materials in final form which may later be found to be unacceptable or incomplete, the applicant shall communicate his intentions to establish a planned development, and the proposed characteristics thereof, to the Planning Commission in the form of a preliminary site plan/conceptual plan prior to initiating a request for zoning amendment. The applicant shall submit the following to the Town Planning Department:
  - a) Twelve large copies (18” x 24” or 24” x 36”) of the preliminary site development plan/conceptual plan for distribution to Town staff and agencies for review and comment. (Additional copies of the plan must be provided to the Planning Department upon request)

- b) Ten small copies (8.5" x 11" up to 11" x 17") of the preliminary site development plan/conceptual plan.
  - c) Statement of how the proposed planned development is compatible with the character of the Town and ways in which the developer will incorporated existing development and infrastructure into the plan for the new development.
- 2) Review: Copies of the plan shall be distributed to all departments and agencies as deemed applicable by staff for review of the preliminary site development plan/conceptual plan. A copy will also be made available for the public to review at Town Hall. Comments shall be written in a staff report with staff recommendations of approval or denial. Staff shall mail or email the staff report to the Planning Commission and to the applicant one (1) week prior to the Planning Commission meeting. This step shall coincide with the Pre-Application Conference step in the Land Development Regulations.
  - 3) Timeframe: The Planning Commission shall act on the preliminary site development plan/conceptual plan within forty-five (45) days after the initial consideration at a Planning Commission Meeting. The applicant may waive this requirement and consent to an extension of such period.
  - 4) Planning Commission Action: The Planning Commission action on the preliminary site plan shall consist of approval or denial. Approval may be accompanied by recommendations that will help the developer obtain approval of a rezoning and final site development plan. The decision and the reasons for the action shall be written in an official notice. One copy of the notice shall be sent to the applicant and other copies shall be retained by the Planning Commission for filing.
  - 5) Effect of Planning Commission Approval: Approval of the preliminary site development plan/conceptual plan shall not constitute approval of the final site development plan. Approval serves as authorization for the applicant to proceed in submittal of a rezoning application.
  - 6) Contents of the Preliminary Site Development Plan/Conceptual Plan: This plan shall include:

- (a) the proposed number, location, and types of residential or commercial units or structures;
- (b) a proposed traffic, parking and circulation plan;
- (c) legal description of proposed development boundaries;
- (d) a proposed drainage and utility plan;
- (e) a topographical survey;
- (f) description of open spaces;
- (g) existing buildings, if any, presently on the site;
- (h) timeline for development including phasing plan and amenities construction/dedication; and
- (i) other information as may be deemed reasonably appropriate for Planning Commission review.

1211.3.2 Application for Amendment to the Town of Pendleton Official Zoning Map: The establishment of the PD District shall be by amendment to the Official Zoning Map accompanied by certain sureties that the development will be in harmony with the intent of this Ordinance and that the public interest in adequate site design, accessibility and community facilities and amenities will be defended.

Application for amendment to establish a PD District shall be subject to the public hearing provisions set forth in Article IV. In addition to the district regulations specifically listed for each of the PD Districts, the supplemental material submitted as described in Section 1211.3.3 and 1211.3.4 will serve further as district regulations for the development. These steps will occur previous to Preliminary Plat submittal.

1211.3.3 Final Site Development Plans to be Submitted to Planning Commission for Review: The applicant shall submit final site development plans to the Planning Commission for review, which shall be similar in content and format to preliminary plats required for review by the Town of Pendleton Land Development Regulations and shall show additional information as described in the “Contents of the Final Site Development Plan” section.

- 1) Submittal: The applicant shall submit the following materials for Planning Commission review:
  - a) Twelve large copies (18" x 24" or 24" x 36") of the final site development plan for distribution to Town staff and agencies for review and comment. (Additional copies of the plan must be provided to the Planning Department upon request)
  - b) Ten small copies (8.5" x 11" up to 11" x 17") of the final site development plan.
- 2) Review: Copies of the plan shall be distributed to all departments and agencies as deemed applicable by staff for review of the final site development plan. A copy will also be made available for the public to review at Town Hall. Comments shall be written in a staff report with staff recommendations of approval or denial. Staff shall mail or email the staff report to the Planning Commission and to the applicant one (1) week prior to the Planning Commission meeting. This step shall precede the Preliminary Plat Technical Review step in the Land Development Regulations.
- 3) Timeframe: The Planning Commission shall act within forty-five (45) days after the initial consideration at a Planning Commission Meeting. The applicant may waive this requirement and consent to an extension of such period. Town Council shall act in an equivalent time frame to the Planning Commission.
- 4) Planning Commission Action: The Planning Commission action shall consist of recommendations for approval or conditional approval to Town Council or denial. Conditional approval shall be accompanied by specific items/issues that the developer must change or fix to obtain approval. The decision and the reasons for the action shall be written in an official notice. One copy of the notice shall be sent to the applicant and other copies shall be retained by the Planning Commission for filing.
- 5) Effect of Planning Commission Recommendation for Approval: A recommendation for approval of the final site development plan and descriptive statement shall allow the applicant to proceed with the rezoning request to Town Council.

- 6) Town Council Action: If the final site development plan and descriptive statement are recommended for approval, or if conditions put on recommendation for approval by the Planning Commission have been met, the Town Council shall conduct a public hearing as required for zoning amendments and may approve, approve with modifications accepted by the applicant, or deny approval of the proposed amendment to the Official Zoning Map. Town Council may make approval conditional upon fulfillment of any of the following:
- (a) filed with the Zoning Administrator's Office and recorded with the Register of Deeds of Anderson County plats showing all proposed features of the planned development as approved by the Town Council which approval shall be certified by the Zoning Administrator's office;
  - (b) completed any necessary agreements with the Town that the Town may become a party to deed restrictions and other restrictive covenants related to the planned development, and recorded such agreement with the Zoning Administrator's Office and with the Register of Deeds of Anderson County;
  - (c) recorded with the Register of Deeds of Anderson County and provide a recorded copy to the Town all required deed restriction or other restrictive covenants as required by the Town Council upon approval of the amendment establishing the planned development district;
  - (d) recorded with the Zoning Administrator's office and with the Register of Deeds of Anderson County the Descriptive Statement as approved by Town Council setting forth and committing the developer to certain design standards, development phasing schedules, and other pertinent matters; and
  - (e) completed the posting of a bond or giving of other surety in an amount and form approved by Town Council that adequate progress will be made in developing the project.
- 7) Effect of Town Council Approval: Approval of the final site development plan and descriptive statement constitutes the approval of an amendment to the Official Zoning Map rezoning the specified area to a PD district. Further, approval shall allow the developer to apply for a Preliminary Plat Review.



- 8) Contents of the Final Site Development Plan: This plan shall be similar in content and format to preliminary plats and shall show the following additional information:
- (a) the use and height, bulk, and location of commercial, residential and other buildings;
  - (b) yard dimensions from the development boundaries and adjacent streets.
  - (c) the density of land use proposed for various parts of the site;
  - (d) the location and width of proposed streets, other public ways and private drives with provisions for parking vehicles;
  - (e) dumpster locations or garbage pickup points;
  - (f) buffering to adjacent properties; and
  - (g) other information as may be deemed reasonably appropriate for Planning Commission review.

1211.3.4 Descriptive Statement to be Submitted to Planning Commission for Review: The applicant shall also submit a descriptive statement describing the proposed planned development. Steps for “Review”, “Time Frame”, “Planning Commission Action”, and “Effect of Planning Commission Approval” are the same as Section 1211.3.3.

- 1) Submittal: The applicant shall submit the following materials for Planning Commission review:
  - (a) Twelve copies of the Descriptive Statement for distribution to Town staff and agencies for review and comment. (Additional copies of the plan must be provided to the Planning Department upon request)
  - (b) Two copies of the Descriptive Statement in reproducible form (8” x 11” up to 11” x 17” unbound)
- 2) Contents of the Descriptive Statement: The descriptive statement shall generally include, but not be limited to, the following:

- (a) legal description of proposed development boundaries;
- (b) total number of acres in the development area;
- (c) number of dwelling and commercial units of various types and overall density thereof;
- (d) Number of residential dwelling units by type and number of bedroom units in each;
- (e) Total floor area for all nonresidential uses by type;
- (f) an indication of economic feasibility, justification and impact;
- (g) parking and traffic plan including number of on- and off-street parking spaces as needed to satisfy the requirements of individual buildings stated in Article IX, traffic flow, and proposed road right-of-way to be dedicated to the public;
- (h) open space and amenities plan with a description of open space uses and areas proposed, amenities to be provided, adequacy thereof to serve anticipated demand, and if dedication of open space or amenities are proposed, procedures and conditions thereof in detail;
- (i) landscape plan including compliance to landscaping and buffering regulations, tree preservation measures, landscaping proposed for the right-of-way (which must include tree or shrub species for each location), and any other decorative landscaping;
- (j) pedestrian plan including locations of sidewalks, crosswalks, ramps, and other pedestrian amenities (bicycle lanes, racks, etc.) as well as proposed locations of transit stops;
- (k) if a homeowners association or other group maintenance or group ownership features are to be included, a detailed description of the proposed procedures and operation thereof (a draft of the deed restrictions, restrictive covenants, architectural standards, or homeowners agreement);

- (l) an outline of development phasing indicating the timing of development of all proposed facilities, and justification of development phasing with respect to residential and commercial facilities;
- (m) architectural theme including sketches of typical proposed structures, design standards, outdoor lighting fixtures, signs and other renderings and illustrations that convey the general characteristics of the development; and
- (n) other such information or descriptions as may be deemed reasonably appropriate for Planning Commission review.

1211.3.5 Changes of Plans for Planned Developments: It shall be the duty of the Zoning Administrator to determine whether any specific request shall be considered a major change or a minor change, provided, however, that the applicant shall have the right to have any request for change processed as a major change.

The Zoning Administrator shall issue no Zoning Permit, Building Permit, or Certificate of Occupancy until changes have been duly recorded.

1211.3.5.1 Minor Changes: Changes of minor characteristics of the planned development, such as relocation of driveways, revision of interior floor plans, façade details, landscaping, relocation of required parking, drainage structures, and features which do not materially affect the approved plan concept or do not violate any applicable regulations may be authorized by the Zoning Administrator. If the Zoning Administrator fails to approve a request for a minor change, the developer or other party of interest may then seek a change by the regular amendment process as outlined below for major changes.

1211.3.5.2 Major Changes: Changes which would alter the district boundaries or materially affect the characteristics of the planned development shall be considered major changes. Major changes shall follow the same procedural requirements as for the planned district, including Planning Commission review, public hearing, and Town Council determination, as set forth in Article IV herein.

- 1211.4 Failure to Begin, Failure to Complete, or Failure to Make Adequate Progress:  
The Descriptive Statement as approved by Town Council shall set forth the development schedule for the project including phasing of residential units, commercial units, etc., if proposed. The Town Council shall require the posting of a bond with a corporate surety to guarantee that the schedule as set forth in the Descriptive Statement will be materially adhered to in order to guarantee construction of streets, utilities, and other facilities and amenities or to allow for rectification of improper development characteristics such as failure to develop areas designated as common open spaces. If there is failure to begin, complete or make adequate progress as agreed to in the descriptive statement, the Town Council may enforce and collect upon such bonds or sureties as described above, or may change the district classification of the planned development in accordance with provisions of Article IV, and thus terminate the right of the applicant to continue development, or may initiate action to charge the developers with specific violation of the Zoning Ordinance subject to the penalties set forth in Article XIII or any appropriate combination of the above remedies may be taken.

SECTION 1212 – PD-C, PLANNED DEVELOPMENT-COMMERCIAL DISTRICT

1212.1 Purpose of District: The purpose of planned development-commercial district is to derive the benefits of a planned development district while focusing providing a high-quality and unique commercial environment.

The intensity of commercial development permitted increases with increasing site size of such districts, based upon the premise that increased site size will allow proper design including functional interrelationships, buffer treatment separating uses with potentially incompatible characteristics of use, design of access patterns, and relationship of uses within such planned developments with uses in adjacent districts. It is the intent of this section that such design and planning features be incorporated properly into any PD-C District hereafter created, and that the Planning Commission and Town Council shall consider the existence and appropriateness of such features before any amendment to the Zoning Map is adopted to create such district.

1212.2 Permitted Uses: Within the PD-C District, buildings or premises shall be used only for the following purposes:

1212.2.1 Any use permitted in CB, NC, or AB Districts.

1212.2.2 Accessory land uses and buildings customarily incidental to any of the above uses.

1212.3 Minimum Lot Area: No minimum lot area is required for any specific structure; however, the minimum site size to accommodate a planned development shall be no less than 20,000 square feet.

1212.4 Minimum Lot Width, Minimum Yard Requirements and Maximum Lot Coverage: A buffer strip of natural or landscaped vegetation, a width not less than twenty-five (25) feet shall be maintained along all external lot lines of any planned development, with the exception that when any external lot line of a planned development abuts any residential zoning district, the buffer strip shall be a width of forty (40) feet. No building or structure shall be erected within this buffer strip. Minimum lot width, minimum yard sizes and maximum lot coverage are not otherwise regulated within PD-C Districts, provided, however, that the Planning Commission and Town Council shall ascertain that the characteristics of building siting shall be appropriate as related to structures within the planned development and otherwise fulfill the intent of this Ordinance.

1212.5 Maximum Height of Structures: The maximum height for any structure in a planned development shall be forty (40) feet, and shall not exceed three (3) stories.

1212.6 Location of Planned Development District: Any planned development district shall have direct frontage on a collector street, marginal access or major thoroughfare. Any lots which are subdivided within a planned development shall

abut a public street which meets the requirements of the Pendleton Land Development Regulations and has been properly deeded to the Town of Pendleton.

- 1212.7 Lighting: Adequate exterior lighting shall be provided for the entire area but shall be restricted and regulated in a similar manner as specified in Section 902.2.3.
- 1212.8 Administrative Application and Review Procedures for PD-C Districts: All requests for rezoning to PD-R districts shall follow the procedures stated in Section 1211 – PD, Planned Development. All regulations in this section are supplemental to Section 1211.
- 1212.9 Terms of this Section to Prevail: In case of any conflict of the terms of Section 1212 with terms of other sections of this Ordinance, the terms of Section 1212 shall prevail.

#### SECTION 1213 – PD-MH, PLANNED DEVELOPMENT – MANUFACTURED HOMES

- 1213.1 Purpose of District: The PD-MH District is a type of Planned Development, the purpose of which is to permit the grouping of affordable housing in the form of manufactured homes in such a way as to create a desirable residential environment and to provide for accessory uses needed to serve the residents of manufactured home parks.
- 1213.2 Permitted Uses: A structure or land shall be used only for the following purposes:
- 1213.2.1 Manufactured home constructed for permanent living arrangement, which shall meet the Design Standards per Section 901.7.
- 1213.2.2 Accessory structure and use customarily incidental to manufactured homes, and which serves only the residents of the manufactured home park, specifically including self-service laundry, restrooms, park, leasing or managerial office, and similar service facilities.
- 1213.2.3 Signs as permitted in residential zoning districts as established in Section 902 of this Ordinance.
- 1213.2.4 All manufactured homes must bear the red HUD label of compliance with the National Manufactured Housing Construction and Safety Standards Act and subsequent amendments governing homes built after June 15, 1976.
- 1213.3 Pre-existing PD-MH Developments: All pre-existing PD-MH zoning districts (in existence before the amendment of this ordinance dated December 2, 2008) shall be considered non-conforming PD-MH zoning districts.

- 1213.3.1 Exchanging an existing non-conforming structure for a conforming newer HUD certified manufactured home shall be allowed, per Section 703.6.
- 1213.3.2 A new or relocated structures shall obey the setbacks determined by either:
- (a) The exact placement (footprint) of the existing structure that will be replaced per an exchange; or
  - (b) Setbacks determined by the predominant rhythm of the existing development.
- 1213.3.3 New or relocated structures shall obey the design standards or characteristics of the pre-existing development, unless a redevelopment is proposed.
- 1213.3.4 A development is no longer considered to be pre-existing when redevelopment has occurred. Redevelopment, in this case, is defined as changing 25% or more of the existing development, or ten (10) units or more, whichever amount is greater. Redevelopment amounts shall be cumulative within any five (5) year period. Exchanging of units as defined in Section 703.6 shall not be considered redevelopment.
- 1213.4 Location and Creation of District: A PD-MH District may be established if five (5) contiguous acres are assembled and, upon the determination of the Planning Commission, the proposed use will not be detrimental to the surrounding properties. Creating a new PD-MH zoning district (rezoning of land to a PD-MH zoning district) shall be subject to the application, review, and development process outlined in the PD-R Section of the Zoning Ordinance.
- 1213.5 Site Design and Development Criteria: All manufactured home developments shall be planned, designed, and developed to meet or exceed conditions and factors conducive to the creation and maintenance of a healthful and safe residential environment. This should be done in such a manner that the quality of the overall environment is optimized and the amenities, facilities, services, and conveniences for the residents are maximized. To achieve these conditions, the design of the site should also be adaptive to the tract of land and its surroundings, especially with respect to topography, trees and vegetation, visual conditions, adjacent land uses, structures and activities. In order to meet these goals, objectives, and purposes, all manufactured home sites shall meet or exceed the following criteria:
- 1213.5.1 Tract Size and Density: PD-MH Districts shall have a minimum tract size of five (5) acres. The overall or average density of the

manufactured home district shall not exceed eight (8) manufactured homes per acre.

- 1213.5.2 Grading: Manufactured home sites shall be graded to create desirable and attractive site features, provide for adequate drainage of each lot and the entire park, and to provide safe and convenient access, circulation, recreation, and ease of maintenance. Grade for roads should meet the standards required in the Land Development Regulations
- 1213.5.3 Minimum Horizontal Distances between Manufactured Homes, Accessory Structures and Other Structures: In order to ensure adequate space for privacy, normal and emergency access, natural light, air, human circulation, and off-street parking, the following minimum horizontal distance shall be required:
- (a) All manufactured homes, accessory structures, and other structures, shall be a minimum of twenty (20) feet from any right-of-way or roadway line (twenty foot front setback). No manufactured home, accessory structure, or other permanent building structure, shall be located within a legal easement or right-of-way.
  - (b) There shall be a minimum of twenty (20) feet of open space between any structure and a manufactured home. This does not include the distance of open space between a manufactured home and an accessory structure which serves that manufactured home. Such accessory structures shall be a minimum of ten (10) feet from any structure, with the exception that carports may be located closer to the manufactured home in which it serves.
  - (c) There shall be a minimum distance of ten (10) feet of open space between any manufactured home, accessory structure, or other structure, and any side or rear property line.
- 1213.5.4 Open Space and Recreation: Manufactured home districts shall have a minimum of ten (10) percent of the total site area reserved and improved as common recreation space and shall be easily accessible by all lots.
- 1213.5.5 Parking: See Section 903 Parking and Loading Requirements for regulations regarding parking.
- 1213.5.6 Buffers and Screening: The borders of manufactured home districts which are adjacent to a highway, public right-of-way, or Single-Family (R-1, R-2, R-3) Residential Districts shall be



buffered or screened in compliance with Section 904.2 of this Ordinance. The type of screen required along particular property lines shall be determined in each case by the Planning Commission upon review of the specific adjacent uses. The buffer should be adequate to create a visual separation. Facilities for common use, or the housing of services or utilities (such as laundry yards, Laundromats, refuse collection points, maintenance equipment storage, or recreation areas), shall be appropriately screened.

- 1213.6 Streets and Utilities Criteria: Streets and utilities shall be provided for use by all manufactured homes within the district. The quality, design, and location of all such systems shall be done in such a manner so as to maximize the health and safety of all occupants and users, and shall conform to the standards required in the Land Development Regulations. All utilities shall be located underground. Each manufactured home unit shall be required to connect to the existing sewerage system and water supply system of the Town of Pendleton.
- 1213.7 Administrative Application and Review Procedures for PD-MH Districts: All requests for rezoning to PD-R districts shall follow the procedures stated in Section 1211 – PD, Planned Development. All regulations in this section are supplemental to Section 1211.
- 1213.8 Terms of this Section to Prevail: In case of any conflict of the terms of Section 1213 with terms of other sections of this Ordinance, the terms of Section 1213 shall prevail.

#### SECTION 1214 – PD-MU, PLANNED DEVELOPMENT – MIXED USE DISTRICT

- 1214.1 Purpose of District: The purpose of planned development-mixed use districts is to derive the benefits of a planned development district while focusing providing a high-quality and unique environment that incorporates multiple uses to serve the Town. It is further intended that PD-MU development shall be in complexes within which mutually supporting residential, commercial, and office uses are scaled, balanced, and located to reduce general traffic congestion and the need for private automobiles by providing housing close to principal destinations and convenient pedestrian circulation systems.

The number of residential and commercial units permitted increase with increasing site size of such districts, based upon the premise that increased site size will allow proper design including functional interrelationships, buffer treatments separating uses with potentially incompatible characteristics of use, design of access patterns, and relationships of uses within such planned developments with uses in adjacent districts. It is the intent of this section that such design and planning features be incorporated properly into any PD-MU district hereafter created, and that the Planning Commission and Town Council

shall consider the existence and appropriateness of such features before any amendment to the Zoning Map is adopted to create such district.

- 1214.2 Permitted Uses: Within the PD-MU District, buildings or premises shall be used only for the following purposes:
- 1214.2.1 Any use permitted in MF, CB, NC, or AB Districts.
- 1214.2.2 Accessory land uses and buildings customarily incidental to any of the above uses.
- 1214.3 Minimum Lot Area: No minimum lot area is required for any specific structure; however, the minimum site size to accommodate a planned development shall be no less than five (5) acres.
- 1214.4 Minimum Lot Width, Minimum Yard Requirements and Maximum Lot Coverage: A buffer strip of natural or landscaped vegetation, a width of not less than twenty-five (25) feet shall be maintained along all external lot lines of any planned development, with the exception that when any external lot line of a planned development abuts any residential zoning district, the buffer strip shall be a width of forty (40) feet. No building or structure shall be erected within this buffer strip. Minimum lot width, minimum yard sizes and maximum lot coverage are not otherwise regulated within PD-MU Districts, provided, however, that the Planning Commission and Town Council shall ascertain that the characteristics of building siting shall be appropriate as related to structures within the planned development and otherwise fulfill the intent of this Ordinance.
- 1214.5 Maximum Height of Structure: The maximum height for any structure in a planned development shall be forty (40) feet, and shall not exceed three (3) stories.
- 1214.6 Location of Planned Development-Mixed Use Districts: Any planned development district shall have direct frontage on a collector street, marginal access or major thoroughfare. Any lots which are subdivided within a planned development shall abut a public street which meets the requirements of the Pendleton Land Development Regulations and has been properly deeded to the Town of Pendleton.
- 1214.7 Lighting: (See Section 1212.7)
- 1214.8 Administrative Application and Review Procedures for PD-MU Districts: All requests for rezoning to PD-R districts shall follow the procedures stated in Section 1211 – PD, Planned Development. All regulations in this section are supplemental to Section 1211.
- 1214.9 Terms of Section Prevail: In case of any conflict of the terms of Section 1214 with the terms of other sections of this Ordinance, the terms of Section 1214 shall prevail.

SECTION 1215 – PD-R, PLANNED DEVELOPMENT-RESIDENTIAL

1215.1 Purpose of District: The purpose of the planned development-residential district is to derive the benefits of a planned development district while focusing providing a quality residential environment.

The number of dwelling units permitted increase with increasing site size of such districts, based upon the premise that increase site size will allow proper design including functional interrelationships, buffer treatments, separating uses with potentially incompatible characteristics of use, design of access pattern, and relationships of uses within such planned developments with uses in adjacent districts. It is the intent of this section that such design and planning features be incorporated properly into any PD-R district hereafter created, and that the Planning Commission and Town Council shall consider the existence and appropriateness of such features before any amendment to the Zoning Map is adopted to create such district.

1215.2 Permitted Uses: Within the PD-R District, buildings or premises shall be used only for the following purposes:

1215.2.1 Dwelling, One-family.

1215.2.2 Dwelling, Two-family.

1215.2.3 Dwelling, One-family attached. (Townhouse)

1215.2.4 Dwelling, cluster. (Zero lot-line, etc.)

1215.2.5 Condominium.

1215.2.6 Accessory Building or use, including approved recreation facilities.

1215.3 Minimum Lot Area: No minimum lot is required for any specific structure; however, the minimum site size to accommodate a planned development shall be no less than five (5) acres of buildable land.

1215.4 Minimum Lot Width, Minimum Yard Requirements and Maximum Lot Coverage: A buffer strip of natural or landscaped vegetation, a width not less than twenty-five (25) feet shall be maintained along all external lot lines of any planned development, with the exception that when any external lot line of a planned development abuts an R-1 zoning district, the buffer strip shall be a width of forty (40) feet. No building or structure shall be erected within this buffer strip. Minimum lot width, minimum yard sizes and maximum lot coverage are not otherwise regulated within PD-R Districts, provided, however, that the Planning Commission and Town Council shall ascertain that the characteristics of

building siting shall be appropriate as related to structures within the planned development and otherwise fulfill the intent of this Ordinance.

- 1215.5 Maximum Height of Structure: The maximum height for any structure in a planned development shall be forty (40) feet, and shall not exceed three (3) stories.
- 1215.6 Location of Planned Development-Residential Districts: Any planned development district shall have direct frontage on a collector street, marginal access of major thoroughfare. Any lots which are subdivided within a planned development shall abut a public street which meets the requirements of the Pendleton Land Development Regulations and has been properly deeded to the Town of Pendleton.
- 1215.7 Administrative Application and Review Procedures for PD-R Districts: All requests for rezoning to PD-R districts shall follow the procedures stated in Section 1211 – PD, Planned Development. All regulations in this section are supplemental to Section 1211.
- 1215.8 Terms of this Section to Prevail: In case of any conflict of the terms of Section 1215 with terms of other sections of this Ordinance, the terms of Section 1215 shall prevail.

#### SECTION 1216 – COD, CORRIDOR OVERLAY DESIGN DISTRICT

- 1216.1 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.

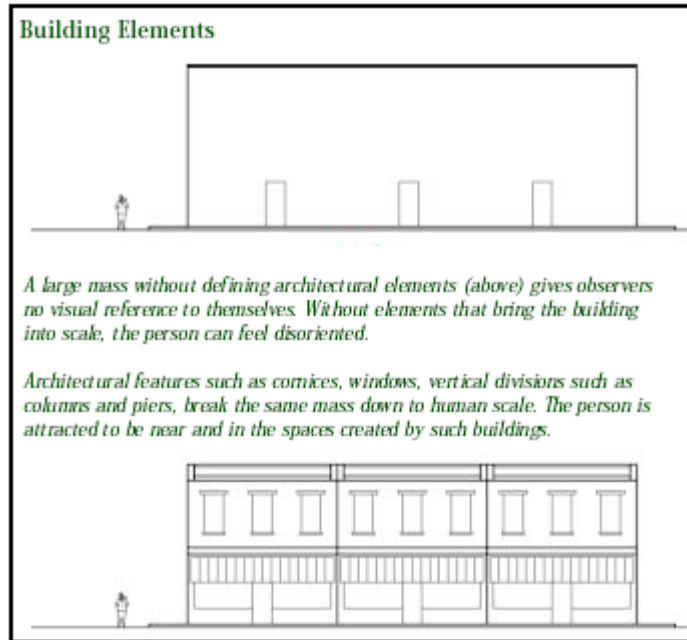
All new construction shall conform to the design guidelines requirements. Town staff may approve minor variations to this section provided similar materials, configurations, and/or techniques are used that fulfill the intent of this Section. Major variation to building façade requirements due to unique 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.

#### 1216.2

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.

##### 1216.2.1

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.

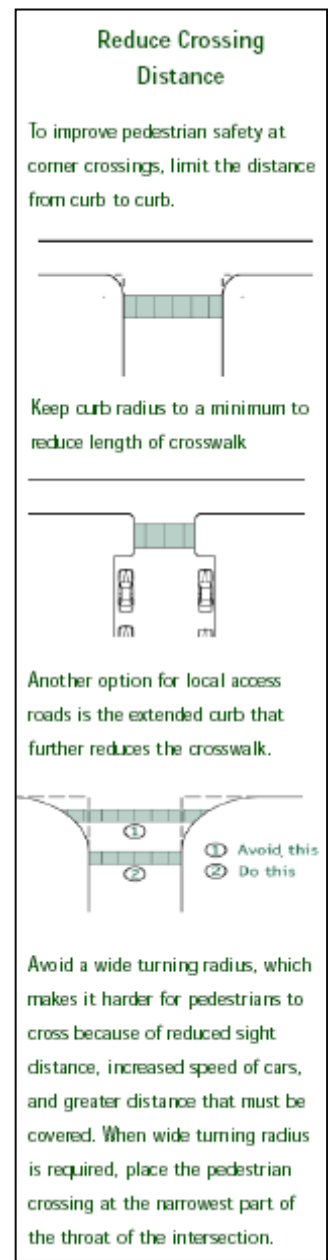
1216.2.2 Window and Door Proportions and Design: The location and size of windows and doors also contributes to a sense of visual continuity along the street. In order to maintain this sense of visual continuity, a new building should maintain the basic window and door proportions and placement seen 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.

1216.2.3 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.

1216.2.4 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.

1216.2.5 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.

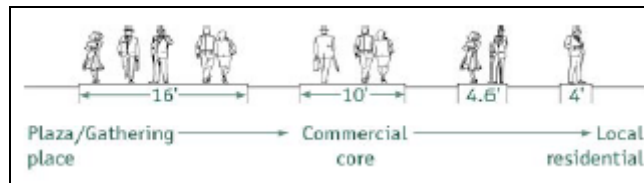
All sides of the building should use materials consistent with those on the front if visible from public streets or neighboring properties, and should be carefully



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.

## 1216.2.6

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.

## 1216.2.7

Mechanical Screening: Utilities that serve properties may include telephone and electrical lines, ventilation systems, utility meters, mechanical equipment, transformers, generators, air conditioners,

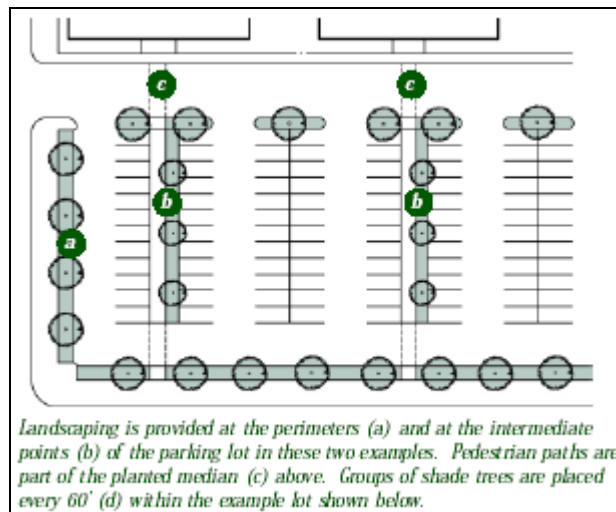


and similar features or other utility hardware. Adequate space for these utilities should be planned in a project from the outset and they should be designed such that their visual impacts are minimized. Service areas for trash, recycling containers, loading facilities, and site maintenance equipment should be carefully planned as an 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.

## 1216.2.8

**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.

1216.3 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.

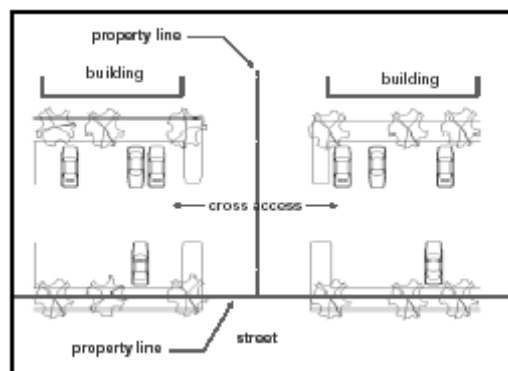
- 1) To perpetuate the unique building character of the Town, development shall generally employ building types that are sympathetic to the traditional architectural vocabulary of the area in their massing and external materials.
- 2) Front elevations facing the street and overall massing shall be pedestrian in scale.
- 3) Adjacent buildings shall be architecturally compatible through similar silhouettes, spacing between facades, setbacks, proportions, treatments, exterior materials, scale, massing, and/or architectural style.
- 4) 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.
- 5) All new construction shall generally conform in street orientation, massing, lot width and setbacks to adjacent existing and proposed structures.
- 6) 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.

- 7) Loading and service delivery areas shall be located to the rear or side yard away from the primary street frontage.
- 8) 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.
- 9) Open decks, patios, and steps are permitted with rear and side yards and may encroach into required setback to within 5 feet of all property lines.
- 10) 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.

1216.4 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.

1216.4.1 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 20 spaces shall be allowed per pod. All parking areas shall be connected to building entrances with delineated pedestrian connections.

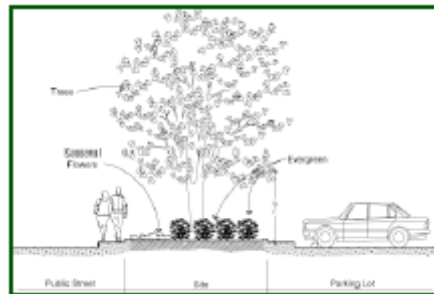


- 1216.4.2 Site a portion of parking out of view. Generally, site a minimum of 20-40 percent of parking to the rear and sides of buildings.

- 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.

1216.4.3 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.



1216.4.4 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.

1216.5 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.

- 1216.5.1 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.
- 1216.5.2 Locate signs on a building such that it will emphasize design elements of the façade itself and fit within existing architectural features.
- 1216.5.3 Window signs may be painted on the glass or hung inside the window and should cover no more than 25% of the total window area.
- 1216.5.4 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.
- 1216.5.5 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.

- 1216.5.6 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 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.
- 1216.5.7 Internally illuminated signs are discouraged, however, only the letters and logo may appear lit with the remaining background of the sign opaque.
- 1216.5.8 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.

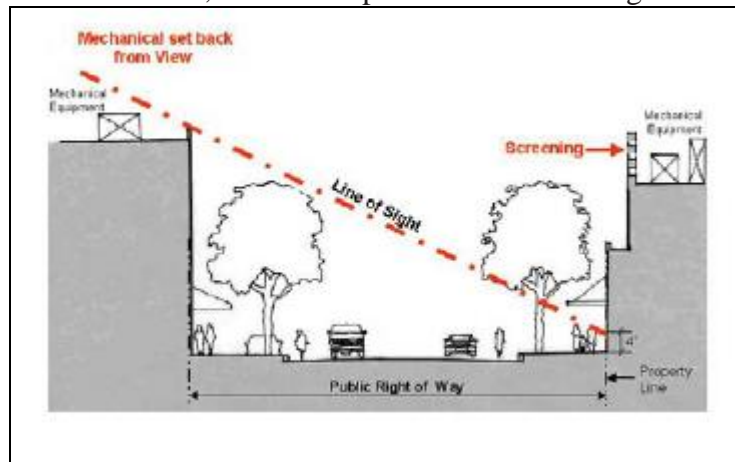
1216.6 Mechanical Screening and Service Areas: Utilities that serve properties may include telephone and electrical lines, ventilation systems, utility meters, mechanical equipment, transformers, generators, air conditioners, and similar features or other utility hardware. These items are among the variety 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.

- 1216.6.1 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.



1216.6.2 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 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.

1216.7 Residential Buildings:

1216.7.1 General Requirements

- 1) 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.
- 2) 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 10 feet of the average setback along the block.
- 3) Orient the front of the house to the street and clearly identify the front door.
- 4) Exterior lights should be simple in character and low in intensity so as to minimize the visual impacts of exterior lighting.
- 5) 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 40% of the total building facade. Exception: Corner lots may have garage access (side loaded) from the non-fronting street.
- 6) Side Loaded Garages may be permitted on corner lots from the non-fronting street.
- 7) Garage doors are not permitted on the front elevation of any multi-family dwelling.



- 8) 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.

#### 1216.7.2 Materials

- 1) Accessory buildings with a floor area greater than 150 square feet shall be clad in materials similar in appearance to the principal structure.
- 2) 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 5 ft in height shall be wood or similar material.

#### 1216.7.3 Configurations

- 1) 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.
- 2) 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.
- 3) 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.
- 4) Two wall materials may be combined horizontally on one facade. The heavier material should be below.
- 5) Exterior chimneys shall be finished in brick or other material approved by the Design Review Board.
- 6) The crawlspace of buildings shall be enclosed.

#### 1216.7.4 Techniques

- 1) Overhanging eaves may expose rafters.

- 2) Flush eaves shall be finished by profiled molding or gutters.
- 3) Water from downspouts should drain away properly.
- 4) All rooftop equipment shall be enclosed in building material that matches the structure or is visually compatible with the structure.

1216.8 Commercial Buildings:

905.8.1 General Requirements

- 1) 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.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) Use of trees and flowering plants is strongly encouraged to enhance the pedestrian experience.
- 6) 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.
- 7) Where a parking lot abuts a public sidewalk, provide a visual buffer such as a landscaped strip, planter, or wall.

1216.8.2 Materials

- 1) All accessory buildings shall be clad in materials similar in appearance to the principal structure.
- 2) Pitched roofs shall be clad in wood shingles, standing seam metal, corrugated metal, slate, diamond tab asphalt shingles or similar material.
- 3) 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.
- 4) Signs on the inside of glazed openings may be neon.

#### 1216.8.3 Configurations

- 1) Two wall materials may be combined horizontally on one facade. The heavier material should be below.
- 2) Skylights shall be flat (non-bubble).
- 3) At least 70% 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.
- 4) No frontage wall shall remain without a window or functional general access doorway for more than 16 feet.
- 5) 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.
- 6) An addition should not damage or obscure architecturally important features.
- 7) Any rooftop addition should keep the mass and scale subordinate to the primary building and be in character with the primary structure's design.

#### 1216.8.4 Techniques

- 1) Stucco shall be float finish.
- 2) 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.
- 3) All rooftop equipment shall be enclosed in building material that matches the structure or is visually compatible with the structure.

#### 1216.8.5 Lighting

- 1) Street lighting should be used to enhance the pedestrian experience at night by providing a well-lit environment.
- 2) Light pole and lamp design should be similar to those used by the City of Landrum.
- 3) Streetlights should convey a pedestrian oriented scale and convey a color spectrum that is similar to daylight.
- 4) Exterior lights should be used to accent architectural details, building entrances, signs, and illuminate sidewalks.
- 5) Minimize the visual impacts of site and architectural lighting through the use of low intensity white lights that are similar to daylight.
- 6) 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.
- 7) Shield lighting associated with service areas, parking lots, and parking structures.

1216.9 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.

#### 1216.9.1 Materials

- 1) Gutters and down spouts shall be made of copper or galvanized painted metal and do not expel onto the street.

- 2) The columns, if provided, shall be made of wood or cast concrete or other appropriate material.
- 3) Stained glass or other decorative window treatments are encouraged.

1216.9.2 Configurations

- 1) Two wall materials may be combined horizontally on one facade. The heavier material should be below.
- 2) 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.

1216.9.3 Techniques

- 1) Windows shall be set to the inside of the building face wall.
- 2) All rooftop equipment shall be enclosed in building material that matches the structure or is visually compatible with the structure.

1216.10 Light and Heavy Industrial Buildings:

1216.10.1 Materials

- 1) All accessory buildings shall be clad in materials similar in appearance to the principal structure.

1216.10.2 Configurations

- 1) Two wall materials may be combined horizontally on one facade. The heavier material should be below.
- 2) Skylights shall be flat (non-bubble).

1216.10.3 Techniques

- 1) 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.

- 2) All rooftop equipment shall be enclosed in building material that matches the structure or is visually compatible with the structure.

1216.11 Renovation of Existing Structures:

- 1) All new construction, including additions to existing buildings, must comply with these regulations.
- 2) Changing or rebuilding 75% or more of any façade of a building requires the entire building to comply with the regulations.
- 3) Changing or rebuilding less than 75% 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 50% 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.

1216.12 **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 Finish Grade)	Bare Wood 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	

1216.13 Interpretation of Terms used in this Section:

1216.13.1 These definitions apply to terms related to compliance in the preceding text:

***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.

***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.

***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.

***Should*** – If the term “should” appears in a design guideline, compliance is strongly encouraged, but is not required.

1216.14 Definitions:

***Addition:*** (1) A structure added to the original structure after the completion of the original; (2) An extension or increase in floor area or height of a building or structure.

***Adjacent, Adjoining Lot or Land:*** A lot or parcel of land that shares all or part of a common lot line or boundary with another lot or parcel of land or that is directly across a public street or right-of-way.

***Alteration:*** Any change or expansion in the size, configuration, or location of a structure; or any change or expansion in the use of a structure or lot, from a previously approved or legally existing size, configuration, location, or use.

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



*Architectural Feature:* A prominent or significant part or element of a building, structure, or site.

*Architectural Style:* The characteristic form and detail of buildings. Common styles in Landrum include Colonial, Neo-Classical, Federal, American Victorian, and Arts & Crafts.

*Attached Home:* Rear yard buildings that share common side walls. Attached homes may be townhomes or condominium units.

*Awning:* A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.

*Building Mass:* The height, width, and depth of a structure.

*Civic Uses:* 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.

*Community Character:* 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.

*Detached Home:* Buildings that function as a principal residential for one or two families.

*Expansion:* 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:* Front or principal face of a building, any side of a building that faces a street or other public open space

*Frontage:* The lot boundary that coincides with a public thoroughfare or space. The facade of a structure facing the street.

*Gazebo:* A free standing, roofed, open sided structure providing a shady resting place.

*Open Space:* Any area which does not consist of buildings, streets, right of ways, parking, or easements, and serves as a passive or active recreational area or as conservation land for important vistas and topographic features

*Overlay District:* A set of regulations that add an additional layer of design provisions to an underlying zoning district.

*Porch:* 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.

*Portico:* An open porch or walkway covered by a roof and typically leading to the building entrance.

*Public Street:* Any public right of way used for vehicular traffic that is permanently maintained by the City or State of South Carolina and is open to all traffic.

*Traditional:* Based on or established by the history of the area.

#### SECTION 1217 – TSO, TOWN SQUARE OVERLAY DISTRICT

1217.1 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:

- a) Protection, preservation, and enhancement of the distinctive architectural and cultural heritage of the Pendleton Town Square,
- b) Promotion of the economic and general welfare of the Square,
- c) Ensure development that is aesthetically appealing and harmonious with existing development, and
- d) Retain or improve property values on the Square and those areas adjacent to the Square.

1217.2 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.

1217.3 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 VI: 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.

1217.4 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.

1217.4.1 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”.

1217.4.2 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.

1217.6 Repair of Damaged Features: If a specific feature(s) on a building or property suffers damage by someone who is not a leasing tenant or property owner, the feature(s) 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(s) shall be replaced according to the *Maintenance and Protection Standards*. If there is evidence that the feature(s) were in significant disrepair when the damage occurred, the feature(s) 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(s) that were damaged shall be replaced according to the *Maintenance and Protection Standards*.

1217.7 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 XIII: LEGAL STATUS PROVISIONS

SECTION 1301 – 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 1302 – 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 1303 – 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 dollars (\$500), 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 1304 – 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 1305 – 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 1306 – EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after July 2, 1984.