

**CHAPTER 5
PLANNING AND ZONING**

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Article I
Planning Commission

§ 5-101. Planning commission established.

There is hereby established a planning commission for the Town of Arcadia Lakes, which shall have the powers and duties as provided in S.C. Code §§ 6-29-310, et seq.

§ 5-102. Composition of commission.

The planning commission shall have five (5) members appointed by Council for staggered terms of four (4) years. Members shall serve until their successors are appointed and qualified. No member of the planning commission shall hold an elected public office in the Town or County.

§ 5-103. Compensation; expenditures.

Members of the planning commission shall serve without compensation. Actual expenses incurred in the performance of official duties may be reimbursed from budgeted funds pursuant to policies and procedures set by town council. Planning commission expenditures shall be within amounts authorized by town council.

§ 5-104. Removal of members.

Members of the planning commission may be removed at any time by council for cause. The existence of cause shall be discussed by the council in executive session as permitted by the Freedom of Information Act, S.C. Code § 30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.

§ 5-105. Organization; rules of procedure; meetings.

The planning commission shall organize, elect a chairman and vice-chairman for one-year terms, and adopt rules of procedure as required by S.C. Code § 6-29-360. The town clerk-treasurer may serve as secretary to the planning commission. Meetings of the planning commission shall be held in compliance with the Freedom of Information Act and records of the planning commission shall be maintained by the secretary as public records.

Article II
Zoning Regulations

§ 5-201. Authority and title.

This zoning ordinance is adopted pursuant to authority granted in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code §§ 6-29-310, et seq. (1994 Supp.) as amended. This ordinance may be cited as "Town of Arcadia Lakes Zoning Ordinance."

§ 5-202. Jurisdiction and purpose.

The provisions of this ordinance shall apply to all land and improvements within the Town of Arcadia Lakes, South Carolina. The purposes of the zoning ordinance are to implement the land use element of the comprehensive plan for those purposes set forth in S.C. Code § 6-29-710, including the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare.

§ 5-203. Definition of terms.

Words used in this article shall have their customary meanings except for specific words that shall be defined as follows:

a. Interpretation of certain terms and words. Words used in the present tense include the future tense; words used in the singular number include the plural and the plural, the singular; the word "person" includes a firm, company, partnership or corporation; the word "building" includes the word "structure;" the word "shall" is always mandatory; 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." "Map" means " zoning map of the Town of Arcadia Lakes, South Carolina."

b. List of definitions:

Accessory use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Alley. A public or private thoroughfare that affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration of building. Any change in the supporting members of a building (such as leaning walls, beams, columns, or girders) except such change as may be required for its safety; any addition to a building; any change in use from that of one district classification to another; or of a building from one location to another.

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

Building, accessory. A building subordinate or supplemental to the main building on a lot and used for purposes customarily incidental to that of a main or principal building and located on the same lot.

Building, principal. A building in which is conducted the main use of the lot on which said building is located.

Club, lodge, civic or fraternal organization. An incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the general public.

Court. An open space which mayor may not have direct street access and around which is arranged a single building or a group of related buildings.

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:

1. The occupation, profession or trade is carried on wholly within the principal building;
2. Not more than 25 percent of the floor area of the principal building is used for the conduct of the home occupation;
3. No merchandise or articles are displayed for advertising purposes in such a way as to be visible from outside the dwelling;
4. No merchandise or articles are stored other than inside the principal building;
5. There is no alteration of the residential character of the building or premises;
6. No person or resident on the premises is employed;
7. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be off the street, and
8. No name plate or sign is displayed upon the premises except one (1) unlighted sign, not exceeding one (1) square foot in area, and mounted flat against the wall of the principal structure.

Dwelling. A building or portion thereof arranged and designed to provide living facilities for one (1) or more families.

Dwelling unit. One (1) or more rooms designed as a unit to provide complete housekeeping facilities for one (1) family.

Family. An individual, or two (2) or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit. (Ordinance of 12/14/1976)

Floor area, residential. The gross horizontal areas of the several floors of a dwelling, exclusive of carport, garages, basement, storage areas with only outside access and open porches, measured from the exterior faces of the exterior walls of a dwelling.

Height of building. The vertical distance measured from the mean finished ground level adjoining the building to the highest point of the roof.

Lot. A piece, parcel, or plot of land which may consist of one (1) or more platted lots in one ownership, occupied or intended to be occupied by one (1) principal building and its accessory building including the open space required under this article.

Double-frontage lot. A lot extending the entire width of the block and having street frontage on both the front and rear lot lines.

Lot width. The distance between the side lot lines measured at the building setback line.

Non-conforming use. The use of a building, structure, or land, existing at the time of enactment of this article or subsequent amendment, which does not conform to the regulations for the district in which it is located.

Off-street parking space. The area required to park one (1) automobile plus the necessary driveways and maneuvering area.

Off-street loading space. The area required to load or unload goods or other material plus the necessary driveways and maneuvering area.

Setback line (or building line). A line beyond which no foundation, wall, eave, or other part of any building shall project, unless specified exceptions are made elsewhere in these regulations.

Sign, advertising. Any freestanding or partly or wholly attached structure display for the purpose of conveying some information, knowledge, or idea to the public.

Sign, incidental or accessory (advertising).

1. A non-illuminated announcement sign not exceeding one (1) square foot in area and attached wholly to a building, or
2. A sign pertaining only to the rent, lease or sale of the premises upon which displayed and not exceeding six (6) square feet in area, or
3. A sign or bulletin board not exceeding twelve (12) square feet in area upon the premises of a church or other institution for the purpose of displaying the name of the church or institution and the activities or services, or
4. Directional or information signs of a public or quasi-public nature not exceeding eight (8) square feet in area which state the name or location of a town, village, hospital, community center, private school, college, youth organization, church or other places of worship, or the name or place of meeting of an official or civic body.

Sign, outdoor advertising. A structural poster panel or painted sign, either freestanding or attached to the outside of a building, for the purposes of conveying information, knowledge, or ideas to the public about a subject either related or unrelated to the premises upon which located.

Sign, point of sale. A sign situated on the same lot or premises as the principal use, advertising the principal use.

Single family dwelling. A detached building containing one (1) dwelling unit only.

Special exception. A use of land which is permitted in a particular zoning district only after review by the Board of Zoning Appeals which, before authorizing such use, shall find that the locations and operation of the proposed use shall not be detrimental to adjoining land or land uses.

Street line. The dividing line between a lot, tract or parcel of land and a contiguous street right-of-way.

Structure. Anything constructed or erected including signs, the use of which requires location on the ground, or attachment to something having location on the ground.

Yard. An open or unoccupied space on the same lot with a principal building and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

Yard, front. An open or unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street or road and the front line of the building.

Yard, rear. An open or unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building.

Yard, side. An open or unoccupied space on the same lot with a principal building, situated between the building and the side lot line and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

§ 5-204. Establishment of districts; zoning map.

Four (4) zoning districts are established in the Town, designated as follows:

RS-1 Single family residential (Low Density)

RS-2 Single family residential (Medium Density)

LC Light Commercial

PUD Planned Unit Development

§ 5-205. District boundaries.

The boundaries of these districts are hereby established as shown on the map entitled "Official Zoning Map Arcadia Lakes," dated 1985, as amended and revised. This map is hereby made a part of this article and shall be on file in the office of the Clerk-Treasurer.

§ 5-206. Rules for determining boundaries.

When reasonable uncertainty exists with respect to the boundaries of any of the aforesaid district as shown on the zoning map, the zoning administrator shall decide the location of the boundaries, and in so doing shall be guided by the following rules:

- (1) Where district boundaries are indicated as approximately following the centerlines of streams, railroads, streets or highways, or street, highway or railroad right-of-way lines, then such centerlines or right-of way lines shall be construed to such boundaries.
- (2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.
- (3) Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, highways or railroads, or right-of-way of same, such district boundaries shall be construed as being parallel thereto and such distance there from 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 zoning map.
- (4) Where a district boundary line as appearing on the zoning map divides a lot in single ownership at the time of this enactment, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof, provided that such extensions shall not include any part of such a lot more than 50 feet beyond the district boundary line.

§ 5-207. Application of regulations.

The regulations set by this article within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

§ 5-208. Uses affected.

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

§ 5-209. Height and density.

No building or other structure shall hereafter be created or altered:

- (1) To exceed the height, or
- (2) To house a greater number of families or occupy a smaller lot area per family or occupy a greater percentage of lot area, or
- (3) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner be created or altered to be contrary to the provisions of this article.

§ 5-210. Yard service to one building.

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

§ 5-211. One principal building to a lot.

Only one (1) principal building and its customary accessory building may hereafter be erected on any lot, except as otherwise provided by this article.

§ 5-212. Reduction of lot area.

No lot in single ownership at the time of the passage of this article, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in size so that the lot width or depth, front, side or rear yard, lot area per family, or other requirements of this article, are not maintained. This section shall not apply when a portion of a lot is acquired for public purposes.

§ 5-213. Street frontage.

No principal building shall be erected on any lot that does not have immediate frontage on at least one (1) public street or road for a distance of not less than twenty-five (25) feet.

§ 5-214. Comer lots.

Minimum side yards for comer lots in residential district shall meet at least one-half (1/2) the minimum front yard requirements on the sides adjacent to a street.

§ 5-215. Double frontage lot.

On each double-frontage lot, front yard requirements, as stated in Section 5-226, shall be observed for principal or accessory buildings on each street.

§ 5-216. Inspection of required buffers.

In the event a screen, wall, fence, planted dividing strip, or any other type of buffer is required by this article for any use or is required by the board of zoning appeals, such screen, wall, etc., shall be properly maintained. In the case of landscaping, all planted material shall be maintained in a healthy, growing condition, neat and orderly in appearance. Failure to maintain such required walls, fences, etc., to a standard acceptable to the mayor and council may be deemed a violation of this article.

§ 5-217. Continuance of non-conforming uses.

The lawful use of any building or structure or land existing at the time of the enactment of subsequent amendment to this article may be continued subject to the restrictions contained in this article even though such use does not conform with the provisions of this article except that the non-conforming structure or use shall not be:

- (1) Changed to another non-conforming use,
- (2) Torn down and rebuilt as a non-conforming use,
- (3) Extended or enlarged except in conformity with this article,
- (4) Re-established after vacancy or discontinuance for one (1) year, or
- (5) Rebuilt, altered, or repaired, except in conformity with this article, after damage exceeding seventy-five percent (75 %) of the fair market value of the improvement as determined from the tax records of Richland County.

§ 5-218. Off-street auto parking and storage.

a. Off-street auto parking and storage space shall be provided on every lot on which any of the uses mentioned in this section are hereafter established except in the LC Commercial District. Such automobile parking or storage space shall be provided with vehicular access to a street or alley and shall be equal in area to at least the minimum requirements for the specific uses as set forth below. Each automobile parking space, along with its necessary maneuvering space, shall have an area of at least three hundred (300) square feet. If the required automobile parking or storage space cannot be provided on the same lot on which the principal use is located in the LC District, the zoning board of adjustment may permit such space to be provided on other off-street property provided such space is within five hundred (500) feet of such principal use. Such space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

b. All off-street auto parking and storage space except for residential uses shall be so arranged that vehicles will not be required to back onto a public street, road, or highway when leaving the premises.

c. Off-street auto parking and storage spaces shall be equal in number to at least the minimum requirements for the specific uses set forth below.

- (1) Churches, synagogues, or other places of worship: one (1) space for each five (5) seats in the main assembly room or sanctuary.
- (2) Offices, including financial institutions: one (1) space for each three hundred (300) square feet of gross floor area.
- (3) Places of public assembly, fraternal organizations: one (1) space for each five (5) seats in the assembly room with the largest seating capacity.
- (4) Residences: single family--two (2) spaces for each dwelling unit.
- (5) Retail and service business: one (1) space for each three hundred (300) square feet of sales floor area.
- (6) Schools, public and private: one (1) space for each eight (8) seats in the main auditorium or assembly room.

§ 5-219. Off-street loading and unloading space.

a. Every building or structure used for business shall provide space as indicated herein for the loading and unloading of vehicles off a street or public alley. Each space shall have access to an alley or if there is no alley, to a street. The spaces shall be so arranged that no vehicle is required to back into a public street, road, or highway in order to leave the premises.

b. Retail business and service: one (1) space ten (10) feet by twenty-five (25) feet for each 20,000 square feet of total floor area or fraction thereof.

§ 5-220. Annexed property.

a. The town council, after receiving a recommendation from the planning commission, shall specify an interim zoning district classification or classifications in an ordinance annexing property to the town. Such classification or classifications shall become effective on the effective date of annexation.

b. If the zoning district classification recommended by the planning commission for incorporation in the annexation ordinance is different from the existing zoning district of the county, the town council shall be so advised in writing and the reasons for the planning commission recommendation shall be set forth. The town council shall hold a public hearing on the proposed annexation and the proposed interim zoning of the property to be annexed.

c. A notice shall be distributed, published, and posted in the same manner as required for a rezoning.

d. A petitioner may withdraw the petition prior to adoption of the ordinance.

e. Immediately after the effective date of the annexation, the zoning administrator shall initiate zoning amendment procedures to establish or confirm the appropriate zoning classifications for the annexed area. (Ordinance of 9/30/1998)

§ 5-221. Location of cemeteries.

The location of a cemetery shall require approval by the town council after review and recommendation by the planning commission.

§ 5-222. Manufactured homes, mobile homes, trailers.

Manufactured home parks, mobile home parks, or trailer parks and sales; manufactured homes, mobile homes or trailers on temporary or permanent foundations (including buildings of similar construction intended for human habitation) are prohibited in the town. However, a travel trailer may be parked on a lot occupied by a residence subject to the following conditions:

- (1) The trailer is the personal property of the owner.
- (2) The trailer is not located in a required front yard.
- (3) The trailer is not occupied or used for human habitation.

(Ordinance of 12/14/1976)

§ 5-223. RS-1 and RS-2 residential district regulations.

The following regulations, in addition to other applicable requirements in this article, shall apply to all property in residential districts.

Purpose:	To establish low density residential districts and to protect property in the district from the depreciating effects of incompatible land uses; and for the purposes set forth in S. C. Code 1976, § 6-29-710.
Minimum lot requirements:	RS-1: Lot width 100 feet -- Lot area 25,000 square feet. RS-2: Lot width 90 feet -- Lot area 15,000 square feet.
Permitted uses:	<ol style="list-style-type: none"> 1. Single family dwelling. 2. Accessory buildings, provided such structures are located in the rear yard not less than five (5) feet from any property line. 3. Schools offering general educational courses. Correctional institutions are prohibited. 4. Churches, including Sunday school or educational buildings and other places of worship. 5. Public buildings. 6. Incidental or accessory signs.
Special exceptions may be granted by the board of zoning appeals after public hearing and finding that location and operation of use will not be detrimental to adjoining land or uses: (See § 5-203.b.)	<ol style="list-style-type: none"> 1. Public utilities, distribution lines, transformer stations, water tanks and towers, transmission lines and towers, telephone exchanges with no vehicle or equipment stored on the premises. All district yard requirements must be met and all such uses must be enclosed by a wire fence at least four (4) feet high and suitably landscaped. 2. Public and semi-public grounds for games or sports, parks, country clubs, and recreational and community centers or neighborhood buildings and activities not operated for profit. 3. Customary home occupations. 4. Kindergartens and day care non-profit facilities for pre-school children operated within the same property and structures as a permitted school or place of worship, and which meet the following conditions: <ol style="list-style-type: none"> a. Applicable requirements in South Carolina Department of Social Services regulations, health and fire regulations must be met. b. A safe, adult-supervised, outdoor play area must be provided at least 100 feet away from access to a public street. Fencing may be required when the Board of Adjustment determines it to be necessary for safety. c. No play equipment shall be closer than twenty-five (25) feet to any lot line. d. An adequate and safe area for loading and unloading of children, not on a public right-of-way, shall be provided. e. No signs in connection with the special exception shall be allowed. f. The Board of Zoning Appeals may impose additional safeguards and conditions determined to be appropriate for safety and compatibility with uses on adjacent property, upon consideration of relevant factors including traffic, noise, number of children, size and location of facilities, hours of operation, and nature of activities. (Ordinance of 7/11/ 1992).

§ 5-224. LC commercial district regulations.

The following regulations, in addition to other applicable requirements in this article, shall apply to all property in commercial districts.

Purpose:	To provide for light commercial zoning along major streets carrying large volumes of traffic. It is designed to include professional and business offices and related establishments for sale or service of office equipment and for provision of business services and limited retail establishments.
Permitted uses:	<ol style="list-style-type: none"> 1. All uses permitted in the RS-1 and RS-2 district. 2. Professional and business offices. 3. Establishments for sale or service of office equipment and performance of services to professional and business offices, such as addressing, mailing and the like. 4. Personal service establishments, including barber and beauty shops; post office substations; dry cleaning and laundry pickup stations; tailoring and garment repair shops. 5. Service and repair establishments for radio, television, business machines, and household appliances other than those with gasoline engines. 6. Financial institutions. 7. Retail establishments other than those dealing in second-hand merchandise, automobiles, or used automotive equipment and supplies. Automobile service stations are expressly prohibited. 8. Point of sale signs, provided no such signs shall be located in a required front yard. 9. Incidental or accessory signs.
Special exceptions may be granted by the board of zoning appeals after public hearing and finding that location and operation of use will not be detrimental to adjoining land or uses: (See § 5-203.b.)	<ol style="list-style-type: none"> 1. All exceptions permitted in the RS-1 and RS-2 district. 2. Group commercial developments such as a shopping center; provided off-street parking facilities are provided equal to the total minimum required for the uses to be included in such group development, minimum exterior yards are maintained, maximum lot coverage requirements are not exceeded. 3. Retail sale of used automobiles, vans and pickups on a lot with access only from one major street; provided maximum lot coverage, yard and setback requirements are met without a variance, and appropriate conditions are imposed by the board of zoning appeals to address traffic safety and to protect adjacent property from noise and light. No repair facilities are allowed. No signs are allowed in the required front yard.

§ 5-225. Planned unit development district regulations.

The following regulations, in addition to other applicable requirements in this article, shall apply to all property in planned unit development districts.

Intent:	<p>(a) The intent of planned unit development district is to derive the benefits of efficiency, economy, and flexibility by encouraging unified development of large sites, while also obtaining the advantage of creative site design, improved appearance, compatibility of uses, optimum service by community facilities, and better functioning of vehicle access and circulation. It is the intent of this article to allow development of large sites subject to specific regulations concerning permitted uses, but only subject to regulations concerning lot area, building coverage, open spaces, and building height in so far as the Council shall deem appropriate to fulfil the intent of this article, on presentation of certification from the owners, developers, or other parties at interest in the development of the sites that they will adhere to development policies which will fulfill the intent of this article.</p> <p>(b) The types of residential dwelling units, and the types of nonresidential uses allowed to be established in this district is based on the premise that proper design including functional interrelations, buffer treatments separating uses with potentially incompatible characteristics of use, design of access patterns, and relationships of uses within the planned unit developments with uses in adjacent districts. It is the intent of this article that such design and planning features be incorporated properly into any Planned Unit Development district hereafter created, and that the Planning Commission and the Council shall consider the existence and appropriateness of such features before any amendment to the zoning map is adopted to create such district. (Ordinance of 7/11/1979)</p>
Principal uses and structures:	<ol style="list-style-type: none"> 1. Single-family detached, semi-detached, and attached dwellings. 2. Churches. 3. Schools. (Ordinance of 7/11/1979)
Accessory uses and structures:	<p>Accessory uses and structures shall be permitted provided they:</p> <ol style="list-style-type: none"> 1. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures. 2. Are located on the same lot as the permitted principal use or structure or on a contiguous lot in the same ownership. 3. Do not involve operations not in keeping with the character of the area or of a nature prohibited under this article. (Ordinance of 7/11/1979)
Minimum lot area:	<p>No minimum lot area is required for any specific structure. However, the minimum lot size to establish a Planned Unit Development District shall be a minimum of seven (7) acres. (Ordinance of 1/28/2004)</p>
Overall density:	<p>The overall density of principal structures in a Planned Unit Development shall not exceed four (4) units per acres exclusive of public right-of-ways and bodies of water. (Ordinance of 7/11/1979)</p>

<p>§ 5-225. Planned unit development district regulations - continued</p>	
<p>Characteristics of building sites:</p>	<p>No structure shall be erected within twenty-five (25) feet from any external lot line of any Planned Unit Development. Minimum lot width, yard sizes, maximum lot coverage, and maximum height are not otherwise regulated within Planned Unit Development districts. However, the planning commission and the council shall ascertain that the characteristics of the building sites shall be appropriate as related to structures within the Planned Unit Development and otherwise fulfil the intent of this article. (Ordinance of 7/11/1979)</p>
<p>Minimum off-street parking and loading:</p>	<p>Off-street parking and loading requirements as set forth in § 5-218 shall be met for all structures and uses. (Ordinance of 7/11/1979)</p>
<p>Signs:</p>	<p>Signs are permitted in Planned Unit Development districts only in accordance with provisions of Section 5-223 and then only as described in Section 5-203. (Ordinance of 7/11/1979)</p>
<p>Administrative application and review procedure:</p> <p>1. General</p> <p>2. Pre-application conference</p> <p>3. Application for amendments</p>	<p>1. <u>General</u>. The establishment of a Planned Unit Development district shall be by amendment to the zoning map accompanied by certain sureties that the development will be in harmony with the intent of this article and that the public interest in adequate site design, access, and community facilities and amenities will be defended. Application for amendment to establish a Planned Unit Development district shall be subject to the provisions of Section 5-2055, and 10 addition, the procedures described below shall apply. It is the intent of this article that the public interest will be served not only by consideration of the total anticipated effect of the Planned Unit Development on the community at large. The provisions of the Planned Unit Development district represent a relaxation of specific site design requirements as applied to other districts herein, and in return for the design flexibility granted thereby, the applicant for amendment to Planned Unit Development district classification, by requesting the Planned Unit Development designation and making application therefor shall agree to furnish information about the proposed development, and later to abide by certain conditions and safeguards as may be imposed by the council in establishing such developments. To that end the regulations set forth herein are minimum requirements and it is the intent of this article that the council may impose conditions and safeguards in excess of, or in addition to the specific requirements set forth herein, and that guarantee of meeting the minimum requirements set forth herein does not create an indication that an applicant should be entitled to amendment, and notice is given to that effect.</p> <p>2. <u>Pre-application conference</u>. The applicant is required to communicate his intentions to establish a Planned Unit Development, and the proposed characteristics thereof, to the planning commission prior to initiating an application for amendment in such an application, and in order to facilitate review of materials which may be in preliminary form, and in order to avoid unnecessary expense in preparation of materials in final form which may later be found to be unacceptable or incomplete.</p> <p>3. <u>Application for amendments</u>. The applicant shall make application for an amendment to Planned Unit Development classification as specified by Section 5-237.</p>

§ 5-225. Planned unit development district regulations - continued	
4. Site development plans	4. <u>Site development plans</u> to be submitted to the planning commission for review. The applicant shall submit site development plans to the planning commission for review, which shall show location of all buildings proposed to be constructed in Planned Unit Development, drawn approximately to scale, and in addition shall contain such other information as may be deemed reasonably appropriate for planning commission review.
5. Descriptive statement	5. <u>Descriptive statement</u> to be submitted to Planning Commission for review. The applicant shall also submit a descriptive statement describing the characteristics and standards to be followed in developing the proposed Planned Unit Development. The descriptive statement shall generally include, but not be limited to the following: <ul style="list-style-type: none"> a. Legal description of proposed development boundaries. b. Total number of acres in the development area. c. Number of acres devoted to residential and nonresidential uses. d. Number of dwelling units of various types and overall density thereof. e. Number of off-street parking and loading spaces as needed to meet requirements of individual buildings as required by Section 5-2038. f. If a homeowner association or other group maintenance or group ownership features are to be included, a detailed description of the proposed procedures and operation thereof. g. An outline of development phasing indicating the timing of development of all proposed facilities, and justification of development phasing with respect to nonresidential facilities in relation to residential facilities. h. Design standards, administrative procedures, and other characteristics which will guarantee the development of the project as an integrated, functionally operable, well planned, whole. i. Other such information or descriptions as may be deemed reasonably appropriate for planning commission review.
6. Hearing	6. <u>Council hearing</u> . A public hearing shall be held by council in accordance with procedures set forth in § 5-237. The planning commission may be invited to attend the hearing and participate with council.
7. Planning Commission recommendation	7. <u>Planning Commission recommendation</u> . The planning commission shall make a recommendation on the proposal which shall be advisory to the council. Requirements of Section 5-237 (2) are applicable if the planning commission should fail to report within the time limit established by Section 5-237.
8. Council approval	8. <u>Council approval</u> . The council may, after fulfilling all applicable requirements of this section and all applicable requirements of Section 5-237, act to either approve or disapprove the application for amendment.

<p>§ 5-225. Planned unit development district regulations - continued</p>	
<p>9. Permits</p>	<p>9. <u>Issuance of zoning or building permits.</u> The zoning administrator shall not issue any zoning permit or certificate of occupancy, and the building official shall not issue any building permit for work to commence within any Planned Unit Development district until the applicant for amendment which established such district shall have:</p> <ol style="list-style-type: none"> a. Filed with the zoning administrator and recorded with the Register of Mesne Conveyances of the county plans showing all proposed features of the Planned Unit Development as approved by the council which approval shall be certified by the clerk-treasurer. b. Completed any necessary agreements with the municipality that the municipality may become a party to deed restrictions and other restrictive covenants related to the Planned Unit Development, and recorded such agreement with the zoning administrator and with the Register of Mesne Conveyances of the county. c. Recorded with the Register of Mesne Conveyances of the county all required deed restrictions or other restrictive covenants as required by the council on approval of the amendment establishing the Planned Unit Development District. d. Recorded with the zoning administrator and with the Register of Mesne Conveyances of the county the descriptive statement as approved by council setting forth and committing the developer to certain design standards, development phasing schedules, and other pertinent matters. e. Completed the posting of a bond or giving of other surety that adequate progress will be made in developing the project as may be required by this section.
<p>Boundary changes</p>	<p>Changes which do not require changes of the boundaries of adjustment an established Planned Unit Development District or establishment of a new Planned Unit Development District are not considered amendments to the zoning ordinance. Any change in boundary of such Planned Unit Development District shall be accomplished only by following procedures as set forth in Section 5-237. Changes in the approved characteristics or agreements relating to a Planned Unit Development District, but not involving change in the boundary thereof shall be classed as either major changes or minor changes and shall be approved or disapproved as follows:</p> <ol style="list-style-type: none"> 1. <u>Minor changes.</u> Revisions of minor characteristics of the planned unit development, such as relocation of driveways or revision of floor plans of specific structures, may be authorized by the planning commission by the approved and recorded descriptive statement concerning development of the PUD. If the planning commission fails to approve a request for a minor change, the developer or other part at interest may then seek a change by the regular amendment process as outlined below for major changes. 2. <u>Major changes.</u> Major changes which materially affect the characteristics of the PUD shall follow the same procedural requirements as for the amendment originally establishing the PUD, Including planning commission review, public hearing, and council determination, as set forth in § 5-237.

§ 5-225. Planned unit development district regulations - continued	
Boundary changes (continued)	<p>3. 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. However, the applicant for change shall have the right to have any request for change processed as a major change.</p> <p>4. The zoning administrator shall issue no zoning permit for certificate of occupancy and the building official shall issue no building permit in connection with any action related to such changes until such changes have been duly recorded as for the original documents recorded as set forth in this section.</p>
Failure to progress	<p>The descriptive statement as approved by council and duly recorded shall set forth the development schedule for the project including phasing of development of nonresidential uses in relationship to residential use. The 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 correction of improper development characteristics such as failure to develop areas designated as common open spaces. If there is failure to begin, or failure to complete, or failure to make adequate progress as agreed in the descriptive statement, the council may enforce and collect on such bonds or sureties as described above, or may change the district classification of the Planned Unit Development in accordance with provisions of this section, 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 § 1-202 or any appropriate combination of the above remedies may be taken. (Ordinance of 7/11/1979)</p>
Conflict	<p>In case of any conflict of the terms of this article with terms of other sections of the zoning ordinance, the terms of this article shall prevail. (Ordinance of 7/11/1979)</p>

§ 5-226. Area, yard, and height regulations.

Minimum lot area, required yard setback lines, and maximum height of structures are as follows:

District	Minimum lot area	Minimum lot width	Maximum % of lot covered by buildings	Front yard setback	Combined side yards of same structure - total	Minimum individual side yard setback	Rear yard setback	Maximum height of structures
RS-1	25,000 square feet	100 feet	30%	35 feet	20 feet	10 feet	25 feet	35 feet
RS-2	15,000 square feet	90 feet	30%	30 feet	15 feet	7 feet	20 feet	35 feet
LC*			30%	25 feet	10 feet	4 feet	10 feet	35 feet

* Residential structures established in the LC District shall conform to the minimum area, yard, and height requirements of the RS-2 District.

§ 5-227. Exceptions; lots of record; height; vision clearance.

- a. Lots of record.
 - 1. Single lots. Where the owner of a lot at the time of adoption of this article or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this article, such lot may be used as a building site for a single-family residential in a district where residences are permitted.
 - 2. Adjoining lots. If two (2) or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption of this article and such lots individually are too small to meet the yard, wide, and area requirements of the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one (1) ownership shall be subject to the requirements of this article.
- b. Height limits. The height limitations of this article shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, television towers, radio towers, conveyors, flag poles, chimneys, masts, aerials, and similar structures.
- c. Vision clearance. In any district on any comer lot no fence, sign, or other structure, planting, or other obstruction to vision between three and one-half (3 ½) and ten (10) feet above the established street grades shall be erected or maintained within the line connection points on the street lot line twenty (20) feet distant from the comer.

§ 5-228. Zoning administrator; duties.

The provisions of this article shall be administered and enforced by the clerk-treasurer who is designated as zoning administrator. The duties of the zoning administrator shall include receiving applications, inspecting premises, issuing zoning permits for uses and structures that meet the requirements of this chapter, and enforcing the provisions of this chapter.

§ 5-229. Zoning permit required.

a. It shall be unlawful to commence the excavation or filling of any lot for the construction of any building or to commence construction of any building or to commence the moving or alteration of any building or to commence the development of land for a use not requiring a building permit until the zoning administrator has issued a zoning permit for such work.

b. Application for zoning permit.

1. In applying to the zoning administrator for a zoning permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, and location of the lot to be build upon and the shape, size, height, use and location of the buildings already on the lot, the number of dwelling units the building is designed to accommodate, if any, the setback lines of buildings or adjoining lots, off-street parking space, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this article are being observed.
2. If the proposed excavation, filling or construction as set forth in the application are in conformity with the provisions of this article and other ordinances of the town, then in force, the zoning administrator shall issue a zoning permit upon payment of any required fees. If a zoning permit is refused, the zoning administrator shall state such refusal in writing with the cause.

c. Construction progress. Any zoning plan shall become invalid unless the work authorized by it shall have been commenced within six (6) months of the date of issue or the work authorized by the permit is suspended or abandoned for a period of one (1) year.

d. Records of application and certificate. Records of applications for rezoning permits, records of plats and plans in connection with said permits, shall be kept on file in the office of the zoning administrator for a period of three years from date of application and copies shall be furnished on request by any person have a proprietary or tenancy interest in the building or land involved.

§ 5-230. Violation; penalties.

a. Misdemeanor; penalties. It shall be unlawful for any person to use property, or to construct, alter, enlarge or demolish any structure without a permit or permits required by this ordinance. Conviction for violation of this ordinance is punishable as a misdemeanor under the general penalty provisions of § 1-202 of this code.

b. Withholding permits. The zoning administrator shall deny a zoning permit for any use or work that fails to comply with this ordinance. The zoning administrator or other appropriate official shall withhold all other town permits for work that violates this ordinance.

c. Complaints. A written complaint specifying facts showing a violation of this ordinance filed by any person shall be investigated by the zoning administrator. Upon determination that a violation has occurred, the zoning administrator shall take appropriate enforcement action authorized by this ordinance.

d. Stop work orders. The zoning administrator is authorized to issue a stop work order pursuant to S.C. Code § 6-29-950(A) requiring work to cease until specified code violations are corrected. Failure to comply with a stop work order of the zoning administrator is a misdemeanor punishable under the general penalty provisions of this code. Issuance of a stop work order may be appealed to the board of zoning appeals.

e. Ordinance summons. The zoning administrator is authorized to issue an ordinance summons pursuant to Town Code provisions for violations of this ordinance.

f. Arrest warrant. The zoning administrator, with concurrence of the town attorney, is authorized to request the issuance of an arrest warrant for violations of this ordinance.

g. Injunction. The zoning administrator shall submit a request to the town attorney for institution of a civil action seeking an injunction prohibiting violation of this ordinance when appropriate.

h. Separate offenses. The owner or tenant of any building, structure, premises, or part thereof, and any architect, surveyor, builder, engineer, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense.

§ 5-231. Board of Zoning Appeals established.

A Board of Zoning Appeals is hereby established which shall consist of three (3) members appointed by town council. The term of office of the members shall be three (3) years; provided however, in order to provide for staggered terms initial appointments shall be for the following terms: one (1) member shall serve for one (1) year, one (1) member for two (2) years, and one (1) for three (3) years. Subsequent appointments or re-appointments shall be for a term of three (3) years. Members shall serve until their successors are appointed. Members may be removed for cause by town council upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

§ 5-232. Board of Zoning Appeals proceedings.

The board shall elect one of its members chairman, who shall serve for one (1) year, or until his successor is elected. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All regular meetings shall be open to the public. The board of adjustment shall appoint a secretary who may be an officer of the town or of the planning commission. The board shall keep minutes of its proceedings and such records shall be filed in the office of the board and shall be a public record.

§ 5-233. Board of Zoning Appeals powers and duties.

- a. The board of zoning appeals has the following powers:
 1. The board shall hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance;
 2. The board shall hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:
 - (a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - (b) these conditions do not generally apply to other property in the vicinity;

(c) because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

(d) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

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

(ii) In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare;

3. The board may permit uses by special exception subject to the terms and conditions for the uses set forth for such uses in this article. The board shall consider the following factors in determining whether a special exception should be granted, in addition to specific criteria in district regulations: (1) traffic impact; (2) vehicle and pedestrian safety; (3) potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property; (4) adverse impact of proposed use on aesthetic character of the area; and (5) orientation and spacing of improvements or structures. The board may prescribe appropriate conditions and safeguards to relieve or reduce adverse impact of a special exception and to protect the character of the area.

b. In exercising the above power, the board of appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the 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 specified in this chapter may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.

§ 5-234. Appeal; hearing; notice.

a. An appeal to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality or county. The appeal must be by filing with the officer from whom the appeal is taken and with the board of zoning appeals notice of appeal specifying the grounds of appeal. The appeal must be taken within thirty days from the date the appealing party has received actual notice of the action from which the appeal is taken. The officer from whom the appeal is taken immediately shall transmit to the board all the papers constituting the record upon which the action appealed from was taken.

b. The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give at least fifteen days' public notice of it in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

c. All final decisions and orders of the board must be in writing and be permanently filed in the office of the clerk-treasurer as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board that must be delivered to parties of interest by certified mail.

§ 5-235. Stay of proceedings.

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

§ 5-236. Appeal to circuit court; mediation.

a. A person who may have a substantial interest in any decision of the board of appeals or an officer or agent of the town may appeal from a decision of the board to the circuit court by filing with the clerk of the court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty days after the decision of the board is mailed.

b. Within thirty (30) days after receipt of notice of filing a petition, the zoning administrator or secretary of the board, with assistance of the town attorney, shall file with the clerk of court a certified copy of the board proceedings, including a transcript of evidence and findings and conclusions of the board.

c. A property owner whose land is subject to a decision of the board of zoning appeals may appeal either as provided above, or by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with S.C. Code § 6-29-825 within thirty days after the decision of the Board is postmarked. The town attorney is designated as the representative of the town in mediation proceedings.

§ 5-237. Amendments.

In amending the text of this chapter or in amending the zoning map, the procedures shall be as follows:

1. An amendment to the zoning ordinance text or zoning map may be initiated by adopted motion of town council, adopted motion of the planning commission, or the zoning administrator. An amendment to the zoning map for changing a zoning district designation of property may be initiated by the owner of the property affected or by an agent authorized by the owner in writing. A zoning amendment affecting the same parcel of property shall not be initiated more often than once every twelve (12) months.
2. Amendment ordinance shall be prepared in written form required by this code.
3. Proposed amendment shall be referred to planning commission for review and recommendation. The planning commission review shall include a determination of whether the proposed amendment is in conformity with the comprehensive plan. The planning

commission shall file with town council its report and recommendation on the proposed amendment within thirty (30) days after receipt of the proposed amendment.

4. Town council shall conduct a public hearing on the proposed amendment between first and second readings of the amendment.
5. Newspaper notice of the public hearing before council shall be published at least fifteen (15) days prior to the hearing. Notices of the public hearing shall be posted 15 days prior to the hearing on or adjacent to property to be rezoned, with one notice visible from each street bordering the property.
6. The planning commission recommendation shall be reviewed and considered, but it shall not be binding on town council. If the planning commission fails to make its report and recommendation within the prescribed time, the council may presume that the recommendation is for approval of the amendment and proceed to act on it.
7. Map amendments may be adopted or rejected for all or any portion of the property; however, a zoning district designation that was not included in the public notices shall not be adopted. An amendment may be withdrawn in writing by the initiator at any time prior to final action by town council. A withdrawn amendment is not subject to the twelve-month limitation in subsection 1 above.
8. Text amendments shall be codified in supplements to this code. Map amendments shall be reflected on the official zoning map maintained by the zoning administrator.

§ 5-238. Fees.

- a. The town council may establish by resolution a schedule of fees, charges and expenses and a collection procedure for zoning permits, certificates of zoning compliance, appeals, amendments and other matters pertaining to these regulations. This schedule of fees shall be posted in the office of the clerk-treasurer and may be altered or amended only by town council.
- b. No permit, certificate, special exception, or variance shall be issued or granted unless and until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proposed amendments or on proceedings before the board of zoning appeals unless and until applicable charges and fees have been paid in full.

**Article III
Sign Regulations**

§ 5-301. Regulations part of zoning ordinance.

The sign regulations in this article are a part of the zoning ordinance and shall be administered and enforced as zoning regulations.

§ 5-302. Posting on public property.

a. It shall be unlawful to place any advertisement, business, political or otherwise, or any notice or sign of any nature on public property within the municipality, by the use of a placard, picture, paper, circular, printing, or by any means or device whatsoever.

b. It shall be unlawful to place any advertisement, notice or sign of any nature on property in which the municipality has an interest or the right to regulate, such as telephone poles, telegraph poles, electric poles, or towers, and the like.

§ 5-303. Posting on private property.

It shall be unlawful to place any advertisement, notice or sign of any nature on private property, without written consent of the owner or lessee of the property.

§ 5-304. Sign Regulation Definitions

The following definitions relate to signs:

Alter. Alter means to change the size, shape or outline, or type of sign, or replace parts or materials of the sign.

Erect. Means to build, construct, attach, hang, place, suspend or fix.

Major arterial street. Those four-lane thoroughfares that carry the highest traffic volumes and serve the major centers of activity in the town, specifically, Two Notch Road and Trenholm Road.

Sign. Any sign, poster, billboard, marquee, pictorial, picture, trademark, letter, figure, character, mark, design, reading matter or device which shall be so constructed, placed, attached, painted, erected, installed, fastened or manufactured in any manner whatsoever, so that the same shall be intended or used for the attraction of the public, or the attention of the public, to any place, subject, person, firm, corporation, public performance, article, object or merchandise whatsoever and which are displayed in any manner whatsoever out-of-doors, whether permanently or temporarily.

Sign, freestanding. A sign that is permanently affixed to the ground and which is not a part of a building or other structure.

Sign, projecting. Any sign, other than a wall or window, which projects from and is supported by a building; such sign cannot project more than ten (10) feet from a building and cannot exceed the height regulations for the appropriate zoning district.

Sign, wall. Any sign attached flat or parallel to the exterior wall or surface of a building or other

structure and which projects not more than six (6) inches from that wall or surface.

Sign, window. A window sign is any sign attached to a window or windows of a building, regardless of internal or external display, with the purpose of attracting the attention of the public.

Sign, temporary. A wall or window mounted sign that is mounted or affixed for a period of time of ten (10) days or less.

§ 5-305. Sign permit requirements.

a. Except as hereinafter exempted, no sign shall hereafter be erected, constructed, installed or altered except as provided in this ordinance and until:

1. A permit for the same has been applied for by the prospective owner or other person having an interest in the permit;
2. The said permit has been approved by the zoning administrator and building official designated by the town; and
3. The fee specified in § 5-306 has been paid.

b. When applying for a permit, applicant shall make written application on the prescribed form supplied by the zoning administrator and shall provide complete plans and specification, including a plot plan, showing size; location; lettering; design; picture; symbol or device; construction; method of support; materials used; illumination; invoice; contract and other evidence of cost or value; and any and all other information deemed pertinent or desirable by the zoning administrator or building official.

c. Any applicant receiving a permit for the erection, construction, installation or alteration of a sign shall notify the zoning administrator of completion of said work, in order to obtain a final inspection of the sign by the building official to ensure it meets the standards and requirements as specified in this ordinance.

§ 5-306. Fees.

No permit for the erection, construction, installation or alteration of a sign, except those hereinafter excluded, shall be issued until the applicable fee, as set out below, shall have been paid by the owner or the responsible person desiring the permit.

1. Where the valuation of the work, installed and in place, does not exceed twenty-five hundred dollars (\$2,500.00), the fee shall be seventy-five dollars (\$75.00).
2. Where the valuation of the work, installed and in place, exceeds twenty-five hundred dollars (\$2,500.00), the fee shall be seventy-five (\$75.00) dollars plus twenty dollars (\$20.00) per additional one thousand dollars (\$1,000.00) or a fraction thereof.

§ 5-307. Permit expiration.

All sign permits expire after six (6) months from the date of issuance. All work authorized under a sign permit must be completed prior to expiration of the permit. The sign permit may be revoked for cause at any time prior to its expiration. All rights and privileges acquired under the provisions of this chapter are licenses revocable at any time for violation of this chapter.

§ 5-308. Signs exempt from permit.

The following signs are exempt from obtaining the sign permit required by § 5-305; however, the signs enumerated below must meet the requirements of this ordinance for erection, construction, installation, alteration or time allowed for display, except as otherwise provided:

1. Street name sign, traffic or other regulating signs maintained by an authorized governmental agency, which may be located on highway right-of-way.
2. Nonpermanent political signs which do not exceed three (3) square feet in area. Such signs shall not be posted on any public property. Political signs shall not be posted more than thirty (30) days prior to the election to which the sign relates and shall be removed by the candidate within five (5) days following the election to which the sign relates.
3. Occupational signs denoting only the name and profession of an occupant in a commercial, public, office or institutional building shall be allowed only in LC zones. Such signs shall not exceed three (3) square feet in area. Such signs may not extend above the roofline of any building and shall be surface mounted.
4. Memorial signs or tablets, names of buildings and dates of erection when cut into a masonry surface or material must be attached to the appropriate building. Such signs or tablets are allowed only in LC zones.
5. Nonpermanent construction signs denoting the architect, engineer, contractor, subcontractor and/or financier and temporary signs denoting the future location of a particular business, retail center or institution, provided that such uses are limited to one (1) sign not exceeding four (4) square feet in area on one (1) side, and provided, such signs do not extend above six (6) feet in height measured from the ground, provided such signs are located on the premises where construction or location being advertised is or will be occurring. Such a freestanding sign shall be located a minimum of twenty (20) feet from the highway right-of-way. Such signs shall only be erected after a building permit has been issued and may remain standing for the life of the permit or the completion of the structure, whichever occurs first. Should construction be halted or the sign remain standing for an unreasonable length of time, the building official or the designated town official may order removal of said sign.
6. Signs prohibiting trespassing or other warning signs not exceeding two (2) square feet in area are allowed; such signs shall not contain any words, phrases, logos, emblems or other device advertising a business, enterprise or activity.
7. Window signs may be located on a window externally or internally, but in no case will be allowed to obscure more than fifty (50) percent of the visible window area available.
8. Signs or banners of a nonpermanent nature used as advertising for public, charitable, educational or religious events are allowed, provided that such signs and banners shall not be displayed for more than fifteen (15) days.

§ 5-309. Sign design requirements.

- a. Freestanding signs. Any freestanding sign erected, constructed, installed or maintained in the town must comply with the following size, height and other regulations as follows:
1. No part of a freestanding sign shall be higher than twenty-five (25) feet above ground level or to any point directly beneath the center of such sign.
 2. Freestanding signs size.
 - (a) Freestanding sign surface area. No freestanding sign shall have a total surface area on one side of more than one hundred fifty (150) square feet where the lot frontage is two hundred (200) feet or more.
 - (b) Freestanding sign surface area. No freestanding sign shall have a total surface area on one side of more than one hundred (100) square feet where the lot frontage is less than two hundred (200) feet.
 - (c) Freestanding sign dimensions. No freestanding sign shall exceed the dimensions of ten (10) feet in height and fifteen (15) feet in width (length), excluding supporting members.
 3. Freestanding sign limited in number. No more than one (1) freestanding sign shall be erected upon the premises of a business, enterprise or activity, except as provided in number (4) below.
 4. Shopping center signs. Retail shopping centers shall comply with the requirements of this ordinance regarding size and number of signs with the following exceptions:
 - (a) All shopping center or plaza signs shall provide reasonable space for all tenants or occupants to advertise in a manner proportional to the premises occupied. Such space shall be provided within the size limitations as set out herein.
 - (b) Minor retail shopping centers under one hundred thousand (100,000) square feet of floor area shall be limited to one (1) freestanding sign for each two hundred (200) feet of frontage on a major arterial street, provided such sign does not exceed one hundred fifty (150) square feet in total display area nor exceed the dimensions of ten (10) feet in height and fifteen (15) feet in width. Each sign on adjoining property line must be inset a minimum of fifty (50) feet and no closer than one hundred fifty (150) feet to other freestanding signs.
 - (c) Major retail shopping centers having one hundred thousand (100,000) square feet or more of floor area shall be limited to one (1) freestanding sign for each two hundred (200) feet of frontage on a major arterial street, provided such sign does not exceed three hundred (300) square feet in total display area nor exceed the dimensions of twenty (20) feet in height and twenty-five (25) feet in width.
 5.
 - (a) Nonpermanent construction signs not exceeding twenty-four (24) square feet in area on one (1) side and meeting all requirements of § 5-308.5 of this ordinance except as to size.
 - (b) Real estate signs not exceeding eighteen (18) square feet in area in zoning district LC only. The permit fee provided in § 5-306 shall be required annually for such signs.
 - (c) Public, charitable, educational or religious institution signs not exceeding twenty-four (24) square feet in area.

b. Wall signs or projecting signs. Wall signs or projecting signs shall not exceed a total of one hundred twenty (120) square feet in display area and exceed the dimensions of ten (10) feet in height and forty (40) feet in width (length); however, no such sign shall extend over more than two-thirds the width of the building on which it is mounted. The same dimensions shall apply to signs painted as well as mounted on the wall of a building or structure. A business enterprise or activity may have no more than six (6) wall or projecting signs, providing the total area of all wall-mounted or projecting signs does not exceed one hundred twenty (120) square feet; however, additional temporary signs may be mounted or affixed. Additionally, no such sign whether mounted or painted may exceed twenty-five (25) feet in height measured from the ground floor level of the building at the street entrance. In the event of a multistory building, the sign shall not exceed a height projecting two-thirds the height of the building or twenty-five (25) feet, whichever is greater.

c. General provisions. All signs shall comply with the following provisions.

1. All signs erected, constructed, installed or maintained in Arcadia Lakes shall not conflict with any provision of this ordinance or any ordinance of the Town of Arcadia Lakes.
2. All signs shall be erected, constructed, installed or maintained in a manner to prevent extension into, over, or beyond a minimum of five (5) feet from the highway right-of-way.
3. All signs erected, constructed, installed or maintained in the Town of Arcadia Lakes must be located upon the premises occupied by the business enterprise or activities advertised thereby.

d. Directional signs. Directional signs indicating procedures for vehicular or pedestrian traffic are allowed within the twenty-foot setback line but shall not extend more than thirty (30) inches in height from the ground and have more than three (3) square feet in area. Directional signs shall not contain any words, phrases, logos, emblems or other device advertising a business, enterprise or activity.

§ 5-310. Signs prohibited.

It shall be unlawful for any person to erect, cause to have erected, or allow to remain erected any sign or condition prohibited in this section and shall remove such sign or correct such condition immediately upon notice by the building official or zoning administrator. The following signs and actions are prohibited:

1. No portion of any sign may be erected on or over public property, except a sign exempted by this article.
2. No sign shall be erected, constructed, installed or maintained that, by reason of size, location, type, illumination or otherwise, interferes with visibility upon or along the public right-of-way, interferes with the safe and smooth flow of traffic (either vehicular or pedestrian) thereon, or otherwise constitutes a hazard or danger to traffic. Such signs include all those that present illusion of movement in any manner that may confuse, distract or unduly defer attention.
3. No advertising sign shall be erected, constructed, installed or maintained which, by reason of design, legend, lettering, subject matter or nature of illumination, constitutes an eyesore, contains any obscene, indecent or immoral subject matter, or is out of keeping with the character and aesthetics of the Town of Arcadia Lakes.

4. No person shall attach any sign, paper or other material or paint, stencil or write any name, number (except house number) or otherwise mark on any sidewalk, curb, gutter, street, tree, tower, utility pole, public building, public fence or public structure for advertising purposes.
5. No person shall erect, maintain or permit the erection of balloon or other floating device anchored to the ground or to any structure.
6. No cloth, paper, banner, flag, device, or other similar advertising matter shall be permitted to be attached, suspended from or allowed to hang loose from any sign, building or structure, except as noted in § 5-308.
7. No sign attached to a trailer, skid or similar mobile structure will be permitted where the primary use of such structure is for sign purposes. This provision does not restrict the identification signing on vehicles used for delivery service, interstate commerce, or any bona fide transportation activity.
8. Signs attached to or upon any vehicle shall be prohibited where such vehicle is allowed to remain parked in the same location, or in the same vicinity, at frequent or extended periods of time where the intent is apparent to be one of use of the vehicle and signs for purposes of advertising an establishment, services or product.
9. A-frame signs and sandwich board signs as well as similar types of portable signs are prohibited.
10. No advertising signs shall be allowed in RS-1 and RS-2 zones.

§ 5-311. Nonconforming existing signs.

Any sign not in conformance with these regulations, and lawfully in existence on the date of passage of this section, may be repaired but not altered or moved unless it shall be made to conform with the provisions of this section. All signs in existence on the date of passage of this section shall be made to conform with these sign regulations within ten (10) years of the adoption of this ordinance by the Town of Arcadia Lakes, or when there is a change in ownership, alteration or relocation of a sign, whichever comes first.

§ 5-312. Construction standards.

a. All signs shall be constructed of metal or other noncombustible materials conforming to the standards of the latest International Building Code in effect at the time concerned, and shall be safely or securely supported, stayed, bolted or anchored to the ground or other solid, secure structure or building. Upon request by the building official, the applicant shall provide a design plan or specifications by a registered structural engineer attesting to the soundness and safety of the proposed sign and all related supports, stays, bolts, guides, anchors and other structure.

b. Any illumination or other electrical installations, materials, conduits and connections shall comply with and conform to the latest National Electrical Code, published by the National Fire Prevention Association, in effect at the time concerned.

§ 5-313. Maintenance.

All signs, together with all their supports, braces, stays, guides and anchors, shall be kept in good repair to prevent the sign from falling into disrepair and creating an unsightly appearance.

§ 5-314. Inspection.

The building official or other designated town official shall inspect, when necessary, each sign regulated by this ordinance for the purposes of ascertaining whether the same is secure or insecure, whether it is in need of removal or repair.

§ 5-315. Removal of certain signs.

a. Any sign existing which no longer advertises a bonafide business conducted or products sold at its location, shall be removed by the owner, agent or person having the beneficial use of the building or structure. Such sign and supporting structure or structures shall be removed within sixty (60) days after it no longer advertises a bona fide business conducted or products sold at that location and any expense incident thereto shall be paid by the owner of the land or building or structure to which such sign is attached or upon which it is erected.

b. Whenever it shall appear that any sign has been erected, constructed or installed, or is being maintained in violation of the terms of this ordinance, or is unsafe or insecure, or is hazardous to pedestrians or vehicular traffic, or is otherwise detrimental to the welfare, safety and health of the public, such sign shall be made to conform in all respects to this ordinance within twenty-four (24) hours after written notification by registered mail or personal service by the building official zoning administrator. In the event said sign is not made to conform in all respects with the provisions of this ordinance, the permit for the sign, if one has been issued, shall be revoked by the building official or zoning administrator and the sign shall be removed within twelve (12) hours after written notice thereof, by the persons to whom said permit was granted or the owner or lessor of the property. The building official may remove the sign at the expense of the owner of the property upon which it is located. The building official may cause any sign that is an immediate peril to persons or property to be removed summarily and without notice. The twenty-four-hour notice to conform may be waived by the building official or zoning administrator when it shall appear that the purpose and intent of the sign is of a limited duration and that a twenty-four-hour notice would be unreasonable under the circumstances. In such situations, the building official or zoning administrator shall grant only a six-hour notice to conform; and if such is not removed or brought into conformity within two (2) hours thereafter, the building official or zoning administrator shall remove the sign at the owner's expense.

§ 5-316. Violations.

a. The owner or lessee of any sign erected, constructed, installed or maintained in violation of this ordinance, and any architect, builder, contractor or other person employed to assist in any such erection, construction, installation or maintenance in violation of this ordinance, and any person who violates or fails to comply with any requirements or provisions of this ordinance shall be guilty of a misdemeanor.

b. The owner or responsible person erecting a sign without a required permit shall pay a mandatory fee for said permit of three (3) times the normal fee for that category of sign as set out in §5-306, said fee being in addition to any penalty provided by law.

Article IV
Television Satellite Dish Antennae

§ 5-401. Regulations part of zoning ordinance.

The antenna regulations in this article are a part of the zoning ordinance and shall be administered and enforced as zoning regulations.

§ 5-402. Application.

The regulations in this article apply to all zoning districts.

§ 5-403. Permit required.

A building permit is required for installation of a television satellite dish antenna.

§ 5-404. Number allowed.

a. Not more than one television satellite dish antenna is permitted per dwelling unit or commercial structure.

b. The Board of Zoning Appeals may grant a variance to allow not more than one additional dish antenna if an unnecessary hardship is demonstrated pursuant to § 5-233.

§ 5-405. Size and location.

a. A satellite dish antenna not exceeding one meter (39.37 inches) in diameter which does not reflect sunlight is permitted.

b. No antenna shall be permitted between the front of a principal structure and a public street.

c. A freestanding or attached satellite dish antenna shall be placed in a rear yard or roof location not visible from a public street if that placement does not prevent reception of an acceptable quality signal or impose unreasonable expense or delay as certified by a licensed installer.

d. All yard setback and height requirements in district regulations shall apply to a satellite dish antenna.