The Unified Development Ordinance of the City of Columbia, South Carolina

Adopted
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ARTICLE 1: GENERAL PROVISIONS

Sec. 17-1.1 Title

This Ordinance shall be officially known as "The Unified Development Ordinance of the City of Columbia, South Carolina" and may be referred to as "the UDO" or "this Ordinance."

Sec. 17-1.2 Authority

(a) The City Council is authorized to adopt the UDO in accordance with the enabling authority in Title 6 of the Code of Laws of South Carolina (1976), as amended, including but not limited to Chapter 7, Chapter 29, and Chapter 31 of Title 6 of the Code, and including all provisions located elsewhere in the Code citing any applicable authority.

(b) Whenever any provision of this Ordinance refers to or cites a section of the Code of Laws of South Carolina and that section is later amended, this Ordinance shall be deemed amended to refer to the amended section.

Sec. 17-1.3 General Purpose and Intent

The purpose and intent of the UDO is to guide development in accordance with the City's Comprehensive Plan and existing and future needs of the City in order to protect, promote, and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare. The UDO is enacted and designed to exercise the full range of authority available to the City in accordance with State law to:

(1) Provide for adequate light, air, and open space;

(2) Prevent the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets;

(3) Facilitate the creation of a convenient, attractive, and harmonious community that includes a walkable city;

(4) Protect and preserve scenic, historic, or ecologically sensitive areas;

(5) Regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes in a way that maintains strong neighborhoods and protects their character, supports an economically vibrant and walkable city center, provides for a broad range of housing choices, facilitates use of vacant structures and land that were previously developed, and supports greater intensity of development at strategic locations;

(6) Facilitate the adequate provision or availability of transportation, police and fire protection, water, sewerage, schools, parks and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements;

(7) Secure safety from fire, flood, and other dangers;

(8) Facilitate the harmonious, orderly, and progressive development of land within the City that maintains strong neighborhoods and protects their character;

(9) Encourage development of land within the City that renders it economically sound;

(10) Assure the timely provision of required streets, utilities, and other facilities and services to new land developments;

(11) Assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments that support development patterns that are well connected and support multiple modes of travel;

(12) Assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes;

(13) Assure, in general, the wise and timely development of new areas, and redevelopment of previously developed areas in harmony with official community plans for future development; and

(14) Carry out such other purposes in the public interest as may be specifically cited in the UDO.

Sec. 17-1.4 Applicability

(a) General

(1) The provisions of this Ordinance apply to the development of any land within the City, unless expressly exempted by a specific section, subsection, or paragraph of this Ordinance.

(2) Development shall not occur except in accordance with the requirements of this Ordinance and all other applicable City, State, and federal ordinances, laws, statutes, and regulations.

(3) No development shall occur until the required development approvals and permits are obtained in accordance with the requirements of this Ordinance.

(4) Development undertaken without required development approvals and permits is a violation of this Ordinance.

(b) Activities Constituting Development

Unless expressly exempted by this Ordinance, the following activities shall be considered development subject to this Ordinance:

a. Any construction, reconstruction, erection, installation, placement, relocation, demolition, or alteration in the size or external appearance of a structure;

b. Any establishment, re-establishment, or change in a use of a structure or land;

c. Any change in the intensity of the use of a structure or land, such as an increase in:

1. The number of businesses, establishments, offices, dwelling units, or lodging units comprising the use;

2. The number of parking spaces or amount of impervious cover;

3. The number of products or services provided by the use;

d. Any alteration of the natural topography of land, such as mining, grading, ditching, extracting earth materials, dredging, excavation, filling, or deposition of soil;

e. Removal of vegetative cover, such as site clearing or the removal of specimen trees or significant stands of trees;

f. The construction or extension of any utility service line or facility; or

g. Any subdivision as defined in Sec. 17-9.4, Definitions.

(c) Activities Not Constituting Development

Unless part of a more extensive activity identified as development in subsection (b) above, the following activities do not constitute development subject to this Ordinance:

a. The ordinary maintenance and repair of existing structures, where no activities identified as development in subsection (b) above are involved;

b. The inspection, maintenance or repair of an existing transportation facility (roadway, walkway, railroad tracks, bus shelter, traffic control device, etc.) or an existing utility, stormwater management, or public service facility (pipe, cable, valve, catch basin, outlet, ditch, basin, bulk refuse container pad, etc.), if no substantial engineering redesign is involved;

c. The ordinary planting or maintenance of vegetative landscaping or gardens;

d. A change in the ownership or form of ownership of any land or structure that does not involve the division of land into separate parcels;

e. The creation or termination of easements, covenants, or other rights in land or development, where no street right-of-way dedication in involved; and

f. The recording of any documents or plats expressly for the purposes of reference or attachment to a publicly recorded document when such recording does not result in subdivision of land as defined in Sec. 17-9.4, Definitions.

(d) Exemption of Homes for the Handicapped

This Ordinance does not apply to a home providing 24-hour care to nine or fewer mentally or physically handicapped persons in accordance with S.C. Code § 6-29-770(E).

(e) Applicability to Governmental Entities

(1) The provisions of this Ordinance shall apply to development by the City or its agencies and departments, or on land owned or otherwise controlled by the City.

(2) To the extent allowed by law, the provisions of this Ordinance shall apply to development by the County, State, or federal government or its agencies, departments, or corporate services, or on land owned or otherwise controlled by the County, State, or federal government.

Sec. 17-1.5 In Accordance with Comprehensive Plan

This Ordinance is intended to ensure that all development within the City's jurisdiction is in accordance with the Comprehensive Plan and implements the planning policies adopted as part of the Comprehensive Plan in furtherance of the general health, safety, and welfare of the City's citizens.

Sec. 17-1.6 Relationship with Other Laws, Covenants, or Deeds

(a) Conflicts with Provisions of Adopted Codes or Ordinances

(1) If a provision of this Ordinance is inconsistent or conflicts with another provision of this Ordinance or with a provision found in other adopted ordinances or codes of the City, the more restrictive provision shall govern unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

(2) When there is a conflict between an overlay zoning district and an underlying base zoning district, the provisions of the overlay district shall control. When there is a conflict between provisions of two or more applicable overlay zoning districts, unless otherwise stated in this Ordinance, the more restrictive provision applies.

(3) When it is possible to implement, administer, or construe a particular provision of this Ordinance in more than one way, it shall be implemented, administered, or construed in a way that eliminates or minimizes conflicts with other provisions of the UDO.

(b) Conflicts with State or Federal Law

If the provisions of this Ordinance are inconsistent or conflict with the laws or regulations of the State or federal government, the more restrictive provision shall control, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

(c) Relationship to Restrictive Covenants or Deed Restrictions

(1) The City shall not be responsible for monitoring or enforcing easements, covenants, deed restrictions, or other agreements between private parties. Private easements, covenants, and restrictions notwithstanding, all

development, unless expressly exempted by this Ordinance, shall comply with the minimum requirements of this Ordinance.

(2) In accordance with State law, application forms and/or instructions for land development permits or approvals other than those authorizing the building or placement of a structure on a tract or parcel of land shall inquire whether the subject tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the proposed activity. If the City has actual notice of such a restrictive covenant, whether from the application or other source, the City shall not issue approval of the permit unless the City receives written confirmation and proof from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders, or by court order. The issuance of a development approval or permit does not affect the applicant's obligations under any recorded covenants.

Sec. 17-1.7 Official Zoning Map

(a) Establishment and Maintenance

(1) Land subject to this Ordinance is divided into the various base and overlay zoning districts established in Article 3: Zoning Districts. The location and boundaries of the zoning districts are shown on the Official Zoning Map. The Official Zoning Map, including all its notations, is incorporated herein by reference and made part of the UDO. The Official Zoning Map shall be the final authority as to the status of the zoning district classification of land in the City.

(2) The original and all revised versions of the Official Zoning Map shall be kept on file, in either hardcopy or digital form, in the office of the Zoning Administrator. The Official Zoning Map shall be made available for public inspection at the office of the Zoning Administrator during normal business hours.

(b) Changes

(1) Changes made in zoning district boundaries or other matters portrayed on the Official Zoning Map shall be made in accordance with Sec. 17-2.5(c), Zoning Map Amendment or Sec. 17-2.5(d), Planned Development.

(2) The Zoning Administrator shall enter changes onto the Official Zoning Map within a reasonable period of time after a map amendment is adopted by the City Council. Where the ordinance enacting a zoning district boundary change contains wording explaining or clarifying the location of the new boundary, the Zoning Administrator may enter on the Official Zoning Map notations reflecting the ordinance wording.

(c) Zoning District Classification of Annexed Land

a. For property annexed by ordinance, the annexation may be considered prior to or concurrent with the zoning district classification as follows:

1. For annexation petitions for which a corresponding amendment to Comprehensive Plan is proposed and a zoning map amendment

application in accordance with Sec. 17-2.5(c), Zoning Map Amendment, is received, the proposed Comprehensive Plan amendment and zoning map amendment application shall be considered concurrently with the petition.

2. For annexation petitions for which no corresponding zoning map amendment application in accordance with Sec. 17-2.5(c), Zoning Map Amendment, is received, the Planning Commission shall recommend to the City Council an interim zoning district classification. The interim zoning district classification shall be a City zoning district classification that the Planning Commission determines is consistent with the proposed and existing land uses in the area and relevant Comprehensive Plan policies. The interim zoning district classification shall be specified in the annexation ordinance considered by the City Council and shall become effective on the effective date of the annexation. After the effective date of the annexation, the Zoning Administrator shall initiate an amendment of the Comprehensive Plan to designate a land use category for the annexed land and may initiate a zoning map amendment in accordance with Sec. 17-2.5(c), Zoning Map Amendment, for the annexed area.

b. The zoning district classification of land annexed by petition and referendum shall be designated as follows:

1. When a petition is submitted for annexation of land, the Planning Commission will require preparation of a proposed Comprehensive Plan amendment designating a land use category for the land and a zoning map amendment in accordance with Sec. 17-2.5(c), Zoning Map Amendment, for the land.

2. The proposed Comprehensive Plan amendment and zoning map amendment will be made public at a meeting of the City Council prior to the referendum.

3. If the referendum is successful, the City Council will amend the Comprehensive Plan as proposed and establish the proposed zoning as a part of the ordinance ratifying the referendum and taking the area into the City limits.

(d) Zoning District Boundaries

(1) The Zoning Administrator is authorized to determine the location of zoning district boundaries as shown on the Official Zoning Map in accordance with Sec. 17-2.5(w), Interpretation – Zoning. Appeals from the Zoning Administrator's determinations may be made to the Board of Zoning Appeals (see Sec. 17-2.5(u), Appeal – Zoning).

(2) When determining the location of zoning district boundaries as shown on the Official Zoning Map, the Zoning Administrator shall use the following general rules of interpretation:

a. District boundaries indicated as approximately following the centerlines of streets, highways, alleys, or other public access ways shall be construed to follow those centerlines.

b. District boundaries indicated as approximately following property lines shall be construed as following those property lines. If a subsequent minor adjustment (such as from a court ordered settlement of a boundary dispute or overlap) results in a property line moving ten feet or less, the zoning district boundary shall be interpreted as moving with the property line.

c. District boundaries indicated as approximately following City limits shall be construed as following City limits.

d. District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

e. District boundaries indicated as following centerlines of rivers, streams, or other watercourses shall be construed to follow those centerlines.

f. District boundaries indicated as approximately parallel to or extensions of features identified in subsections a through e above shall be construed to be parallel to or extensions of such features.

g. Insofar as some or all of the various districts may be indicated on the zoning map by patterns that, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of the rights-of-way.

(3) If the specific location of a depicted boundary cannot be determined from notations on the Official Zoning Map or in accordance with subsection (2) above, it shall be determined by using the map's scale to determine the boundary's distance from other features shown on the map.

(4) Where the actual locations of existing physical or natural features vary from those shown on the Official Zoning Map, or in other circumstances not covered by this subsection, the Zoning Administrator shall have the authority to interpret the district boundaries in accordance with Sec. 17-2.5(w), Interpretation – Zoning.

Sec. 17-1.8 Transitional Provisions

(a) Effective Date

This Ordinance shall become effective on August 30, 2021, and repeals and replaces Articles I through VII of Chapter 17 of the Code of Ordinances.

(b) Violations Continue

Any violation of a provision of the Code of Ordinances replaced by this Ordinance shall continue to be a violation under this Ordinance unless the development complies with the express terms of this Ordinance.

(c) Applications upon Which No Final Action Taken

(1) Any development application submitted and accepted as complete before August 30, 2021, but still pending final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted. To the extent such an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 7: Nonconformities.

(2) Completed applications shall be processed in good faith and shall comply with any time frames for review, approval, and completion as established in the regulations in effect at the time of application acceptance. If the application fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Ordinance.

(3) An applicant with a pending application accepted before August 30, 2021 may opt to have the proposed development reviewed and decided under the standards of this Ordinance by withdrawing the pending application and submitting a new application in accordance with the standards of this Ordinance.

(d) Approved Applications

(1) Any development approvals granted before August 30, 2021 shall remain valid until their expiration date. Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired. If the prior approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall not occur until all required development approvals and permits are obtained in accordance with the procedures and standards of this Ordinance.

(2) To the extent a prior-approved application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Nonconformities.

Sec. 17-1.9 Vested Rights

(a) A vested right is established in accordance with State law only upon the approval or conditional approval of a site specific development plan in accordance with the standards and procedures of this Ordinance.

(b) A vested right established in accordance with this section is subject to the conditions and limitations as prescribed by State law.

(c) A vested right for a site specific development plan shall expire two years after vesting. No extensions of the vested right are authorized. Any requests for an extension of a vested right shall be denied.

(d) A vested site specific development plan may be amended if the amendment conforms to, or does not cause greater nonconformity with the current provisions of this Ordinance. Approval or conditional approval of an amendment to an established vested right does not reset its expiration period.

Sec. 17-1.10 Severability

It is the legislative intent of the City Council in adopting this Ordinance that all provisions shall be liberally construed to implement the City's Comprehensive Plan and guide development in accordance with the existing and future needs of the City as established in the Comprehensive Plan and this Ordinance and to promote the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the land owners and residents of the City. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity and continued enforcement of any other section, subsection, sentence, clause, or phrase of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and any section, subsection, sentence, clause, and phrase, thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid by a court of competent jurisdiction.

Article 2: Administration

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ARTICLE 2: ADMINISTRATION

Sec. 17-2.1 Purpose and Organization of this Article

This article sets forth the review and approval procedures for development applications.

(a) Sec. 17-2.2, Summary Table of Development Review Responsibilities, provides a summary of the actions required of each advising and decision-making body for each type of development application.

(b) Sec. 17-2.3, Advisory and Decision-Making Bodies and Persons, describes the powers and duties of the various bodies and persons that review and make decisions on development applications.

(c) Sec. 17-2.4, Standard Review Procedures, describes procedures that generally apply to all development applications.

(d) Sec. 17-2.5, Application-Specific Review Procedures and Decision Standards, contains specific information for each type of application, including standards for making a decision on the application and applicable additions or modifications to the standard review procedures.

Sec. 17-2.2 Summary Table of Development Review Responsibilities

Table 17-2.2: Summary of Development Review Responsibilities, identifies the types of development applications authorized by this Ordinance. For each type of application, the table identifies the action required by the various advising or decision-making bodies or persons.

TABLE 17-2.2: SUMMARY OF DEVELOPMENT REVIEW RESPONSIBILITIES

D = DECISION R = RECOMMENDATION A = APPEAL <> = PUBLIC HEARING

APPLICATION TYPE	CITY COUNCIL	PLANNING COMMISSION	BOARD OF ZONING APPEALS	BOARD OF ZONING APPEALS – FORM-BASED CODES	DESIGN DEVELOPMENT REVIEW COMMISSION	ZONING ADMINISTRATOR	LAND DEVELOPMENT ADMINISTRATOR	CITY ENGINEER	SITE PLAN REVIEW TEAM
DISCRETIONARY APPROVALS									
Text Amendment	<D>	R				R			
Zoning Map Amendment	<D>	R			R[1]	R			
Planned Development	<D>	R				R			
Special Exception Permit			<D>						
Development Agreement	<D>	<R>							
HISTORIC PROPERTIES AND ARCHITECTURAL REVIEW									
Certificate of Design Approval – Historic Districts and Landmarks									
Minor					<A>	D			
Major					<D>	R			
Certificate of Design Approval – Design Districts									
Minor					<A>	D			
Major					<D>	R			
Bailey Bill					<D>				
LAND DEVELOPMENT									
Site Plan									
Minor		A					D		R
Major		D							R
Subdivision									
Minor Subdivision – Final Plat		A					D		
Major Subdivision									
Sketch Plan		A					D		
Preliminary Plat		D					R		R
Final Plat		A						D	
Street or Road Name Change		<D>					R		
PERMITS									
Conditional Use Permit			<A>			D			
Tree Removal Permit			<A>			D			
Forestry Permit			<A>			D			
Sign Permit			<A>			D			
Temporary Use Permit			<A>			D			
Zoning Permit			<A>			D			

TABLE 17-2.2: SUMMARY OF DEVELOPMENT REVIEW RESPONSIBILITIES

D = DECISION R = RECOMMENDATION A = APPEAL <> = PUBLIC HEARING

APPLICATION TYPE	CITY COUNCIL	PLANNING COMMISSION	BOARD OF ZONING APPEALS	BOARD OF ZONING APPEALS – FORM-BASED CODES	DESIGN DEVELOPMENT REVIEW COMMISSION	ZONING ADMINISTRATOR	LAND DEVELOPMENT ADMINISTRATOR	CITY ENGINEER	SITE PLAN REVIEW TEAM
RELIEF									
Administrative Adjustment			<A>			D			
Variance – Zoning			<D>	<D>[2]					
Variance – Land Development (Subdivision and Site Plan)		<D>							
Appeal – Zoning			<A>	<A>[3]					
Appeal – Land Development (Subdivision and Site Plan)		A							
INTERPRETATIONS									
Interpretation – Zoning			<A>	<A>[3]		D			
Interpretation – Land Development (Subdivision and Site Plan)		<A>					D		

NOTES:

[1] Review and recommendation by the Design Development Review Commission is required only for a Zoning Map Amendment application that involves a Historic Districts and Landmarks Designation or a Design District Designation.

[2] The Board of Zoning Appeals – Form-based Codes, hears and makes decisions on applications for Variance – Zoning from requirements specific to an adopted Form-based Code, such as the Bull Street PUD.

[3] The Board of Zoning Appeals – Form-based Codes, hears and decides appeals from decisions of the Zoning Administrator in administering, enforcing, or interpreting provisions of this Ordinance specific to an adopted Form-based Code, such as the Bull Street PUD.

Sec. 17-2.3 Advisory and Decision-Making Bodies and Persons

(a) City Council

To exercise its authority in accordance with State law, the City Council shall have the following powers and duties under this Ordinance:

a. To review and decide the following:

1. Text Amendments (Sec. 17-2.5(b));

2. Zoning Map Amendments (including Historic Districts and Landmarks Designations and Design Districts Designations) (Sec. 17-2.5(c));

3. Planned Developments (Sec. 17-2.5(d)); and

4. Development Agreements (Sec. 17-2.5(f)).

b. To establish a schedule of fees and a collection procedure for applications for development approvals and permits reviewed under this Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator and in the office of the Land Development Administrator and may be altered or amended only by the City Council.

c. To appoint and remove in accordance with State law and this section members of the Planning Commission, Board of Zoning Appeals, Board of Zoning Appeals – Form-based Codes, and Design Development Review Commission.

d. To take any other action not delegated to the Planning Commission, the Board of Zoning Appeals, the Board of Zoning Appeals—Form-based Codes, the Design Development Review Commission, the Zoning Administrator, the Land Development Administrator, or any other body or person within the City Council's authority, as the Council may deem desirable and necessary to implement the provisions of this Ordinance.

(b) Planning Commission

The Planning Commission is hereby established in accordance with State law under this Ordinance.

(1) Powers and Duties

The Planning Commission shall have the following powers and duties under this Ordinance:

a. To review and make recommendations to the City Council on the following:

1. Text Amendments (Sec. 17-2.5(b));

2. Zoning Map Amendments (including Historic Districts and Landmarks Designations and Design Districts Designations) (Sec. 17-2.5(c));

3. Planned Developments (Sec. 17-2.5(d)); and

4. Development Agreements (Sec. 17-2.5(f)).

b. To review and decide applications for the following:

1. Major Site Plans (Sec. 17-2.5(i)(5));

2. Major Subdivision Preliminary Plats (Sec. 17-2.5(j)(5)b);

3. Street or road name changes (Sec. 17-2.5(k)); and

4. Variances – Land Development (Subdivision) (Sec. 17-2.5(t)).

c. To hear and decide appeals from decisions of the Land Development Administrator or the City Engineer, as applicable, on the following:

1. Minor Subdivision Final Plats (Sec. 17-2.5(j)(4));

2. Major Subdivision Sketch Plans (Sec. 17-2.5(j)(5)a);

3. Major Subdivision Final Plats (Sec. 17-2.5(j)(5)b);

4. Subdivision standards (Article 6: Land Development (Subdivision) Standards); and

5. Interpretations – Land Development (Subdivision) (Sec. 17-2.5(x)).

d. To carry out any other powers and duties delegated to it in accordance with State law.

(2) Membership and Terms

a. Number, Appointment

1. The Planning Commission shall consist of nine members appointed by the City Council.

2. No member of the Planning Commission shall hold an elected public office in the City or in the County.

b. Terms

Members shall be appointed for three-year terms. Members may continue to serve until their successors are appointed.

c. Current Members

Members of the Planning Commission on August 30, 2021 shall continue to serve until their respective terms expire according to the rules in place when they were appointed, unless they are removed in accordance with subsection d below.

d. Removal

The City Council may remove a member of the Planning Commission for cause, after written notice and a public hearing. Cause may include, but is not limited to, nonattendance at meetings.

e. Vacancies

Vacancies, for whatever reason, shall be filled by the City Council for the balance of an unexpired term.

(3) Officers, Rules of Proceeding, and Meetings

a. Officers

1. The Planning Commission shall elect one of its members Chair and another Vice-Chair, each for a term of one year.

b. Rules of Proceeding

The Planning Commission shall adopt rules for the conduct of business.

c. Meetings

1. The Planning Commission shall meet at the call of the Chair and at such regular times as the Commission may determine.

2. Public notice of meetings of the Planning Commission shall be provided in accordance with State law and this Ordinance.

3. A majority of the Planning Commission shall constitute a quorum for the conduct of business.

4. The Chair shall preside over all Commission meetings. The Vice-Chair shall serve as acting chair and preside over Commission meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the Planning Commission shall vote to determine who shall serve as acting Chair for the meeting.

5. The Chair, or, in the Chair's absence, the acting Chair, may administer oaths and compel the attendance of witnesses by subpoena.

6. The Planning Commission shall keep minutes of its proceedings in accordance with State law, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep a record of its resolutions, findings, and determinations, which shall be a public record.

(c) Board of Zoning Appeals

The Board of Zoning Appeals is established in accordance with State law under this Ordinance.

(1) Powers and Duties

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

a. To review and decide applications for the following:

1. Special Exception Permits (Sec. 17-2.5(e)); and

2. Variances – Zoning (Sec. 17-2.5(s)), except in the Bull Street Planned Unit Development.

b. To hear and decide appeals from decisions of the Zoning Administrator on any of the following:

1. Conditional Use Permits (Sec. 17-2.5(l));

2. Tree Removal Permits (Sec. 17-2.5(m));

3. Forestry Permits (Sec. 17-2.5Sec. 17-2.5(n));

4. Sign Permits (Sec. 17-2.5(o));

5. Temporary Use Permits (Sec. 17-2.5(p));

6. Zoning Permits (Sec. 17-2.5Sec. 17-2.5(q));

7. Administrative Adjustments (Sec. 17-2.5(r)); and

8. Interpretations – Zoning (Sec. 17-2.5Sec. 17-2.5(w)), except specific to adopted Form-based Codes, such as the Bull Street Planned Unit Development.

c. To hear and decide appeals from any other order, requirement, decision, determination, or written interpretation, made by the Zoning Administrator in the review of development applications or otherwise in the enforcement of this Ordinance, except specific to adopted Form-based Codes, such as the Bull Street Planned Unit Development.

d. To carry out any other powers and duties delegated to it by the City Council, in accordance with State law.

(2) Membership and Terms

a. Number, Appointment

1. The Board of Zoning Appeals shall consist of seven members appointed by the City Council.

2. No member shall hold any other public office or position in the City or County.

b. Terms

Members shall be appointed for three-year terms. Members may continue to serve until their successors are appointed.

c. Current Members

Members of the Board of Zoning Appeals on August 30, 2021 shall continue to serve until their respective terms expire according to the rules in place when they were appointed, unless they are removed in accordance with subsection d below.

d. Removal

The City Council may remove a member of the Board of Zoning Appeals for cause, after written notice and a public hearing. Cause may include, but is not limited to, nonattendance at meetings.

e. Vacancies

Vacancies, for whatever reason, shall be filled by the City Council for the balance of an unexpired term.

(3) Officers, Rules of Proceeding, and Meetings

a. Officers

1. The Board of Zoning Appeals shall elect one of its members Chair and another Vice-Chair, each for a term of one year.

b. Rules of Proceeding

The Board of Zoning Appeals shall adopt rules for the conduct of business.

c. Meetings

1. The Board of Zoning Appeals shall meet at the call of the Chair and at such regular times as the Board may determine.

2. All meetings of the Board of Zoning Appeals shall be open to the public. Public notice of Board meetings shall be provided in accordance with State law and this Ordinance.

3. A majority of the Board of Zoning Appeals shall constitute a quorum for the conduct of business.

4. The Chair shall preside over all Board meetings. The Vice-Chair shall serve as activing chair and preside over Board meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the Board of Zoning Appeals shall vote to determine who shall serve as acting Chair for the meeting.

5. The Chair, or, in the Chair's absence, the acting Chair, may administer oaths and compel the attendance of witnesses by subpoena.

6. The Board of Zoning Appeals shall keep minutes of its proceedings in accordance with State law, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact. The Board of Zoning Appeals shall keep records of its examinations and other official actions, all of which shall be filed within a reasonable time in the office of the Zoning Administrator and shall be a public record.

(d) Board of Zoning Appeals – Form-based Codes

The Board of Zoning Appeals—Form-based Codes is established in accordance with State law under this Ordinance.

(1) Powers and Duties

For provisions specific to a Form-based Code, the Board of Zoning Appeals—Form-based Codes, shall have the following powers and duties under this Ordinance:

a. To review and decide applications for a Variance – Zoning (Sec. 17-2.5(s)).

b. To hear and decide appeals from any order, requirement, decision, determination, or written interpretation made by the Zoning Administrator (Sec. 17-2.5(u))

(2) Membership and Terms

a. Number, Appointment, and Qualifications

1. The Board of Zoning Appeals—Form-based Codes, shall consist of five members appointed by the City Council.

2. No member shall hold any other public office or position in the City or County.

3. Of the members appointed, one shall be an architect, one shall be an attorney, one shall be a landscape architect or urban planner, and one shall be a real estate professional.

b. Terms

Members shall be appointed for three-year terms. Members may continue to serve until their successors are appointed.

c. Current Members

Members of the Board of Zoning Appeals—Form-based Codes, on August 30, 2021 shall continue to serve until their respective terms expire according to the rules in place when they were appointed, unless they are removed in accordance with subsection d below.

d. Removal

The City Council may remove a member of the Board of Zoning Appeals—Form-based Codes for cause, after written notice and a public hearing. Cause may include, but is not limited to, nonattendance at meetings.

e. Vacancies

Vacancies, for whatever reason, shall be filled by the City Council for the balance of an unexpired term.

(3) Officers, Rules of Proceeding, and Meetings

a. Officers

1. The Board of Zoning Appeals—Form-based Codes, shall elect one of its members Chair and another Vice-Chair, each for a term of one year.

b. Rules of Proceeding

The Board of Zoning Appeals—Form-based Codes, shall adopt rules for the conduct of business.

c. Meetings

1. The Board of Zoning Appeals—Form-based Codes, shall meet at the call of the Chair and at such regular times as the Board may determine.

2. All meetings of the Board of Zoning Appeals—Form-based Codes shall be open to the public, and public notice of meetings shall be provided in accordance with State law and this Ordinance.

3. A majority of the Board of Zoning Appeals—Form-based Codes, shall constitute a quorum for the conduct of business.

4. The Chair shall preside over all Board meetings. The Vice-Chair shall serve as activing chair and preside over Board meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the Board of Zoning Appeals – Form-based Codes shall vote to determine who shall serve as acting Chair for the meeting.

5. The Chair, or, in the Chair's absence, the acting Chair, may administer oaths and compel the attendance of witnesses by subpoena.

6. The Board of Zoning Appeals—Form-based Codes shall keep minutes of its proceedings in accordance with State law, showing, for each question, the vote of each member and any member that is absent or fails to vote. The Board shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Administrator and shall be a public record.

(e) Design Development Review Commission

A board of architectural review, which shall be known as the Columbia Design and Development Review Commission (abbreviated "DDRC" in this Ordinance), is established in accordance with State law under this Ordinance.

(1) Powers and Duties

The DDRC shall have the following powers and duties under this Ordinance:

a. To review and make recommendations to the City Council on the following:

1. Zoning Map Amendments involving Historic Districts and Landmarks Designations or Design Districts Designations (Sec. 17-2.5(c));

b. To review and decide applications for the following:

1. Major Certificates of Design Approval – Historic Districts and Landmarks (Sec. 17-2.5(g)(5)) and

2. Major Certificates of Design Approval – Design District (Sec. 17-2.5(h)(5)).

c. To hear and decide appeals from decisions of the Zoning Administrator on the following:

1. Minor Certificates of Design Approval – Historic Districts and Landmarks (Sec. 17-2.5(g)(4)) and

2. Minor Certificates of Design Approval – Design District (Sec. 17-2.5(h)(4)).

d. Plan and direct continuing studies of areas, physical features and improvements in the City relating to urban design, historic preservation, beautification, civic improvement and other considerations in furtherance of this Ordinance. In doing so, the DDRC shall properly coordinate such plans and studies with the various departments and agencies of the City.

e. Engage in educational activities related to promoting appropriate urban design, historic preservation, and the conservation of historic or aesthetic features of the City.

f. Advise and assist the City Council, at the Council's request, to further the purposes of this Ordinance.

(2) Membership and Terms

a. Number, Appointment, and Qualifications

1. The DDRC shall consist of nine members appointed by the City Council. No member shall hold any other public office or position in the City or County.

2. Of the members appointed to the DDRC, at least one shall be an architect registered in the State, at least one shall be a lawyer admitted to practice before the South Carolina Supreme Court, at least one shall be an individual with demonstrated preservation experience , at least one shall be experienced as a city planner, at least one shall be a real estate developer or licensed real estate broker, one shall be an architect with historic preservation experience, and the remainder, if any, shall be persons who, by reason of other experience or education, shall be qualified for service on the DDRC.

b. Terms

Members shall be appointed for three-year terms. Members may continue to serve until their successors are appointed.

c. Current Members

Members of the DDRC on August 30, 2021 shall continue to serve at the pleasure of the City Council until their respective terms expire according to the rules in place when they were appointed, unless they are removed in accordance with subsection d below.

d. Removal

The City Council may remove a member of the DDRC for cause, after written notice and a public hearing. Cause may include, but is not limited to, nonattendance at meetings.

e. Vacancies

Vacancies, for whatever reason, shall be filled by the City Council for the balance of an unexpired term.

(3) Officers, Rules of Proceeding, and Meetings

a. Officers

1. The DDRC shall elect one of its members Chair and another Vice-Chair, each for a term of one year.

b. Rules of Proceeding

The DDRC shall adopt rules for the conduct of business.

c. Meetings

1. Meetings of the DDRC shall be held at the call of the Chair and at such other times as the DDRC may determine.

2. Public notice of meetings of the DDRC shall be provided in accordance with State law and this Ordinance.

3. A majority of the DDRC shall constitute a quorum for the conduct of business.

4. The Chair shall preside over all DDRC meetings. The Vice-Chair shall serve as activing chair and preside over DDRC meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the DDRC shall vote to determine who shall serve as acting Chair for the meeting.

5. The Chair or, in the Chair's absence, the acting Chair, may administer oaths and compel the attendance of witnesses by subpoena.

6. The DDRC shall keep minutes of its proceedings in accordance with State law, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact. The DDRC shall keep records of its examinations and other official actions, all of which shall be filed within a reasonable time in the office of the Zoning Administrator. The records of the DDRC shall be a public record.

(f) Zoning Administrator

The Zoning Administrator, abbreviated as "ZA" in this Ordinance, is designated by the City Manager to administer and enforce all provisions of this Ordinance, except Article 6: Land Development (Subdivision) Standards. The Zoning Administrator may delegate any administrative, decision, or review authority under this Ordinance to any professional-level City staff. Any such delegation shall be specified in the Procedures Manual.

(1) Powers and Duties

The Zoning Administrator shall have the following powers and duties under this Ordinance:

a. To review and make recommendations to the City Council on the following:

1. Text Amendments (Sec. 17-2.5(b));

2. Zoning Map Amendments (including Historic Districts and Landmarks Designations and Design Districts Designations) (Sec. 17-2.5(c)); and

3. Planned Developments (Sec. 17-2.5(d)).

b. To review and decide applications for the following:

1. Minor Certificates of Design Approval – Historic Districts and Landmarks (Sec. 17-2.5(g)(4));

2. Minor Certificates of Design Approval – Design Districts (Sec. 17-2.5(h)(4));

3. Conditional Use Permits (Sec. 17-2.5(l));

4. Tree Removal Permits (Sec. 17-2.5(m));

5. Forestry Permits (Sec. 17-2.5(n));

6. Sign Permits (Sec. 17-2.5(o));

7. Temporary Use Permits (Sec. 17-2.5(p));

8. Zoning Permits (Sec. 17-2.5Sec. 17-2.5(q));

9. Administrative Adjustments (Sec. 17-2.5(r)); and

10. Interpretations – Zoning (Sec. 17-2.5(w)).

c. To render formal written interpretations on all provision of this Ordinance, except those in Article 6: Land Development (Subdivision) Standards, which the Land Development Administrator is authorized to administer and interpret.

d. To enforce all provisions of this Ordinance in accordance with Article 8: Enforcement, except those in Article 6: Land Development (Subdivision) Standards, which the Land Development Administrator is authorized to administer and interpret.

e. To ensure that applications for development approvals and permits are processed and reviewed in accordance with this Ordinance.

f. To establish the requirements for all application contents and forms not established by the Land Development Administrator, and to amend and update the requirements, as determined necessary.

g. To establish the submission and review schedule (including time frames for review) for all applications, except applications for subdivision or site plan approval, and to amend and update the schedule, as determined necessary.

h. To compile and amend as necessary a Procedures Manual containing all requirements for application contents and forms, submission schedules, and fees established in accordance with this Ordinance and specifying any delegation of duties or authority by the Zoning Administrator or the Land Development Administrator. The Procedures Manual may contain additional information relevant to the submittal, review, and decision of development applications.

i. To serve as the professional staff to the Board of Zoning Appeals, the Board of Zoning Appeals – Form-based Codes, and the Design Development Review Commission.

j. To maintain the Official Zoning Map and other such records and official materials as may relate to the adoption, amendment, enforcement or administration of this Ordinance.

k. To make available at the Zoning Administrator's office, upon reasonable request and during normal business hours, copies of all development applications, staff reports, and materials submitted in support of or in opposition to an application, at a reasonable cost.

l. To receive complaints from persons who allege that violations of this Ordinance have occurred, to properly investigate such complaints, and to initiate action to prevent, enjoin, abate or remove such violations, except that complaints alleging violations of Article 6: Land Development (Subdivision) Standards, shall be received, investigated, and acted upon by the Land Development Administrator.

m. To provide expertise and technical assistance to the City Council, the Planning Commission, the Board of Zoning Appeals, the Board of Zoning Appeals – Form-based Codes, and the Design Development Review Commission, upon request.

(g) Land Development Administrator

The Land Development Administrator, abbreviated as "LDA" in this Ordinance, is designated by the City Manager to have the powers and duties under this ordinance that are set forth in this subsection. The LDA may delegate any administrative, decision, or review authority under this Ordinance to any professional-level City staff. Any such delegation shall be specified in the Procedures Manual.

(1) Powers and Duties

a. To review and make recommendations to the Planning Commission on the following:

1. Major Site Plans (Sec. 17-2.5(i)(5));

2. Major Subdivision Preliminary Plats (Sec. 17-2.5(j)(5)b);

3. Street or road name changes (Sec. 17-2.5(k)); and

4. Variances – Land Development (Subdivision) (Sec. 17-2.5(t)).

b. To review and decide applications for the following:

1. Final Plats for Minor Subdivisions (Sec. 17-2.5(j)(4));

2. Major Subdivision Sketch Plans (Sec. 17-2.5(j)(5)a); and

3. Minor Site Plans (Sec. 17-2.5(i)(4)).

c. To render formal written interpretations on the provision of Article 6: Land Development (Subdivision) Standards.

d. To enforce the provisions of Article 6: Land Development (Subdivision) Standards.

e. To serve as the professional staff to the Planning Commission.

f. To establish the requirements for application contents and forms for subdivisions and site plans and to amend and update the requirements, as determined necessary.

g. To establish the submission and review schedule (including time frames for review) for subdivision and site plan applications and amend and update the schedule, as determined necessary.

h. To coordinate with the Zoning Administrator to include the application requirements and submission and review schedules for subdivision and site plan applications in the Procedures Manual.

(h) City Engineer

The City Engineer shall have the following powers and duties under this Ordinance:

a. To review and decide applications for Major Subdivision Final Plats (Sec. 17-2.5(j)(5)c).

(i) Site Plan Review Team

The Site Plan Review Team shall consist of the Land Development Administrator and such representatives of City departments and non-City regulatory agencies as the Land Development Administrator shall designate.

(1) Powers and Duties

The Site Plan Review Team shall have the following powers and duties under this Ordinance:

a. To review and make recommendations to the Planning Commission or Land Development Administrator, as applicable, on the following:

1. Site Plans (Sec. 17-2.5(i)); and

2. Major Subdivision Preliminary Plats (Sec. 17-2.5(j)(5)b).

(2) Administration

The Land Development Administrator shall schedule Site Plan Review Team meetings, coordinate the team's activities, preside over team meetings, prepare team reports, and serve as liaison to the departments and agencies involved for clarification of issues and resolution of conflicts.

Sec. 17-2.4 Standard Review Procedures

(a) General

This section sets forth the standard procedures that are generally applicable to the review of development applications under this Ordinance. Not all procedures in this section are required for every development application. Each subsection in Sec. 17-2.5, Application-Specific Review Procedures and Decision Standards, identifies, for a specific type of development application, which standard procedures are required, including any additions or modifications that apply. Figure 17-2.4(a) provides a summary of the standard review procedures.

Figure 17-2.4(a): Summary of Potential Standard Review Procedures



(b) Pre-Application Conference

(1) Purpose

The purpose of a pre-application conference is to provide an opportunity for the applicant to determine the submission requirements and the procedures and standards applicable to an anticipated application. A pre-application conference is also intended to provide an opportunity for City staff to become familiar with, and offer the applicant preliminary comments about, the scope, features, and impacts of the proposed development as it relates to the standards in this Ordinance.

(2) Applicability

a. A pre-application conference is required before the submission of an application for any of the following:

1. Zoning Map Amendment (including Historic Districts and Landmarks Designation and Design Districts Designation) (Sec. 17-2.5(c));

2. Planned Development (Sec. 17-2.5(d));

3. Development Agreement (Sec. 17-2.5(f));

4. Major Site Plan (Sec. 17-2.5(i)(5)); or

5. Major Subdivision Preliminary Plat (Sec. 17-2.5(j)(5)b).

b. A pre-application conference is optional before the submission of any other application not listed in subsection a above.

(3) Procedure

a. Submission of Materials Prior to Conference

Before a pre-application conference is held, the applicant shall submit to the ZA or LDA, whichever is authorized to receive the application in accordance with Sec. 17-2.4(c), Application Submission, a narrative describing the scope of the proposed development, a conceptual site plan, and any other information reasonably requested by the ZA or LDA, as applicable.

b. Scheduling

Upon receipt of the request for a pre-application staff conference, the ZA or LDA, as applicable, shall schedule the pre-application conference and notify the applicant of the conference time and location.

c. Conference Proceedings

The ZA or LDA, as applicable, shall review the materials submitted by the applicant prior to the conference, and at the conference, seek any needed clarification from the applicant regarding the proposed application and identify any concerns, problems, or other factors the applicant should consider regarding the proposed application.

(4) Effect of Conference

The pre-application conference is intended as a means of facilitating the application review process. Discussions held in accordance with this section are not binding on the City. Processing times for review of development applications do not begin until an application is submitted and determined to be complete in accordance with Sec. 17-2.4(d), Determination of Application Completeness.

(c) Application Submission

(1) General

a. Applications shall be submitted, and may be revised or withdrawn, in accordance with the requirements in this subsection.

b. All applications except those identified in subsection c below shall be submitted to the Zoning Administrator (abbreviated "ZA" in this Ordinance).

c. Subdivision and site plan applications shall be submitted to the Land Development Administrator (abbreviated "LDA" in this Ordinance).

(2) Authority to File Applications

a. General

Applications submitted under this Ordinance in accordance with this section shall be submitted by the land owner, or any other person or entity having a

recognized property interest in the land upon which the development is proposed, or their authorized agent.

b. Applicant Not the Owner

If the applicant is not the owner of the land or if the applicant is a contract purchaser of the land, a letter signed by the owner consenting to the submission of the application shall be submitted with the application.

c. Applicant Not the Sole Owner

If the applicant is not the sole owner of the land, a letter signed by the other owners, or an entity representing the owners, consenting to or joining in the application shall be submitted with the application.

(3) Required Application Contents and Form

The application contents and form shall be in accordance with requirements established by the ZA or LDA, as applicable, in the Procedures Manual.

(4) Fees

Required fees shall be those established for the specific application by the City Council, as contained in the Procedures Manual.

(5) Submission Schedule

The schedule for application submission and review, including time frames for review, shall be established for the specific application type by the ZA or LDA, as applicable, and contained in the Procedures Manual.

(6) Revision of Application

a. An applicant may revise an application after receiving initial staff review comments on the application, or upon requesting and receiving permission from an advisory or decision-making body after that body has reviewed but not yet taken action on the application. Revisions shall be submitted to the ZA or LDA, whichever received the application, and shall be limited to changes that directly respond to specific requests or suggestions made by staff, or the advisory or decision-making body, as long as such requests or suggestions constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the application.

b. Any other revisions to the application may be submitted as a revised application at any time during the review procedure to the ZA or LDA, in accordance with Sec. 17-2.4(c)(1) above. The revised application shall be reviewed as if it were a new application. The revised application submittal may be subject to additional application fees to defray the additional costs of processing the revised application.

(7) Withdrawal of Application

a. Withdrawal by Applicant

After an application has been accepted as complete for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the ZA or LDA, whichever received the application, or by verbally withdrawing the application at a public hearing for which review of the application is scheduled.

b. Withdrawal through Inaction

If an applicant requests or causes continuing postponement of submissions or actions required to complete the application review process, and such postponement causes inaction for six or more months in the review of the application, the application will be considered withdrawn, and the ZA or LDA, whichever received the application, shall notify the applicant in writing.

c. Application Fees not Refunded

Application fees shall not be refunded for withdrawn applications.

(8) Resubmitting Application

a. After Withdrawal of Application

If an application is withdrawn through inaction in accordance with Sec. 17-2.4(c)(7)b above, no application proposing substantially the same development on all or part of the same land shall be accepted by the City within six months after the date of withdrawal. Any such application shall be considered a new application.

b. After Disapproval of Application

1. If a development application requiring a public hearing is disapproved, an application proposing substantially the same development on all or part of the same land shall not be submitted within one year after the date of disapproval unless the decision-making body waives this time limit in accordance with subsection 2 below. Only one request for a waiver of this time limit may be submitted during the one-year period.

2. The owner of land that is the subject of an application that was disapproved, or the owner's authorized agent, may submit a written request for waiver of the time limit established in subsection 1 above, along with a fee to defray the cost of processing the request, to the ZA or LDA, whichever received the application, who shall transmit the request to the decision-making body. The decision-making body may grant a waiver of the time limit only on a finding by at least two-thirds of its membership of one or more of the following:

(i) There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the application of the relevant review standards to the development proposed in the application;

(ii) New or additional information is available that was not available at the time of review that might reasonably affect the application of the relevant review standards to the development proposed in the application;

(iii) The new application proposed to be submitted is not substantially the same as the prior application; or

(iv) The final decision on the application was based on a material mistake of fact.

(9) Simultaneous Processing of Applications

Whenever two or more forms of review and approval are required under this Ordinance, the applications for those development approvals or permits may, at the discretion of the ZA or LDA, as appropriate, be processed simultaneously, so long as all applicable state and local requirements are satisfied. Simultaneous processing of applications may result in additional fees to the applicant.

(10) Examination and Copying of Application/Other Documents

At any time, upon reasonable request and during normal business hours, any person may examine a development application, a finalized staff report, and materials submitted in support of or in opposition to an application at the ZA's or LDA's office, as applicable.

(d) Determination of Application Completeness

Upon receipt of an application, the ZA or LDA, as applicable, shall determine if the application is complete. A complete application is one that:

a. Contains all content established as required for the particular type of application in accordance with Sec. 17-2.4(c)(3), Required Application Contents and Form.

b. Is in the form established as required for the particular type of application in accordance with Sec. 17-2.4(c)(3), Required Application Contents and Form.

c. Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate substantive standards of this Ordinance.

d. Is accompanied by the fee established for the particular type of application in accordance with Sec. 17-2.4(c)(4), Fees.

(2) Application Incomplete

a. If it is determined the application is incomplete, the ZA or LDA, whichever received the application, shall send notice by mail or electronically to the applicant of the deficiencies within five business days of submittal, and review of the application shall not proceed. The applicant may correct the deficiencies and resubmit the application for completeness determination.

(3) Application Complete

If the application is determined to be complete, it shall be reviewed in accordance with the procedures and standards of this section, this article, and this Ordinance. Any established time frame for review of the application shall start on the date the application is determined to be complete.

(e) Staff Review and Action

(1) Staff Review and Opportunity to Revise Application

a. If the application is determined to be complete, the ZA or LDA, whichever received the application, shall distribute it to all appropriate City staff and other review agencies for review and comment.

b. The ZA or LDA, as applicable, shall review the application, relevant support material, and any comments or recommendations from the Site Plan Review Team, if applicable, and any other City staff or review agencies to which the application was referred. If deficiencies in complying with applicable standards of this Ordinance are identified, the ZA or LDA, as applicable, shall notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to discuss the deficiencies and revise the application to address them, in accordance with Sec. 17-2.4(c)(6), Revision of Application.

c. If the application involves land that is located within 3,000 feet of any federal military installation, or within the 3,000-foot Clear Zone and Accident Potential Zones Numbers I and II as prescribed in 32 C.F.R. Section 256, defining Air Installation Compatible Use Zones of a federal military airfield, the ZA or LDA, whichever received the application, shall, at least 30 days prior to a hearing on the application, request a written recommendation from the commander of the installation in accordance with S.C. Code § 6-29-1630.

(2) Application Subject to Staff Recommendation

a. Staff Report

If an application is subject to recommendation to an advisory or decision-making body by the ZA or LDA in accordance with Sec. 17-2.2, Summary Table of Development Review Responsibilities, the ZA or LDA, as applicable, shall, following completion of staff review, prepare a written staff report that addresses the application's compliance with applicable review standards and that recommends action on the application, including any recommended conditions of approval.

b. Distribution and Availability of Application and Staff Report

After completion of the staff report, the ZA or LDA, as applicable, shall transmit the application and staff report to the appropriate advisory or decision-making body in accordance with Sec. 17-2.2, Summary Table of Development Review Responsibilities. The ZA or LDA, as applicable, shall also

provide the applicant a copy of the staff report and make a copy of the staff report available for examination by the public in accordance with Sec. 17-2.4(c)(10), Examination and Copying of Application/Other Documents.

(3) Application Subject to Decision by Zoning Administrator or Land Development Administrator

a. Decision

If an application is subject to staff review and a final decision by the ZA or LDA in accordance with Sec. 17-2.2, Summary Table of Development Review Responsibilities, the ZA or LDA, as applicable, shall, following completion of staff review, either approve the application, approve the application subject to conditions, or disapprove the application. The decision shall be based on the review standards set forth in Sec. 17-2.5, Application-Specific Review Procedures and Decision Standards, for the specific type of application.

b. Conditions of Approval

If permitted for the particular type of application in accordance with Sec. 17-2.5, Application-Specific Review Procedures and Decision Standards, approval of an application may be subject to conditions of approval. Any conditions of approval shall be expressly set forth in the approval, shall be limited to conditions deemed necessary to ensure compliance with the requirements and particular standards of this Ordinance, and shall relate in both type and scope to the anticipated impacts of the proposed development.

c. Effect of Approval

The effect of approval of a development application by the ZA or LDA shall be in accordance with Sec. 17-2.4(h)(4), Effect of Approval.

d. Lapse of Approval

Approval of a development application by the ZA or LDA shall expire in accordance with Sec. 17-2.4(h)(5), Lapse of Approval.

(f) Scheduling of Public Hearing and Public Notification

(1) Public Hearing Scheduling

a. If an application is subject to a public hearing in accordance with Sec. 17-2.2, Summary Table of Development Review Responsibilities, the ZA or LDA, whichever received the application, shall ensure that the hearing on the application is scheduled for a regularly scheduled meeting of the body conducting the hearing or a meeting specially called for that purpose by such body.

b. The hearing on the application shall be scheduled so there is sufficient time for any required staff report to be prepared and distributed in accordance with Sec. 17-2.4(e)(2)a, Staff Report, and for public notification in accordance with this subsection.

(2) Public Notification

Notification of a public hearing on an application shall be as required by the South Carolina Code and as shown in Table 17-2.4(F) below. Computation of the required time periods shall be according to Sec. 17-9.1(d), Computation of Time.

TABLE 17-2.4(F): SUMMARY OF REQUIRED PUBLIC NOTIFICATION

APPLICATION TYPE	REQUIRED NOTICE		
	MAILED	PUBLISHED	POSTED
Text Amendment	Mailed at least 30 days before hearing date to entities requesting notification in accordance with subsection f below [1]	Published at least 30 days before hearing date	None
Zoning Map Amendment **Planned Development** **Historic Districts and Landmarks Designation** **Design Districts Designation**	Mailed at least 30 days before hearing date to all owners of land contiguous to the property, to neighborhood associations, and to entities requesting notification in accordance with subsection f below [1]	Published at least 30 days before hearing date	Posted at least 30 days before hearing date
Special Exception Permit **Variance – Zoning** **Variance – Land Development**	None	Published at least 15 days before hearing date	Posted at least 15 days before hearing date
Development Agreement [2]	None	Published at least 15 days before hearing date	None
Certificate of Design Approval – Historic Districts and Landmarks (Major) **Certificate of Design Approval – Design District (Major)**	None	Published at least 15 days before hearing date	Posted at least 15 days before hearing date
Appeal: Certificate of Design Approval – Historic Districts and Landmarks (Minor) **Appeal: Certificate of Design Approval – Design District (Minor)**	Mailed at least 15 days before hearing date to appellant and to applicant for decision being appealed (if different from appellant)	Published at least 15 days before hearing date	None
Major Subdivision Preliminary Plat	None	None	Posted at least 15 days before hearing date
Appeal – Zoning **Appeal – Land Development**	Mailed at least 15 days before hearing date to appellant and to applicant for decision being appealed (if different from appellant)	Published at least 15 days before hearing date	None

TABLE 17-2.4(F): SUMMARY OF REQUIRED PUBLIC NOTIFICATION			
APPLICATION TYPE	REQUIRED NOTICE		
	MAILED	PUBLISHED	POSTED

NOTES:

[1] Published and posted notice of a Planning Commission meeting at which a landowner whose land is the subject of a proposed Text Amendment or Zoning Map Amendment will be allowed to present oral or written comments shall be provided at least 15 days prior to the meeting date.

[2] In addition to other notice requirements, the day, time, and place for the second public hearing, which shall be conducted by the City Council, shall be announced at the first public hearing, which shall be conducted by the Planning Commission.

a. Mailed Notice Requirements

1. The ZA or LDA, whichever received the application, shall be responsible for mailing notice in accordance with this subsection. Mailed notice shall be sent via first-class mail, unless otherwise specified in Sec. 17-2.5, Application-Specific Review Procedures and Decision Standards, to those persons listed as mailed notice recipients in Table 17-2.4(F) above.

2. The applicant shall provide mailing labels and stamps to the ZA or LDA, as applicable, at the time the application is submitted for required mailed notices. Unless evidence to the contrary exists, the names and mailing addresses for land owners required to be mailed notice shall be as shown on the latest published tax map ownership list.

b. Published Notice Requirements

1. The ZA or LDA, whichever received the application, shall prepare, in accordance with subsection d below, any required notice of the public hearing to be published.

2. The ZA or LDA, as applicable, shall publish notice prepared in accordance with subsection 1 above in a newspaper of general circulation in the City.

c. Posted Notice Requirements

1. The ZA or LDA, whichever received the application, shall prepare, in accordance with subsection d below, any required notice of the hearing to be posted.

2. The ZA or LDA, as applicable, shall post notice prepared in accordance with subsection 1 above such that the notice is conspicuously located on or adjacent to the property affected. At least one such notice shall be visible from each public thoroughfare that abuts the property.

3. It shall be a violation of this Ordinance for any person to remove, mar, scratch, obliterate, or in any manner deface, hide from view, or tamper with posted hearing notices.

d. Required Content

1. Published and Posted Notices

All required published and posted notices of a hearing shall, at a minimum:

(a) Identify the application by name or application number;

(b) Identify the property affected;

(c) State the type of application and the nature and scope of the proposed development or action;

(d) State the date, time, and place of the hearing; and

(e) State how additional information about the application may be obtained and how and where comments on the application may be submitted before the hearing.

2. Mailed Notices

All required mailed notices of a hearing shall, at a minimum:

(a) Identify the application by name or application number;

(b) State the type of application and the nature and scope of the proposed development or action;

(c) Identify the location of the land subject to the application by street address, legal description, or tax map number, and include a location map;

(d) State the date, time, and place of the hearing and state that interested persons may appear, speak, and submit evidence or comments at the hearing; and

(e) State how additional information about the application may be obtained and how and where comments on the application may be submitted before the hearing.

e. Copy of Notice Maintained

1. The ZA shall maintain in the ZA's office a copy of any notification provided by the ZA in accordance with this subsection.

2. The LDA shall maintain in the LDA's office a copy of any notification provided by the LDA in accordance with this subsection.

f. Registration to Receive Notice by Mail

Any person, neighborhood organization, or other organization in the City may register with the ZA to receive written notice of all applications in accordance with Sec. 17-2.4(f)(2)d.2, Mailed Notices. To be eligible for

registration, the applicant shall provide the ZA information in the form required by the ZA to ensure notification can be made to the organization, along with a fee to defray the costs.

(3) Deferral of Public Hearing

An applicant may request that a review body's consideration of an application at a public hearing be deferred at any time prior to the public hearing by submitting a written request for deferral to the ZA or LDA, whichever received the initial application. The ZA or LDA, as applicable, may grant such a request for good cause. If a deferral is granted, the date of the public hearing at which the application will be heard shall be set at the time the deferral is granted.

(g) Advisory Body Review and Recommendation

If an application is subject to a recommendation by an advisory body (either the Planning Commission or the Design Development Review Commission, in accordance with Sec. 17-2.2, Summary Table of Development Review Responsibilities) the advisory body shall review and act on the application in accordance with the requirements in this subsection.

(1) General

The advisory body shall hold any required public hearing on the application in accordance with Sec. 17-2.2, Summary Table of Development Review Responsibilities. At the hearing, the advisory body shall consider the application, relevant support materials, the staff report, and any public comments and then recommend one of the decisions authorized for the particular type of application, based on the decision standards applicable for the application type, as set forth in Sec. 17-2.5, Application-Specific Review Procedures and Decision Standards.

(2) Statement of Basis for Recommended Decision

The advisory body's recommendation shall state the basis or rationale for the recommended decision.

(3) Timing

The advisory body shall take action within any time period specified in Sec. 17-2.5, Application-Specific Review Procedures and Decision Standards, for the type of application.

(4) Conditions of Approval

If permitted for the particular type of application in accordance with Sec. 17-2.5, Application-Specific Review Procedures and Decision Standards, for the particular type of application, the advisory body may recommend conditions of approval. Conditions of approval must relate in both type and extent to the anticipated impacts of the proposed development.

(h) Decision-Making Body Hearing, Review, and Decision

If an application is subject a final decision by the City Council, the Planning Commission, the Board of Zoning Appeals, the Board of Zoning Appeals – Form-based Codes, or the Design Development Review Board in accordance with Sec. 17-2.2, Summary Table of Development Review Responsibilities, such decision-making body shall review and make a final decision on the application in accordance with the requirements in this subsection.

(1) General

The decision-making body shall hold any required public hearing on the application in accordance with Sec. 17-2.2, Summary Table of Development Review Responsibilities. At the hearing, the decision-making body shall consider the application, relevant support materials, staff report, any advisory body recommendations, and any public comments. It shall then make one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, as set forth in Sec. 17-2.5, Application-Specific Review Procedures and Decision Standards.

a. Statement of Basis

The decision-making body shall clearly state the basis or rationale for the decision.

b. Timing

The decision-making body shall take action as promptly as reasonably possible in consideration of the interests of the applicant, affected parties, and citizens of the City.

(2) Remand

Before making its decision, the decision-making body may remand the application to the advisory body or to the ZA or LDA, as applicable, for further consideration of any issue.

(3) Conditions of Approval

If permitted for the particular type of application in accordance with Sec. 17-2.5, Application-Specific Review Procedures and Decision Standards, approval of an application may be with conditions. Conditions of approval must relate in both type and extent to the anticipated impacts of the proposed development.

(4) Effect of Approval

Approval of a development application in accordance with this Ordinance authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application and approval. In the event that one development approval or permit is a prerequisite to another development approval or permit (e.g., variance approval prior to a site plan approval), development may not take place until all required approvals or permits are obtained. Approval of one development application does not necessarily guarantee approval of any subsequent development application.

(5) Lapse of Approval

a. Development approvals and permits shall expire as provided in Sec. 17-2.5, Application-Specific Review Procedures and Decision Standards, for each type of development approval or permit. If no expiration period is provided for the specific type of development approval or permit, and if no expiration period is imposed as part of the approval by the decision-making body or person, the development approval or permit shall expire if a Zoning Permit authorizing the approved development is not obtained within two years.

b. Subsection a above shall not apply where a vested right has been established in accordance with Sec. 17-1.9, Vested Rights.

c. A change in ownership of the land that is the subject of a development approval or permit shall not affect the established expiration time period for the development approval or permit.

(i) Notification to Applicant of Decision

Within a reasonable period of time after a final decision on a development application, the ZA or LDA, whichever received the application, shall notify the applicant of the decision in writing in accordance with the requirements of State law and shall make a copy of the decision available to the public at either the ZA's office or LDA's office, as applicable, during normal business hours.

(j) Appeal

(1) An appeal from a final decision by the City Council, the Planning Commission, the Board of Zoning Appeals, the Board of Zoning Appeals – Form-based Codes, or the Design Development Review Board shall be to a court of competent jurisdiction in accordance with requirements of State law.

(2) Unless otherwise provided in Sec. 17-2.5, Application-Specific Review Procedures and Decision Standards, an appeal from an order, requirement, decision, or determination made by the ZA in the review of a development application or the enforcement of this Ordinance shall be in accordance with Sec. 17-2.5(u), Appeal – Zoning.

(3) Unless otherwise provided in Sec. 17-2.5, Application-Specific Review Procedures and Decision Standards, any appeal from an order, requirement, decision, or determination made by the LDA in the review of a development application shall be in accordance with Sec. 17-2.5(v), Appeal – Land Development (Subdivision).

Sec. 17-2.5 Application-Specific Review Procedures and Decision Standards

(a) General

This section establishes, for each type of development application reviewed under this Ordinance, the specific review procedure and decision standards that apply, in accordance with Sec. 17-2.2, Summary Table of Development Review Responsibilities.

The following subsections identify, for each type of development application, the purpose of the subsection and/or type of development approval or permit; in what situations application approval is necessary; the standard procedures in Sec. 17-2.4, Standard Review Procedures, that are required and any applicable modifications of or additions to the standard procedures; and the standards for making a decision on the application. For applications for which a Pre-Application Conference may be especially beneficial, it is identified in this section as optional; however, if it is not indicated as required, a Pre-Application Conference is optional for any development application, as is an Appeal from a decision.

(b) Text Amendment

(1) Purpose

The purpose of this subsection is to provide a uniform mechanism for amending the text of this Ordinance.

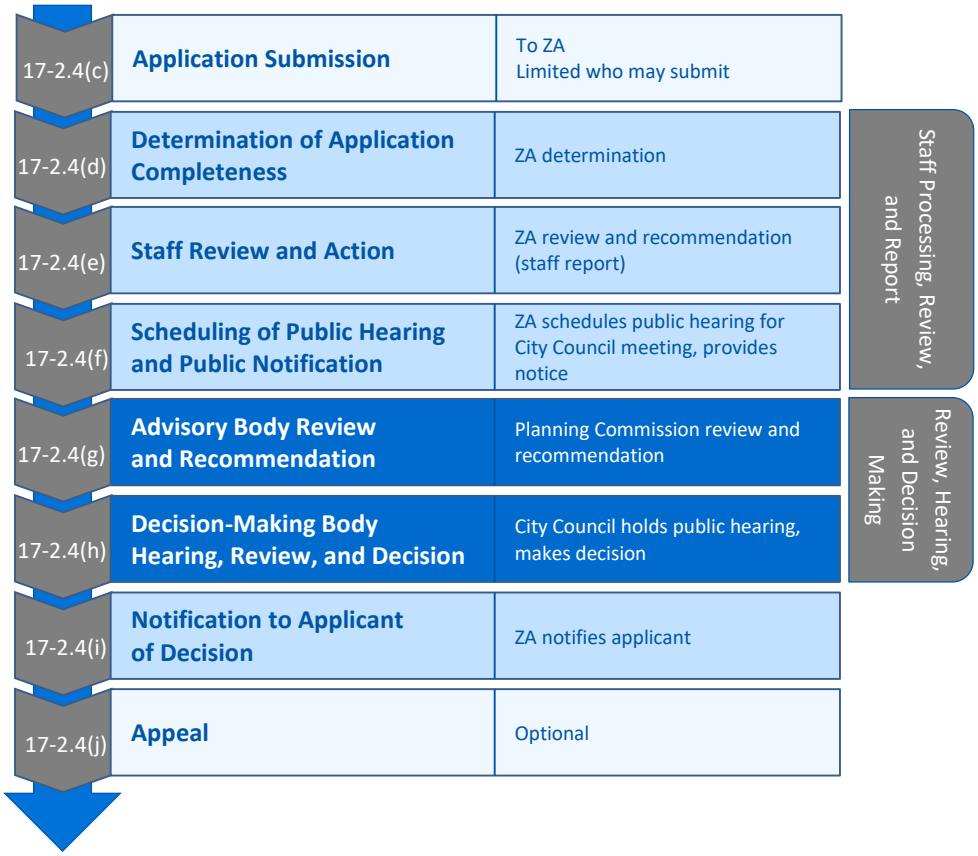
(2) Applicability

The text of this Ordinance may be amended by the City Council only in accordance with the rules and procedures in this subsection.

(3) Text Amendment Procedure

Figure 17-2.5(b) identifies the standard review procedures that apply to applications to amend the text of this Ordinance. Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(b): Summary of Text Amendment Procedure



a. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

1. An application for an amendment to the text of this Ordinance may be submitted only by:

(i) A member of the City Council;

(ii) The City Manager;

(iii) The Director of Planning and Development Services;

(iv) The ZA; or

(v) The ZA in accordance with a motion adopted by the City Council or the Planning Commission.

2. Withdrawal of a text amendment application by the applicant prior to the public hearing or final action by the City Council shall be considered

a termination of the application. Resubmission shall be processed as a new application with prescribed fees.

b. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

c. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action).

d. Scheduling of Public Hearing and Public Notification

Required (see Sec. 17-2.4(f), Scheduling of Public Hearing and Public Notification).

e. Advisory Body Review and Recommendation

Required (see Sec. 17-2.4(g), Advisory Body Review and Recommendation).

1. Within 90 days from the date that any proposed text amendment is referred to it, the Planning Commission shall submit its report and recommendation to the City Council. The recommendation of the Planning Commission shall be advisory only. If the Planning Commission does not submit its report to the City Council within 90 days of the case being referred to the Commission, it shall be deemed that the Commission recommends approval of the proposed text amendment, and the City Council may proceed to act on the amendment.

2. The Planning Commission's recommendation shall address:

(i) Whether the application meets the Text Amendment Decision Standards in Sec. 17-2.5(b)(4) below;

(ii) The need and justification for the change; and

(iii) The relationship of the proposed amendment to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this Ordinance and the Comprehensive Plan.

f. Decision-making Body Hearing, Review, and Decision

Required (Sec. 17-2.4(h), Decision-Making Body Hearing, Review, and Decision). The City Council shall review and make a decision on the application in accordance with Sec. 17-2.5(b)(4), Text Amendment Decision Standards. The decision shall be one of the following:

(i) Adopt by ordinance the text amendment as proposed;

(ii) Adopt by ordinance a revised text amendment, only if the revisions are first submitted to the Planning Commission for review and recommendation in accordance with State law; or

(iii) Deny the proposed text amendment.

g. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

h. Appeal

Optional (see Sec. 17-2.4(j), Appeal).

(4) Text Amendment Decision Standards

The advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or disapprove the proposed text amendment, the City Council may consider many factors, including but not limited to whether, and the extent to which, the proposed amendment:

1. Is consistent with the goals and policies of the Comprehensive Plan and other applicable plans and planning documents adopted by the City;
2. Is required by changed conditions;
3. Addresses a demonstrated community need;
4. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the City;
5. Is consistent with other related State and local laws and regulations;
6. Would result in a logical and orderly development pattern; and
7. Would avoid creating significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

(c) Zoning Map Amendment

(1) Purpose

The purpose of this subsection is to provide a uniform mechanism for reviewing and making a decision on applications to amend the Official Zoning Map.

(2) Applicability

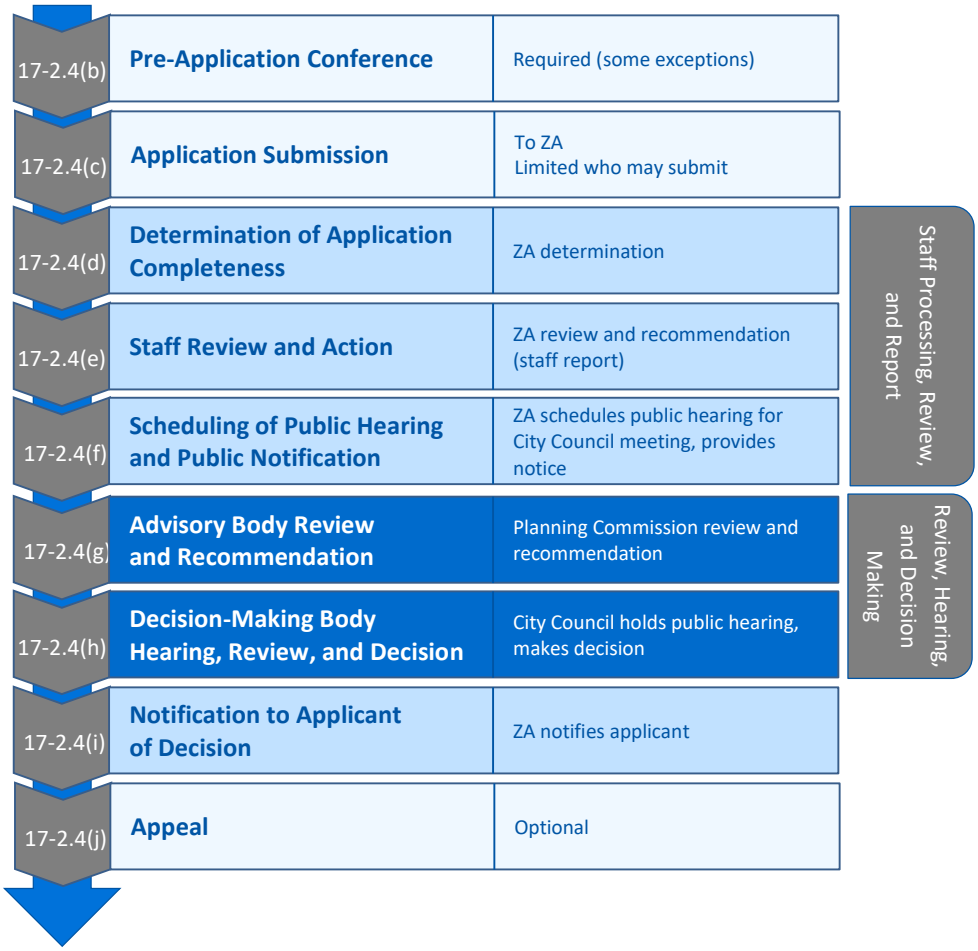
The Official Zoning Map may be amended by the City Council in accordance with the procedures and standards in this subsection, except that this subsection does not apply to any amendment to the Official Zoning Map that establishes or changes the boundaries of a Planned Development district (see Sec. 17-2.5(d), Planned Development).

(3) Zoning Map Amendment Procedure

Figure 17-2.5(c) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to applications to amend the Official

Zoning Map. Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(c): Summary of Zoning Map Amendment Procedure



a. Pre-Application Conference

Required (see Sec. 17-2.4(b), Pre-Application Conference), except that a pre-application conference is not required for an application filed by a member of the City Council, the City Manager, the Director of Planning and Development Services, or the ZA.

b. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

1. An application may be submitted only by:

(i) A member of the City Council;

(ii) The City Manager;

(iii) The Director of Planning and Development Services;

(iv) The ZA;

(v) The ZA in accordance with a motion adopted by the City Council or the Planning Commission; or

(vi) The owner of the property that is the subject of the application or an authorized agent of the owner.

2. The property that is the subject of the application must have a minimum land area of at least two acres or must be extending an existing district boundary

c. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

d. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action).

e. Scheduling of Public Hearing and Public Notification

Required (see Sec. 17-2.4(f), Scheduling of Public Hearing and Public Notification).

f. Advisory Body Review and Recommendation

Required (see Sec. 17-2.4(g), Advisory Body Review and Recommendation).

1. Within 30 days from the date that an application is referred to it, the Planning Commission shall submit its report and recommendation to the City Council. The recommendation of the Planning Commission shall be advisory only. If the Planning Commission does not submit its report within the prescribed time, the City Council may proceed to act on the proposed amendment without further awaiting the recommendations of the Planning Commission.

2. The Planning Commission's recommendation shall address:

(i) Whether the application complies with Sec. 17-2.5(c)(4), Zoning Map Amendment Decision Standards;

(ii) The need and justification for the change;

(iii) The effect of the change, if any, on the property and on surrounding neighborhoods; and

(iv) The relationship of the proposed zoning map amendment to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this Ordinance and the Comprehensive Plan.

3. If the proposed zoning map amendment involves the establishment or a change in the boundaries of a design district in which the standards and procedures in Sec. 17-2.5(h), Certificate of Design Approval – Design Districts, apply, the Design Development Review Commission shall, prior to the Planning Commission's review of the proposed

amendment, if practicable, review the application and prepare a report that includes:

(i) A recommendation for the design district boundary location; and

(ii) A recommendation for general standards for urban design control and other regulatory standards for the design district consistent with the purposes of this Ordinance.

4. If the proposed zoning map amendment involves the establishment or a change in the boundaries of the Historic Preservation Overlay district, the Design Development Review Commission shall, prior to the Planning Commission's review of the proposed amendment, if practicable, review the application and prepare a report that includes:

(i) A recommendation for the location of the overlay district boundary; and

(ii) A recommendation for general standards for urban design, historic preservation control, and other regulatory standards, consistent with the general purpose of the Historic Preservation Overlay and the differences in significance and purpose between landmarks, landmark districts, architectural conservation districts, historic commercial districts, and protection areas, as set forth in Sec. 17-3.7(j), OV-HP: Historic Preservation Overlay District .

g. Decision-making Body Hearing, Review, and Decision

Required (see Sec. 17-2.4(h), Decision-Making Body Hearing, Review, and Decision).

1. The City Council shall review and make a decision on the application in accordance with Sec. 17-2.5(c)(4), Zoning Map Amendment Decision Standards, within 180 days after the public hearing on the application. If no action is taken by the City Council within 180 days after the public hearing, the proposed amendment shall be considered disapproved. The City Council's decision shall be one of the following:

(i) Adopt by ordinance the proposed zoning map amendment;

(ii) Adopt by ordinance a revised zoning map amendment, only if the revisions are first submitted to the Planning Commission for review and recommendation in accordance with State law; or

(iii) Deny the proposed zoning map amendment.

2. If the City Council's adoption of the zoning map amendment involves the establishment or a change in the boundaries of a design district in which the standards and procedures in Sec. 17-2.5(h), Certificate of Design Approval – Design Districts, apply, or the establishment or a change in the boundaries of the Historic Preservation Overlay district, any corresponding establishment or amendment of the standards and design guidelines for the district that are recommended by the DDRC

shall be adopted by the City Council by ordinance, concurrently with the zoning map amendment, as an amendment to the text of this ordinance. Such amendment to the text of this Ordinance shall incorporate the standards and design guidelines in whole or by reference and may include other provisions determined by the City Council to be appropriate.

h. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

i. Appeal

Optional (see Sec. 17-2.4(j), Appeal).

j. Designation on Official Zoning Map

If a zoning map amendment is adopted by the City Council, the ZA shall place the amendment on the Official Zoning Map within a reasonable period of time after its adoption.

(4) Zoning Map Amendment Decision Standards

The advisability of amending the Official Zoning Map is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or disapprove a proposed zoning map amendment, the City Council may consider many factors, including but not limited to whether, and the extent to which, the proposed amendment:

1. Is consistent with the goals and policies of the Comprehensive Plan and other applicable plans and planning documents adopted by the City;
2. Would allow a range of uses that are compatible with the uses allowed on other property in the immediate vicinity;
3. Is appropriate for the land;
4. Addresses a demonstrated community need;
5. Is consistent with the overall zoning program as expressed in future plans for the City;
6. Would avoid creating an inappropriately isolated zoning district unrelated to adjacent and surrounding zoning districts;
7. Would allow the subject property to be put to a reasonably viable economic use;
8. Would result in development that can be served by available, adequate, and suitable public facilities (e.g., streets, potable water, sewerage, stormwater management);
9. Would avoid creating significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and

10. Is appropriate due to any changed or changing conditions in the affected area.

(d) Planned Development

(1) Purpose

Planned developments (PDs) are developments having a mix of uses that are planned and developed under unified control and in accordance with more flexible standards and procedures in order to achieve innovative site design, improved appearance, greater compatibility of uses, increased preservation of natural and scenic features, improved service by community facilities, better functioning of vehicular access and circulation, and otherwise higher-quality development than could be achieved through base zoning district regulations. The purpose of this subsection is to provide a uniform mechanism for amending the Official Zoning Map to establish any of the planned development zoning districts established by this Ordinance.

(2) Applicability

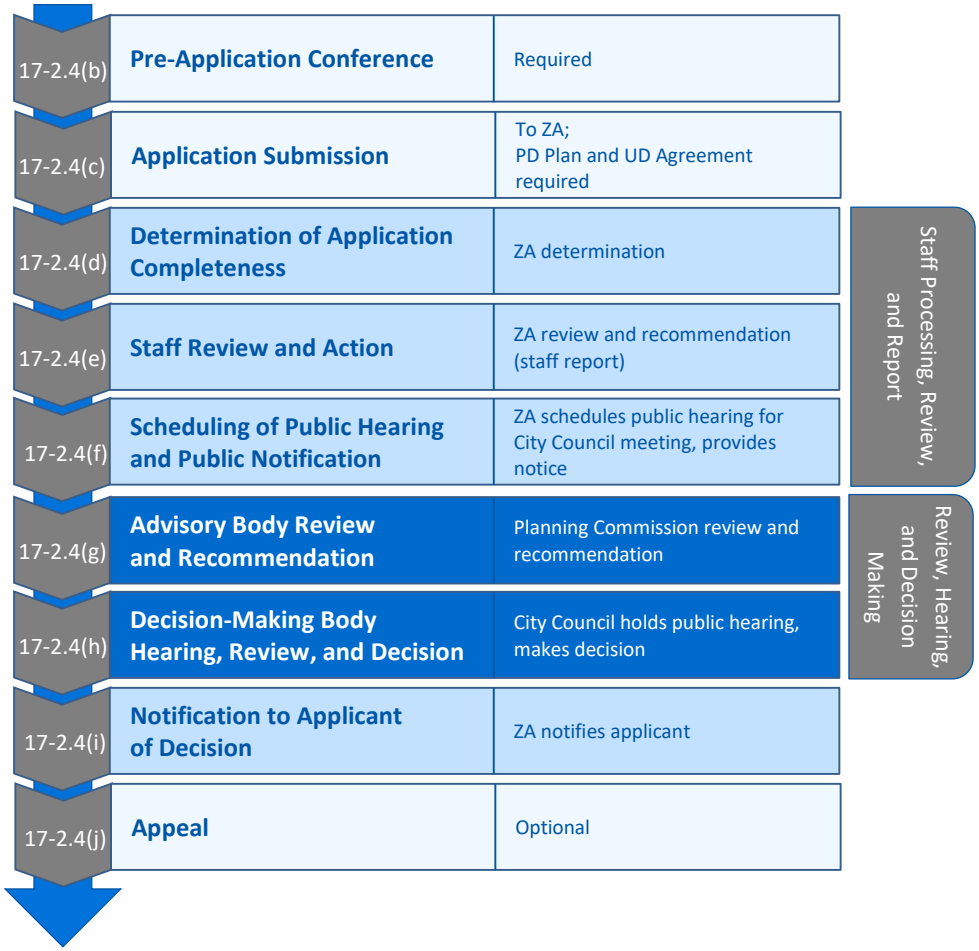
The procedures and standards in this subsection apply to the review of applications to amend the Official Zoning Map to establish a planned development (PD) zoning district (see Sec. 17-3.6, Planned Development Districts). A PD district is established by an amendment to the Official Zoning Map to a PD zoning district that is defined by a PD Plan and a PD Agreement. Once the PD is approved, the applicant must receive approval of a site plan (see Sec. 17-2.5(i), Site Plan) or subdivision (see Sec. 17-2.5(j), Subdivision), prior to development to ensure substantial compliance with the approved PD Plan and PD Agreement.

(3) Planned Development Procedure

Figure 17-2.5(d) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to applications for Planned

Development. Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(d): Summary of Planned Development Zoning Procedure



a. Pre-Application Conference

Required (see Sec. 17-2.4(b), Pre-Application Conference).

b. Application Submission

Required (see Sec. 17-2.4(c), Application Submission). A proposed PD Plan and a proposed PD Agreement addressing all requirements and standards set forth in Sec. 17-3.6, Planned Development Districts, shall be submitted as a part of the required application materials.

c. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

d. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action).

e. Scheduling of Public Hearing and Public Notification

Required (see Sec. 17-2.4(f), Scheduling of Public Hearing and Public Notification).

f. Advisory Body Review and Recommendation

Required (see Sec. 17-2.4(g), Advisory Body Review and Recommendation).

1. Within 30 days from the date that an application is referred to it, the Planning Commission shall submit its report and recommendation to City Council. The recommendation of the Planning Commission shall be advisory only. If the Planning Commission does not submit its report within the prescribed time, the City Council may proceed to act on the application without further awaiting the recommendation of the Planning Commission.

2. The Planning Commission's recommendation shall address:

(i) Whether the application complies with Sec. 17-2.5(d)(4), Planned Development (PD) Decision Standards;

(ii) The need and justification for the PD zoning;

(iii) The effect of the PD zoning, if any, on the property and on surrounding neighborhoods; and

(iv) The relationship of the proposed PD zoning to the purposes of the general planning program, with appropriate consideration as to whether the proposed PD zoning will further the purposes of this Ordinance and the Comprehensive Plan.

g. Decision-making Body Hearing, Review, and Decision

Required (see Sec. 17-2.4(h), Decision-Making Body Hearing, Review, and Decision).

1. The City Council shall review and make a decision on the application in accordance with Sec. 17-2.5(d)(4), Planned Development (PD) Decision Standards, within 180 days after the public hearing on the application. If no action is taken by the City Council within 180 days after the public hearing, the proposed amendment shall be considered denied. The City Council's decision shall be one of the following:

(i) Adopt by ordinance the PD, including the PD Plan and PD Agreement;

(ii) Adopt by ordinance a revised PD, including the PD Plan and PD Agreement, only if the revisions are first submitted to the Planning Commission for review and recommendation in accordance with State law; or

(iii) Deny the PD.

2. The approved PD Plan and PD Agreement shall be the zoning text for the PD zoning district, and any subsequent development approval or

permit shall comply with the approved PD Plan and PD Agreement, except that minor deviations shall be allowed in accordance with subsection m below.

h. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

i. Appeal

Optional (see Sec. 17-2.4(j), Appeal).

j. Designation on Official Zoning Map

If a PD zoning district is adopted by the City Council, the ZA shall place the amendment on the Official Zoning Map within a reasonable period of time after its adoption. Designation of a PD zoning district on the Official Zoning Map shall note the ordinance approving the PD zoning district classification, the PD Plan, and the PD Agreement.

k. Completion of Necessary Agreements and Recordation

The applicant shall complete the following steps prior to the submission of any subsequent development application having as its subject any land in the PD zoning district:

(i) File with the City Clerk and record with the Register of Deeds (ROD), the following:

(a) Copies of the PD Plan and PD Agreement; and.

(b) Any deed restrictions or other restrictive covenants required by the City Council in its approval of the PD zoning district, to include any completed agreements with the City that are necessary for the City to become a party to the deed restrictions or other restrictive covenants.

l. Amendment of PD Zoning District

A PD zoning district shall be amended, extended, or modified only in accordance with the procedures and standards for its original approval.

m. Minor Deviations

Subsequent applications for development approvals and permits within a PD zoning district that include minor deviations from the approved PD Plan or PD Agreement may be reviewed and decided upon, without the need to amend the PD zoning district, if the LDA or ZA, whichever receives the application, determines that such deviations consist of only the following:

(a) Changes that result in a decrease in the density or intensity of development approved for a specific parcel;

(b) An increase in residential density for any specific parcel of ten percent or less, if the total allowed density with the PD zoning district does not increase;

(c) A change in a land use designation from multifamily to single-family or a change from any use to open space/passive recreation;

(d) A modification of design of facilities for amenities such as parks, gardens or open spaces; or

(e) A deviation specifically listed in the approved PD Agreement as a minor deviation not materially affecting the PD zoning district's basic concept or the designated general use of parcels of land within the district.

(4) Planned Development (PD) Decision Standards

The advisability of adopting a PD zoning district is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or disapprove a PD zoning district, the City Council may consider many factors, including those listed in Sec. 17-2.5(c)(4), Zoning Map Amendment Decision Standards. The City Council shall not adopt a proposed PD zoning district unless it finds that the district complies with the standards for the proposed type of PD district in Sec. 17-3.6, Planned Development Districts, and the purposes of zoning ordinances as set forth in State law.

(e) Special Exception Permit

(1) Purpose

A use designated as a special exception in a particular zoning district is a use that may be appropriate in the district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. The purpose of this section is to establish a uniform mechanism to review special exceptions to ensure they are appropriate for the location and zoning district where they are proposed.

(2) Applicability

a. The procedures and standards in this subsection apply to the review of and decision on applications for Special Exception Permits.

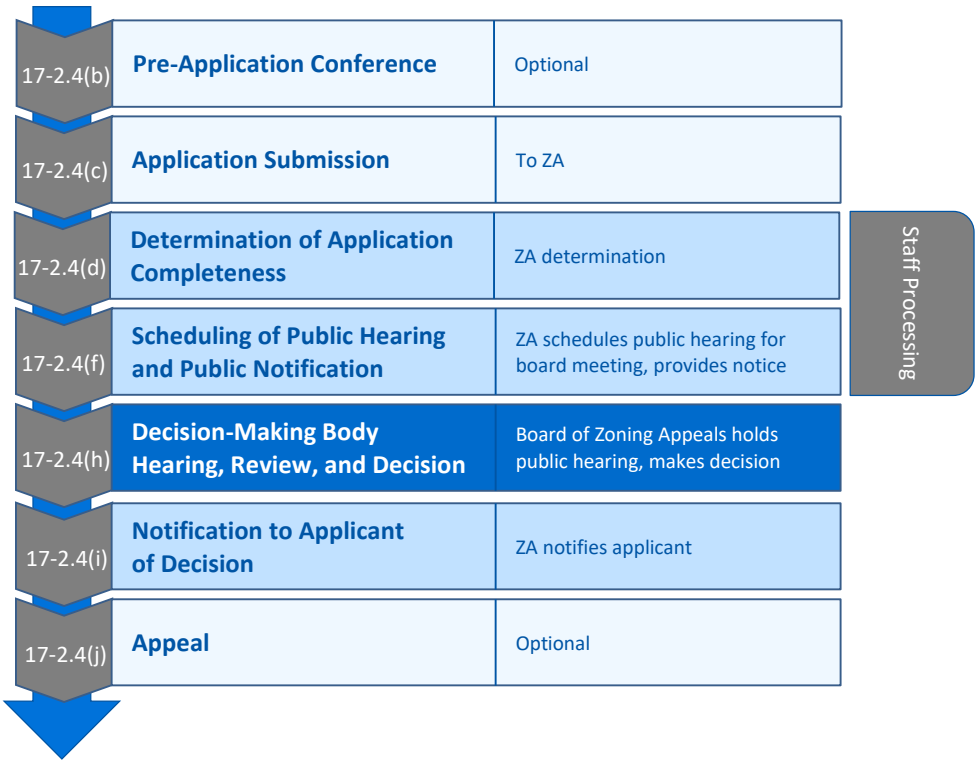
b. A Special Exception Permit is required prior to the issuance of a Zoning Permit for any land use identified as requiring a Special Exception Permit in Sec. 17-4.2, Principal Uses, or for any development identified in this Ordinance as requiring approval of a Special Exception Permit.

(3) Special Exception Permit Procedure

Figure 17-2.5(e) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to applications for a Special Exception

Permit. Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(e): Summary of Special Exception Permit Procedure



a. Pre-Application Conference

Optional (see Sec. 17-2.4(b), Pre-Application Conference).

b. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

c. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

d. Scheduling of Public Hearing and Public Notification

Required (see Sec. 17-2.4(f), Scheduling of Public Hearing and Public Notification).

e. Decision-making Body Hearing, Review, and Decision

Required (see Sec. 17-2.4(h), Decision-Making Body Hearing, Review, and Decision).

1. The Board of Zoning Appeals shall review and make a decision on the application in accordance with Sec. 17-2.5(e)(4), Special Exception Permit Decision Standards. The decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions of approval; or

(iii) Deny the application.

2. The Board's decision shall be in writing and shall include findings of fact and conclusions of law.

3. Subject to Sec. 17-1.9, Vested Rights, The Board may include as a condition of approval a time limit within which the action for which the Special Exception Permit is required shall be begun or completed, or both. Failure to begin or complete, or begin and complete, such an action within the time limit shall void the Special Exception Permit.

4. Any violation of a condition of approval of a Special Exception Permit shall be deemed a violation of this Ordinance and shall void the Special Exception Permit.

f. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

g. Appeal

Optional (see Sec. 17-2.4(j), Appeal). Appeals from a final decision of the Board of Zoning Appeals on an application for a Special Exception Permit are governed by S.C. Code § 6-29-820 through S.C. Code § 6-29-850.

(4) Special Exception Permit Decision Standards

The Board of Zoning Appeals shall approve an application for a Special Exception Permit only upon a finding that the following standards are met:

1. The proposed special exception complies with all applicable zoning district-specific standards in Article 3: Zoning Districts;

2. The proposed special exception complies with all applicable use-specific standard in Article 4: Use Regulations;

3. The proposed special exception will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety;

4. Adequate provisions are made for parking and for loading and unloading;

5. The proposed special exception will not have a substantial adverse impact on adjoining properties in terms of environmental factors such as noise, lights, glare, vibration, fumes, odors, obstruction of air or light, and litter;

6. The proposed special exception will not have a substantial adverse impact on the aesthetic character of the area, to include a review of the orientation and spacing of buildings;

7. The proposed special exception will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the

public interest or conditions likely to result in increased law enforcement response;

8. The establishment of the proposed special exception does not create a concentration or proliferation of the same or similar types of special exception use, which concentration may be detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed;

9. The proposed special exception is consistent with the character and intent of the underlying zoning district as indicated in the zoning district purpose statement, and with any applicable overlay zoning district or adopted plan goals and requirements;

10. The proposed special exception is appropriate for its location and compatible with the permitted uses adjacent to and in the vicinity of the property;

11. The proposed special exception is compatible with the general character of the district in which it is proposed; and

12. The proposed special exception will not adversely affect the public interest.

(f) Development Agreement

(1) Purpose

Development Agreements are a mechanism for providing regulatory certainty, establishing a schedule for development, and assisting both developers and the City coordinate the provision of adequate public facilities to serve development, coordinate the phasing of development, and administer and manage efforts to maintain open space and environmentally sensitive lands. The purpose of this subsection is to establish a uniform procedure and standards for the City to enter into Development Agreements with developers.

(2) Applicability

a. The procedures and standards in this subsection apply to the establishment of a Development Agreement between a developer and the City in accordance with S.C. Code § 6-31-10 et seq.

b. In order for a Development Agreement to be established in accordance with this subsection, the land that is the subject of the proposed Development Agreement must have a contiguous area of at least 25 acres not including any special flood hazard areas.

(3) Development Agreement Procedure

Figure 17-2.5(f) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to Development Agreements. Additions

or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(f): Summary of Development Agreement Procedure



a. Pre-Application Conference

Required (see Sec. 17-2.4(b), Pre-Application Conference).

b. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

c. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

d. Scheduling of Public Hearing and Public Notification

Required (see Sec. 17-2.4(f), Scheduling of Public Hearing and Public Notification). In addition to other notice requirements, the day, time, and place at which the second public hearing, which shall be conducted by the City Council, will be held must be announced at the first public hearing, which is conducted by the Planning Commission.

e. Advisory Body Review and Recommendation

Required (see Sec. 17-2.4(g), Advisory Body Review and Recommendation).

1. The Planning Commission's recommendation to the City Council shall address whether the proposed Development Agreement complies with the standards in Sec. 17-2.5(f)(4), Development Agreement Standards, and whether it is in the best interests to the City to enter into the Development Agreement based on the goals of the City as identified in

this subsection, elsewhere in this Ordinance, the Comprehensive Plan, and any other relevant City plans and policies.

2. At its discretion, the Planning Commission may defer action on its recommendation on a proposed Development Agreement for the purpose of clarifying issues and information related to the proposal.

f. Decision-making Body Hearing, Review, and Decision

Required (see Sec. 17-2.4(h), Decision-Making Body Hearing, Review, and Decision). After the close of the required public hearing, the City Council, in its sole discretion, shall determine whether or not to enter into the Development Agreement, based on such factors as whether the goals of the City, as identified in this subsection, elsewhere in this Ordinance, the Comprehensive Plan, and any other relevant City plans and policies, is best achieved by the City entering into the Development Agreement. Any Development Agreement entered into by the City Council shall comply with Sec. 17-2.5(f)(4), Development Agreement Standards. The effect of a Development Agreement shall be as set forth in subsection k below.

g. Execution of Development Agreement

A Development Agreement shall be executed by all persons having legal or equitable title in the land subject to the Development Agreement, including the fee simple owner and any mortgagees, and the Mayor, on behalf of the City.

h. Recordation

It shall be the responsibility of the developer, within 14 days after the Development Agreement has been executed, to record the Agreement with the Register of Deeds (ROD). If the Development Agreement is amended, cancelled, modified, extended, or revoked, the developer shall be responsible for ensuring the amended Development Agreement is recorded with the Register of Deeds (ROD) within 14 days of its execution.

i. Periodic Review

1. General

The ZA shall undertake a periodic review of the development subject to the Development Agreement every 12 months, commencing one year after the effective date of the Development Agreement. The developer subject to the Development Agreement must demonstrate good faith compliance with the terms and conditions of the agreement, and must provide such information as the ZA requests.

2. Zoning Administrator Report of Material Breach

If, as a result of any annual review, the ZA determines the developer has committed a material breach of the terms and conditions of the Development Agreement, the ZA shall report such circumstances to the City Council

3. City Council Notifies Developer of Material Breach

If the City Council concurs with the findings of the ZA's report, the Council shall serve written notice to the developer, within a reasonable time after the periodic review, setting forth with reasonable particularity the nature of the breach and the evidence supporting the findings and determination, and providing the developer a reasonable period of time to correct the breach.

4. Remedies and Corrections

If the developer fails to cure the material breach within the time provided for correction by the City Council, the City Council may unilaterally terminate or modify the Development Agreement, if it provides the developer an opportunity to either rebut the findings of material breach, or consent to amend the Development Agreement to address the material breach, as long as the City Council has otherwise complied with the provisions of the Development Agreement pertaining to a material breach.

j. Amendment or Cancellation of Development Agreement by Mutual Consent

A Development Agreement may be amended or cancelled by mutual consent of the parties to the Development Agreement, or by their successors in interest. A Development Agreement may be amended, extended, or modified only in accordance with the procedures established for its original approval.

k. Effect of Development Agreement

1. Local Laws and Policies Governing a Development Agreement

Unless otherwise provided for by the Development Agreement, the laws and policies in force at the time of the execution of the Development Agreement govern the development of the land subject to the agreement, except that the City may apply subsequently adopted laws and policies if the City Council holds a public hearing and determines:

(a) The laws are not in conflict with the laws governing the Development Agreement and do not prevent the development set forth in the Development Agreement;

(b) The laws are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a Development Agreement;

(c) The laws are specifically anticipated and provided for in the Development Agreement;

(d) It is demonstrated that substantial changes have occurred in pertinent conditions existing at the time of approval of the Development Agreement, which changes, if not addressed by

the City, would pose a serious threat to the public health, safety, or welfare; or

(e) It is demonstrated that the Development Agreement is based on substantially and materially inaccurate information supplied by the developer.

2. Compliance with Technical Codes Required

Development subject to a Development Agreement shall comply with the requirements of all building, housing, electrical, plumbing, and gas codes, in affect or hereafter adopted by the City.

3. Superior to Other Legal or Equitable Interest

A Development Agreement is determined to be a legislative act of the City in the furtherance of its powers to plan and regulate development, and as such, shall be superior to the rights of existing mortgagees, lien holders or other persons with a legal or equitable interest in the land subject to the Development Agreement, and the obligations and responsibilities arising thereunder on the landowner shall be superior to the rights of said mortgagees or lien holders and shall not be subject to foreclosure under the terms of mortgages or liens entered into or recorded prior to the execution and recordation of the Development Agreement.

4. Successors in Interest

All burdens of a Development Agreement are binding upon, and the benefits of the Development Agreement shall inure to, all successors in interest to the parties to the Development Agreement.

5. Effect of Contrary State or Federal Laws Enacted Subsequently

In the event that state and federal laws are enacted after the execution of a Development Agreement that are applicable to and preclude the parties' compliance with the terms of the Development Agreement, such Development Agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws. Such modification or revocation shall occur only in accordance with the procedures established for the Development Agreement's original approval.

6. Effect of Change in Enabling Legislation

In the event a court of competent jurisdiction determines S.C. Code of Laws § 6-31-10 et seq., or any part thereof, to be invalid or unenforceable, or in the event that the South Carolina General Assembly amends or repeals S.C. Code of Laws § 6-31-10 et seq., in whole or in part, all Development Agreements adopted in accordance with this subsection shall be reviewed to determine if such change in the State law results in a substantial impairment of the City's rights or obligations in relation to each Development Agreement. The City shall have the right to immediately terminate any Development Agreement

as to all parties thereto by written notice to the parties to the Agreement in the event a change in the state law results in a substantial impairment to the City's rights in relation to such Development Agreement.

(4) Development Agreement Standards

An ordinance to enter into a Development Agreement between the City and a developer, and the Development Agreement, shall include the following:

1. Development on at least 25 contiguous acres of land not including any special flood hazard areas.

2. A legal description of the land subject to the Development Agreement and the names of the legal and equitable owners.

3. The duration of the Development Agreement, which shall not exceed what is allowed by State law.

4. The plan for the development of the land, including proposed uses; the types of residential dwelling units; the nonresidential development proposed; the general location of development; the densities/intensities, lot area, building height, and other dimensional standards that will be applied to the development; the internal traffic circulation system; how the development will connect to external streets; greenways, trails, open space areas, and recreational facilities, as appropriate; a development schedule including commencement dates and interim completion dates of no greater than five year intervals; and any other matter determined appropriate for the plan for development of the land.

5. The current zoning district classification of the land subject to the Development Agreement, and the future zoning district classification, if it is proposed to be different.

6. A description of public facilities that will service the development, including who shall provide such public facilities, the date any new public facilities, if needed, will be constructed, and a schedule to verify that public facilities will be available concurrent with the impacts of the development on the public facilities. Any public facilities to be designed or constructed by the developer shall be in compliance with all applicable federal, State, and City standards to ensure the quality of the public facilities. The standards shall include, but not be limited to, guarantees of performance and quality, and project controls (including scheduling, quality controls, and quality assurances). If the City is to provide any public facilities to the development, they shall be tied to defined completion percentages or other defined performance standards that must be met by the developer.

7. If determined appropriate by the City, an evaluation of the traffic impact of the development proposed in the Development Agreement, and assurance that the impact will be mitigated.

8. Where appropriate, a description of any reservations or dedications of land for public purposes.

9. Where appropriate, a description of any provisions to protect environmentally sensitive lands as may be required or permitted in accordance with laws in effect at the time the Development Agreement is entered into between the City and the developer.

10. Where appropriate, a description of any provisions to protect and preserve historic structures.

11. A description of all local development permits approved or needed to be approved for development of the land, specifically, to include at least the following:

(i) Any required amendments to this Ordinance, including the Official Zoning Map;

(ii) Any other required development approvals or permits under this Ordinance; and

(iii) Any other required permissions from regional, State, or federal governments.

12. A statement and agreement by the developer that all local development approvals and permits identified shall be obtained at the sole cost of the developer, and that in the event that any such local development permits are not received, no further development of the land subject to the Development Agreement shall be allowed until such time as the City Council has reviewed the matter and determined whether or not to terminate the Development Agreement, or to modify it in a manner consistent with the public interest and the Comprehensive Plan.

13. A finding that the development permitted or proposed in the Development Agreement is consistent with the Comprehensive Plan and this Ordinance.

14. A statement indicating that failure of the Development Agreement to address a particular development approval, permit, condition, term or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions, and that any matter or thing required to be done under existing ordinances of the City shall not be otherwise amended, modified or waived unless such modification, amendment or waiver is expressly provided for in the Development Agreement with specific reference to the ordinance provisions so waived, modified, or amended.

15. Such conditions, terms, restrictions, or other requirements determined to be necessary by the City Council to ensure compliance with this Ordinance and the Comprehensive Plan, and to ensure the public health, safety, and welfare of the citizens of the City.

16. A statement identifying which laws in force at the time of the execution of the Development Agreement apply; identification of any subsequently adopted laws which will apply; and recognition that other subsequently adopted laws may be applied by the City in accordance with Sec. 17-2.5(h)(2)(l)(1), Local Laws and Policies Governing a Development Agreement, and state law.

17. If one or more other local governments are made party to the agreement in addition to the City, a statement specifying which local government is responsible for the overall administration of the Development Agreement.

(g) Certificate of Design Approval – Historic Districts and Landmarks

(1) Purpose

The purpose of this subsection is to establish a uniform mechanism for ensuring that proposed development within the Historic Preservation Overlay district or on the site of a designated Landmark is consistent with the standards that are specific to the district or site.

(2) Applicability

a. The procedures and standards in this subsection apply to the review of and decision on applications for Certificates of Design Approval – Historic Districts and Landmarks.

b. Unless exempted in accordance with subsection c below, a Certificate of Design Approval – Historic Districts and Landmarks is required prior to any development within the Historic Preservation Overlay district or on the site of a designated Landmark, regardless of whether a building permit is required.

c. Interior alterations which require zoning and building permits do not require a Certificate of Design Approval – Historic Districts and Landmarks.

(3) Minor and Major Certificates Distinguished

a. Minor Certificate

An application for a Minor Certificate of Design Approval – Historic Districts and Landmarks, shall be reviewed and decided in accordance with Sec. 17-2.5(i)(4) , Procedure for Minor Certificate of Design Approval – Historic Districts and Landmarks, for any of the following activities:

(i) Repairs which require a building permit but do not alter the exterior appearance or materials of a building;

(ii) Repairs to buildings in all historic districts using like materials;

(iii) Major repairs to individually designated landmarks using like materials at the option of staff and as set forth in this section;

(iv) Additions or enclosures to buildings and new structures in rear areas of property that are minimally visible from the street;

(v) Alterations of exterior appearance or materials to noncontributing or non-historic buildings in historic districts;

(vi) Signage for buildings in all historic districts except those that are individually designated as landmarks;

(vii) Demolition or relocation of noncontributing buildings in historic districts;

(viii) Fences and walls in Protection Areas, Architectural Conservation Districts, Landmark Districts, and Historic Commercial Districts;

(ix) Site improvements, to include all or any of the paving, steps, fencing, masonry walls, driveways, and parking areas for contributing buildings in historic districts;

(x) The removal, replacement, or alteration of a non-original feature with a feature consistent with the standards and guidelines for the district and appropriate to the building's period or style of construction;

(xi) New construction of a shed or outbuilding that is less than 240 square feet;

(xii) Demolition of a contributing building that has been catastrophically damaged by a fire or other disastrous event;

(xiii) Alterations or new construction to meet ADA or accessibility requirements;

(xiv) Reconstruction of any exterior architectural feature that is missing or damaged and can be verified as original or as having reached architectural significance as verified by documentary evidence; and

(xv) Minor alterations to an individual landmark or a contributing building in a historic district that comply with the guidelines or standards for that building or site.

b. Major Certificate

An application for a Major Certificate of Design Approval – Historic Districts and Landmarks shall be reviewed and decided in accordance with Sec. 17-2.5(g)(5), Procedure for Major Certificate of Design Approval – Historic Districts and Landmarks, for any development not listed in subsection a above or exempted in accordance with Sec. 17-2.5(g)(2)c above, including, but not limited to, the following activities:

(i) Repairs to individually designated landmarks which utilize large quantities of replacement material;

(ii) Major alterations which alter the exterior appearance or materials of individually designated landmarks and contributing historic buildings in landmark districts, architectural conservation districts, historic commercial districts, and protection areas;

(iii) New construction in the Historic Preservation Overlay district which is visible from the street;

(iv) Signage for all individually designated landmarks;

(v) Demolition of all contributing historic buildings and all individually designated landmarks, except that listed in subsection a above;

(vi) Site improvements for individually designated landmarks;

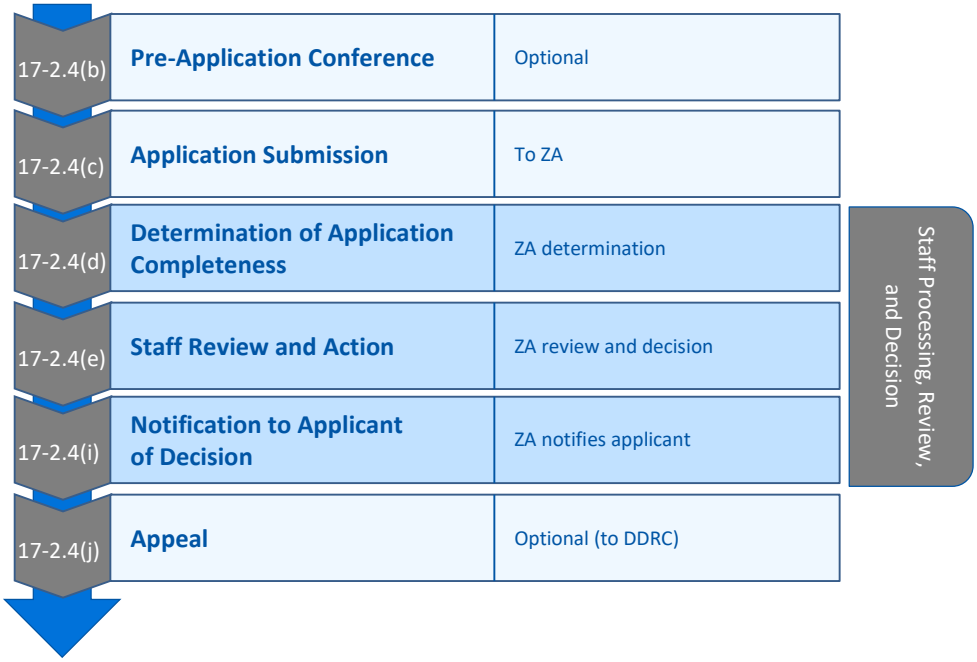
(vii) Relocation of contributing buildings and landmarks; and

(viii) Development identified as requiring review by the DDRC in the applicable adopted standards and guidelines.

(4) Procedure for Minor Certificate of Design Approval – Historic Districts and Landmarks

Figure 17-2.5(g)(4) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to applications for a Minor Certificate of Design Approval – Historic Districts and Landmarks. Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(g)(4): Summary of Minor Certificate of Design Approval – Historic Districts and Landmarks Procedure



a. Pre-Application Conference

Optional (see Sec. 17-2.4(b), Pre-Application Conference).

b. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

c. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

d. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action). The ZA shall review and make a decision in whole or in part on the application in accordance with Sec. 17-2.5(g)(6), Decision Standards for Certificate of Design Approval – Historic Districts and Landmarks. The decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions of approval; or

(iii) Deny the application.

e. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

f. Appeal

Optional (see Sec. 17-2.4(j), Appeal).

1. Appeal to Design Development Review Commission

Any appeal of the ZA's decision to approve, approve subject to conditions, or deny an application for a Certificate of Design Approval – Historic Districts and Landmarks or portion thereof shall be to the Design Development Review Commission (DDRC).

2. Notice of Appeal

Within 30 days of receipt of notice of the ZA's decision, any party aggrieved by the decision may appeal the decision by submitting a notice of appeal to the ZA specifying the grounds of the appeal.

3. Transmittal of Record and Scheduling of Public Hearing

Upon receipt of the notice of appeal, the ZA shall forthwith transmit the notice of appeal and all papers constituting the record upon which the decision was made to the DDRC and schedule a public hearing in accordance with Sec. 17-2.4(f), Scheduling of Public Hearing and Public Notification.

4. Hearing and Decision

(i) The DDRC shall conduct a public hearing, review the application and all relevant materials and testimony, and make one of the following decisions within a reasonable time:

(a) Affirm the decision being appealed (in whole or in part);

(b) Modify the decision being appealed (in whole or in part);

(c) Reverse the decision being appeals (in whole or in part); or

(d) Remand the matter to the ZA if the DDRC determines that the record is insufficient for review.

(ii) The DDRC's final decision shall be in writing, with findings of fact and conclusions of law separately stated.

5. Rehearing on a Remanded Matter

If the DDRC remands the matter to the ZA, it must at the same time set a rehearing on the remanded matter without further public notice for a time certain within 60 days unless otherwise agreed to by the parties. The DDRC must maintain a list of persons who express an interest in being informed when the remanded matter is set for rehearing, and notice of the rehearing must be mailed to these persons prior to the rehearing. The DDRC's rehearing shall be in accordance with subsection 4 above.

6. Further Appeal

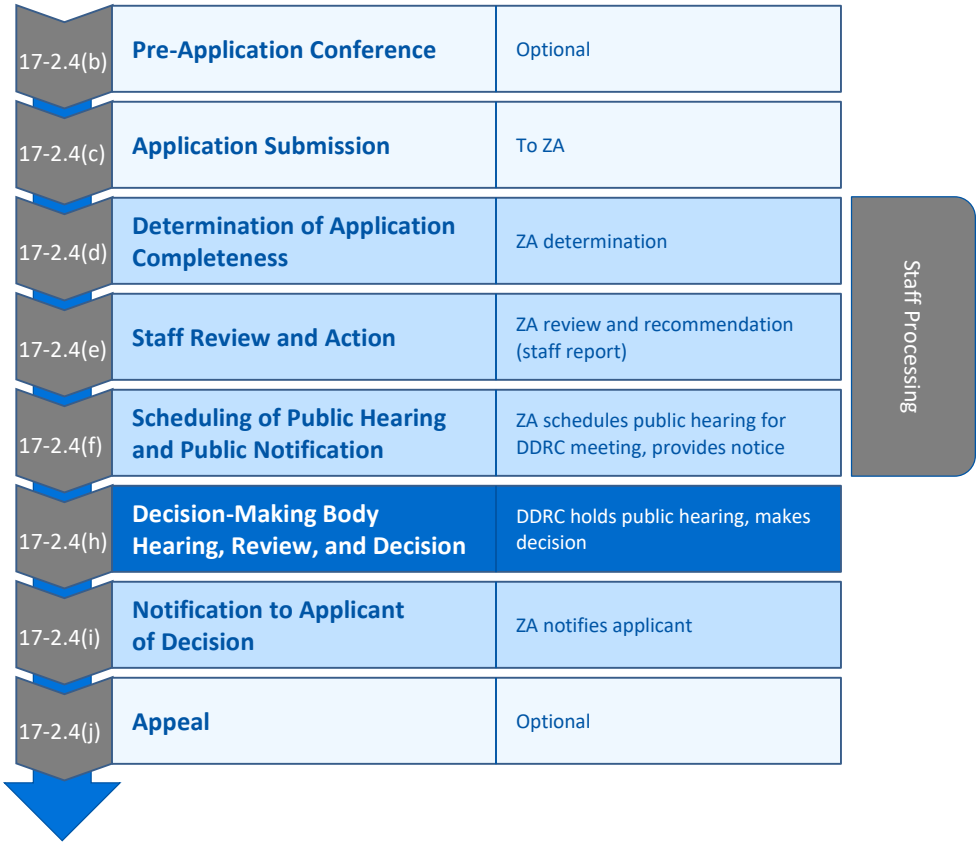
Appeal from the DDRC's decision on an appeal from the ZA's decision shall be to the County circuit court in accordance with S.C. Code § 6-29-900 et seq.

(5) Procedure for Major Certificate of Design Approval – Historic Districts and Landmarks

Figure 17-2.5(g)(5) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to applications for a Major Certificate of

Design Approval – Historic Districts and Landmarks. Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(g)(5): Summary of Major Certificate of Design Approval – Historic Districts and Landmarks Procedure



a. Pre-Application Conference

Optional (see Sec. 17-2.4(b), Pre-Application Conference).

b. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

c. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

d. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action).

e. Scheduling of Public Hearing and Public Notification

Required (see Sec. 17-2.4(f), Scheduling of Public Hearing and Public Notification).

f. Decision-making Body Hearing, Review, and Decision

Required (see Sec. 17-2.4(h), Decision-Making Body Hearing, Review, and Decision). The Design Development Review Commission (DDRC) shall review and make a decision in whole or in part on the application in accordance with Sec. 17-2.5(g)(6), Decision Standards for Certificate of Design Approval – Historic Districts and Landmarks. In its review of the application, the DDRC shall examine the architectural design, the exterior surface treatment, the arrangement and location of buildings and structures on the site in question and their relation to other buildings and structures within the district involved, and other pertinent factors affecting the appearance and efficient functioning of the district. The DDRC's decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions of approval; or

(iii) Deny the application.

g. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

h. Appeal

Optional (see Sec. 17-2.4(j), Appeal). An appeal from the DDRC's decision may be made by any person having a substantial interest in the decision, or any officer or agent of the City, to the County Circuit Court in accordance with State law. The appeal shall be filed within 30 days after the affected party receives actual notice of the decision of the DDRC.

(6) Decision Standards for Certificate of Design Approval – Historic Districts and Landmarks

The ZA or the DDRC, as applicable, shall approve any application for a Certificate for Design Approval – Historic Districts and Landmarks that complies with the standards in this subsection.

a. General

1. No proposed building or structure shall be approved, separately or in relation to its premises as proposed to be arranged, landscaped or constructed, which would adversely affect the primary character of the district involved or the setting of public or quasi-public historical buildings or landmarks on which public or private monies have been or are proposed to be spent.

2. No application shall be approved unless a determination is made that, considering the exterior appearance and arrangement of buildings, structures and premises in the district involved, approval of the application is consistent with the following purposes:

(i) To enhance the attractiveness and functioning of the district in keeping with its purpose and intent;

(ii) To encourage the orderly and harmonious development of the district; and

(iii) To enhance and protect the public and private investment and general value of lands and improvements within the district.

3. If, consistent with the standards in this subsection, the DDRC finds it desirable to impose less restrictive requirements on development than would otherwise apply in accordance with any other provision of this Ordinance, such deviation shall be referred to the Zoning Board of Adjustment for review as a Special Exception Permit.

b. Standards for Structure and Site Design

1. General

The decision on a Certificate of Design Approval – Historic Districts and Landmarks application shall be based upon the requirements set forth in the standards or design guidelines adopted by the City Council for the applicable Architectural Conservation District, Historic Commercial District, Protection Area, Landmark District, or Landmark.

2. Landmarks, Districts Lacking Established Standards, and Specified Districts

If the City Council has not established standards or design guidelines for the district involved, or if the application pertains to individual landmarks, the Governor's Mansion Protection Area, Elmwood Park Architectural Conservation District, or the Landmark District, the Secretary of the Interior's Standards for Rehabilitation, as amended and listed below (the "Standards"), shall serve as the basis for the DDRC's decision, taking into account the designation level of the landmark or district.

(a) For landmark districts and individual landmarks, the historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(b) In architectural conservation districts and protection areas, the historic character of a district shall be retained and preserved through the preservation of historic materials and features which characterize the historic district.

(c) For individual landmarks and the landmark district, each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(d) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(e) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(f) Deteriorated historic features shall be repaired rather than replaced. Where severe deterioration or complete loss requires replacement of a distinctive feature, the new feature shall match the old in design, color, finish, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence, and character-defining features that have been lost due to intentional damage, removal or neglect shall be rebuilt.

(g) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(h) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(i) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(j) Where reviewed, materials, design, and height of fences and walls shall reflect the architecture and materials of the associated structure or a historic wall or fence feature typically found in the district.

3. Standards for New Building Construction

For new construction in historic districts without established design guidelines, the standards in subsections 1 and 2 above shall be used in conjunction with the following review items.

(a) The height of the new building shall be compatible with the height of surrounding historic buildings.

(b) The size and scale of the new building shall be visually compatible with surrounding buildings.

(c) The mass of the new building shall be arranged (the relationship of solid components (ex. walls, columns, etc.) to open spaces (ex. windows, doors arches)) so that it is compatible with existing historic buildings on the block or street.

(d) The entrance of the building shall be sited so that it is compatible with surrounding buildings.

(e) The new building shall be located on the site so that the distance of the structure from the right of way is similar to adjacent structures.

(f) The main entrance and the associated architectural elements (porches, steps, etc.) shall be sited so that they are compatible to surrounding structures. The main entrance shall be constructed with covered porches, porticos, or other architectural forms that are found on historic structures on the block or street.

(g) The new building shall be constructed so that the relationship of width to height of windows and doors, and the rhythm of solids to voids is visually compatible with historic buildings on the block or street. A similar ratio of height to width in the bays of the façade shall be maintained.

(h) Roof shapes, pitches, and materials shall be visually compatible with those of surrounding buildings.

(i) Materials, textures, and architectural features shall be visually compatible with those of historic buildings on the block or street.

c. Standards for Demolition

The demolition of a historic building should be an action of last resort. When a structure is demolished, the community loses a part of its history, which cannot be replaced. Accordingly, such requests are reviewed very deliberately and require detailed information.

(i) A decision on a Certificate of Design Approval – Historic Districts and Landmarks application for the demolition of a building, structure or object shall be based on the following standards:

(a) The historic or architectural significance of a building, structure or object;

(b) The importance of the building, structure or object to the ambience of a district;

(c) Whether the building, structure or object is one of the last remaining examples of its kind in the neighborhood, the City or the region;

(d) The existing structural condition, history of maintenance and use of the property. The deteriorated condition of a historic building attributable to the owner's failure to provide proper maintenance over an extended period of time will not be considered a mitigating circumstance in evaluations for demolition.

(e) A determination of whether the subject property is capable of maintaining a reasonable use and earning a reasonable economic return on its current value without the demolition;

(f) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be;

(g) Whether the building or structure is able to be relocated, and whether a site for relocation is available; and

(h) Whether the building or structure is under orders from the City to be demolished due to severe structural deficiencies (this criterion shall have added significance in comparison to the criteria mentioned in subsections (1) through (7) of this subsection).

(ii) A Certificate of Design Approval – Historic Districts and Landmarks application for the demolition of a building, structure or object may be required to include the following, as determined by the Zoning Administrator:

(a) Detailed written estimates of the cost of renovation from professionals with experience working with historic buildings;

(b) A detailed written report from an engineer, architect, and/or contractor experienced with historic buildings as to the structure(s) on the property and its suitability for rehabilitation;

(c) The estimated market value of the property in its current condition; after demolition, after renovation of the existing property for continued use, and with proposed redevelopment;

(d) An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure(s) on the property;

(e) In a request for a demolition of a landmark, a detailed feasibility study of the property may be required that may include, but is not limited to, a market analysis, estimates for

renovation by historic preservation specialists, a study for potential reuse alternatives, etc.

(f) Specific written substantiation of any current negotiations to sell, rent, or lease property, including all efforts to market and/or sell the property, how long it was listed, the price at which it was listed, and comparables in the market.

(g) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.

(iii) The DDRC or its staff may require the applicant to provide additional information dealing with the standards or the required application materials in this subsection.

d. Standards for Relocation

Like a demolition, the relocation of a historic building should be an action of last resort. When a structure is moved, the community loses a part of its history, which cannot be replaced. Accordingly, such requests are reviewed very deliberately and require detailed information.

(i) A decision on a Certificate of Design Approval – Historic Districts and Landmarks application for the relocation of a building, structure, or object shall be based the following standards:

(a) A landmark or a contributing building, structure, or object shall not be relocated unless the DDRC finds:

(a) Demolition of the building, structure, or object would be approved in accordance with Sec. 17-2.5(g)(6)c, Standards for Demolition, were it not for the relocation; or

(b) The applicant demonstrates the existence of the building, structure, or object is threatened by a severe environmental hazard.

(b) Relocation of a noncontributing building, structure, or object shall be approved or disapproved in accordance with the standards in Sec. 17-2.5(g)(6)c, Standards for Demolition.

(c) The relocation of a building, structure, or object into the Historic Preservation Overlay district is permitted only if it is determined that the relocated building, structure, or object will be in accordance with the guidelines that apply to new construction in the new location and will be appropriate for the proposed context.

e. Standards for Driveway and Vehicular Parking Area Design

The decision on a Certificate of Design Approval – Historic Districts and Landmarks application that involves construction or alteration of a driveway

or other vehicular parking area that is located within a base residential zoning district along the primary frontage or secondary frontage of a lot shall be based on the following standards:

(i) Unless a showing of extraordinary and exceptional conditions pertaining to the piece of property can be shown, the amount of allowable area paved for the use of a driveway or a vehicular parking area shall be limited to a width of 12 feet measured with a straight line that runs parallel to the front or secondary front lot line.

(ii) The designated vehicular parking area or driveway shall be placed so as to minimize its visual impact on the primary structure.

(iii) Driveways and vehicular parking areas shall be compatible with the existing building and the site and setting of the historic district, taking into account the level of designation. Unless other materials are approved by the DDRC after a finding of fact that the materials in question are historically correct for the subject property, materials shall be limited to:

(a) In a protection area: brick pavers, concrete pavers, granite, concrete, asphalt, sand, gravel, or crushed stone.

(b) In an architectural conservation district: brick pavers, granite and concrete.

(c) In a landmark district or for individual landmarks: brick pavers, granite and concrete..

(h) Certificate of Design Approval – Design Districts

(1) Purpose

The purpose of this subsection is to establish a uniform mechanism for ensuring that proposed changes to exterior architectural features or attachments of appurtenances to structures within any design district is consistent with the standards that are specific to the district.

(2) Applicability

a. The procedures and standards in this subsection apply to the review of and decision on applications for Certificates of Design Approval – Design Districts.

b. A Certificate of Design Approval – Design Districts, is required prior to any construction, reconstruction, or alteration of any structure, erection or replacement of any sign, awning, or other exterior architectural feature, or attachment of any appurtenance to any structure within the Innovista Design Overlay, North Main Corridor Design Overlay, Five Points Design Overlay, or City Center Design Overlay district.

c. Interior alterations and/or additions not visible from the public right-of-way which require zoning and building permits do not require a Certificate of Design Approval – Design Districts.

(3) Minor and Major Certificates Distinguished

a. Minor Certificate

An application for a Minor Certificate of Design Approval – Design Districts shall be reviewed and decided upon in accordance with Sec. 17-2.5(j)(4) , Procedure for Minor Certificate of Design Approval – Design Districts, for any of the activities identified below within the identified design district.

(i) Within the Five Points Design Overlay District (OV-5P), any project involving construction of a new building having an area of less than 5,000 square feet and a height of less than 35 feet, or renovations or new construction not exceeding $500,000.00 as listed on the permit.

(ii) Within the Innovista Design Overlay District (OV-ID), any project involving construction of a new building of less than 50,000 square feet, or renovation or new construction of less than $660,000.00. This dollar figure shall change monthly in accordance with the latest monthly non-preliminary Producer Price Index (PPI) for "materials and components for construction" as published by the U.S. Department of Labor, Bureau of Statistics. The base figure for this calculation is $660,000.00 as of July, 2009.

(iii) Within the North Main Corridor Design Overlay District (OV-NMC), any of the following activities:

(a) Additions up to and including 25 percent of gross floor area of the existing structure;

(b) Reduction or expansion in size of openings in walls visible from the public right-of-way;

(c) Site improvements consisting of any change to the paving, steps, fencing or masonry walls;

(d) Change in roof pitch;

(e) Change in exterior materials; or

(f) Addition of or modification to signage.

(iv) Within the City Center Design Overlay District (OV-CC), any project involving construction of a new building of less than 50,000 square feet or renovation or new construction of less than $500,000.00.

b. Major Certificate

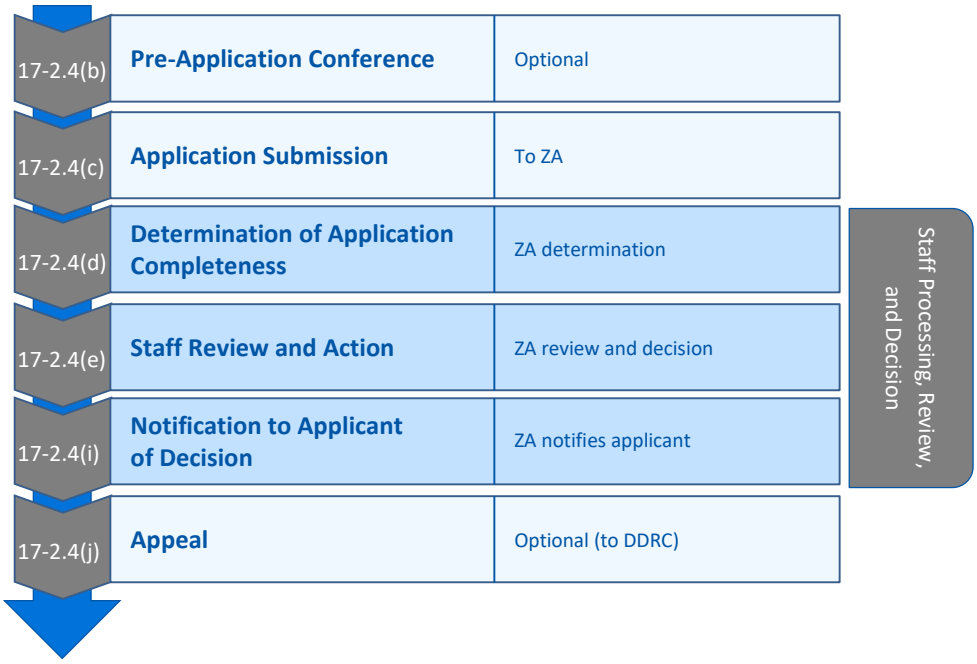
An application for a Major Certificate of Design Approval – Design Districts shall be reviewed and decided in accordance with Sec. 17-2.5(j)(5), Procedure for Major Certificate of Design Approval – Design Districts, for any

activity that requires a Certificate of Design Approval – Design Districts in accordance with Sec. 17-2.5(h)(2) above that is not listed in subsection a above and, within the OV-NMC district, for any project involving the granting or establishment of a special exception, variance, or planned development.

(4) Procedure for Minor Certificate of Design Approval – Design Districts

Figure 17-2.5(h)(4) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to applications for a Minor Certificate of Design Approval – Design Districts. Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(h)(4): Summary of Minor Certificate of Design Approval – Design Districts Procedure



a. Pre-Application Conference

Optional (see Sec. 17-2.4(b), Pre-Application Conference).

b. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

c. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

d. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action). The ZA shall review and make a decision in whole or in part on the application in accordance with Sec. 17-2.5(h)(6), Decision Standards for Certificate of Design Approval – Design Districts. The decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions of approval; or

(iii) Deny the application.

e. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

f. Appeal

Optional (see Sec. 17-2.4(j), Appeal). Any appeal of the ZA's decision to approve, approve subject to conditions, or deny an application for a Certificate of Design Approval – Design Districts shall be to the Design Development Review Commission (DDRC).

1. Notice of Appeal

Within 30 days of receipt of notice of the ZA's decision, any party aggrieved by the decision may appeal the decision by submitting a notice of appeal to the ZA specifying the grounds of the appeal.

2. Transmittal of Record and Scheduling of Public Hearing

Upon receipt of the notice of appeal, the ZA shall forthwith transmit the notice of appeal and all papers constituting the record upon which the decision was made and schedule a public hearing in accordance with Sec. 17-2.4(f), Scheduling of Public Hearing and Public Notification.

3. Hearing and Decision

(i) The DDRC shall conduct the public hearing, review the application and all relevant materials and testimony, and make one of the following decisions:

(a) Affirm the decision being appealed (in whole or in part);

(b) Modify the decision being appealed (in whole or in part);

(c) Reverse the decision being appeals (in whole or in part); or

(d) Remand the matter to the ZA if the DDRC determines that the record is insufficient for review.

(ii) The DDRC's final decision shall be in writing, with findings of fact and conclusions of law separately stated.

4. Rehearing on a Remanded Matter

If the DDRC remands the matter to the ZA, it must at the same time set a rehearing on the remanded matter without further public notice for a time certain within 60 days unless otherwise agreed to by the parties. The DDRC must maintain a list of persons who express an interest in being informed when the remanded matter is set for rehearing, and notice of the rehearing must be mailed to these persons prior to the rehearing. The DDRC's rehearing shall be in accordance with subsection 4 above.

5. Further Appeal

Appeal of the DDRC's decision on an appeal from the ZA's decision shall be to the County circuit court in accordance with S.C. Code § 6-29-900 et seq.

(5) Procedure for Major Certificate of Design Approval – Design Districts

Figure 17-2.5(h)(5) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to applications for a Major Certificate of Design Approval – Design Districts. Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(h)(5): Summary of Certificate of Design Approval – Design Districts (Major) Procedure



a. Pre-Application Conference

Optional (see Sec. 17-2.4(b), Pre-Application Conference).

b. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

c. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

d. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action).

e. Scheduling of Public Hearing and Public Notification

Required (see Sec. 17-2.4(f), Scheduling of Public Hearing and Public Notification).

f. Decision-making Body Hearing, Review, and Decision

Required (see Sec. 17-2.4(h), Decision-Making Body Hearing, Review, and Decision). The Design Development Review Commission (DDRC) shall review and make a decision in whole or in part on the application in accordance with Sec. 17-2.5(h)(6), Decision Standards for Certificate of Design Approval – Design Districts. The DDRC's decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions of approval; or

(iii) Deny the application.

g. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

h. Appeal

Optional (see Sec. 17-2.4(j), Appeal). An appeal from the DDRC's decision may be made by any person having a substantial interest in the decision, or any officer or agent of the City, to the County circuit court in accordance with S.C. Code § 6-29-900 et seq. The appeal must be filed within 30 days after the affected party receives actual notice of the decision of the DDRC.

(6) Decision Standards for Certificate of Design Approval – Design Districts

An application for a Certificate of Design Approval – Design Districts shall be approved upon a finding that the proposed activity is in accordance with the design guidelines adopted by the City Council for the design district in which the proposed activity is located, either the Innovista Design Overlay, North Main Corridor Design Overlay, Five Points Design Overlay, or City Center Design Overlay district.

(i) Site Plan

(1) Purpose

The purpose of this subsection is to establish a uniform mechanism to ensure that the layout and general design of proposed development complies with the standards of this Ordinance and all other applicable City regulations.

(2) Applicability

a. The procedures and standards in this subsection apply to the review of and decision on applications for Site Plan approval.

b. Site Plan approval is required prior to the issuance of a Zoning Permit for any development, unless exempted in accordance with subsection c below.

c. The following is exempted from the requirements of this subsection:

1. Development on a single-family residential lot; and

2. Internal construction that does not increase gross floor area or the density or intensity of use, or increase the off-street parking requirements.

(3) Minor and Major Site Plans Distinguished

a. Minor Site Plan

1. The following development, unless exempted in accordance with Sec. 17-2.5(i)(2)c above, shall receive approval of a Minor Site Plan prior to the issuance of a Zoning Permit:

(i) Accessory uses and structures;

(ii) Multi-family development consisting of 25 or fewer units; or

(iii) Non-residential development of less than 100,000 square feet.

2. Applications for Minor site Plan approval shall be reviewed and decided in accordance with Sec. 17-2.5(i)(4), Minor Site Plan Procedure.

b. Major Site Plan

1. All other development not identified in subsection a above, unless exempted in accordance with Sec. 17-2.5(i)(2)c above, shall receive approval of a Major Site Plan prior to the issuance of a Zoning Permit.

2. Applications for Major Site Plan approval shall be reviewed and decided on in accordance with Sec. 17-2.5(i)(5), Major Site Plan Procedure.

(4) Minor Site Plan Procedure

Figure 17-2.5(i)(4) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to Minor Site Plan applications. Additions

or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(i)(4): Summary of Site Plan (Minor) Procedure



a. Pre-Application Conference

Optional (see Sec. 17-2.4(b), Pre-Application Conference).

b. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

c. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

d. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action). The LDA shall review and make a decision on the application in accordance with Sec. 17-2.5(i)(6), Site Plan Decision Standards. The decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions of approval; or

(iii) Deny the application.

e. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

f. Appeal

Optional (see Sec. 17-2.4(j), Appeal).

(5) Major Site Plan Procedure

Figure 17-2.5(i)(5) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to Major Site Plan applications. Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(i)(5): Summary of Site Plan (Major) Procedure



a. Pre-Application Conference

Required (see Sec. 17-2.4(b), Pre-Application Conference).

b. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

c. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

d. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action).

e. Decision-making Body Hearing, Review, and Decision

Required (see Sec. 17-2.4(h), Decision-Making Body Hearing, Review, and Decision). The Planning Commission shall review and make a decision on the application in accordance with Sec. 17-2.5(i)(6), Site Plan Decision Standards. The decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions of approval; or

(iii) Deny the application.

f. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

g. Appeal

Optional (see Sec. 17-2.4(j), Appeal).

(6) Site Plan Decision Standards

A site plan shall be approved only upon a finding the applicant demonstrates all of the following standards are met:

1. The proposed uses are allowed in the zoning district in accordance with Article 4: Use Regulations;

2. The development and uses in the Site Plan comply with Article 4: , Use Regulations;

3. The development proposed in the Site Plan and its general layout and design comply with all applicable standards in Article 5: Development Standards.;

4. The development proposed in the Site Plan and its general layout and design comply with all applicable standards in Article 6: Land Development (Subdivision) Standards; and

5. The development proposed in the Site Plan is consistent with all other applicable standards of this Ordinance and the Code of Ordinances.

(j) Subdivision

(1) Purpose

The purpose of this subsection is to establish a uniform mechanism for the subdivision of land within the City, consistent with the purposes and standards of this Ordinance.

(2) Applicability

a. General

The following activities, unless exempted in accordance with subsection b below, shall receive subdivision approval in accordance with the procedures and standards of this subsection prior to any subdivision plat being filed with or recorded by the Register of Deeds (ROD) and prior to the transfer of title, sale, or offer for sale of any lots, or the issuance of a Building Permit for a building on any lot:

(i) Any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or development;

(ii) Any division of land involving a new street or change in existing streets;

(iii) The alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law;

(iv) Any re-subdivision involving the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or

(v) The combination of record lots.

b. Exemptions

The following activities are exempt from the requirements of this subsection:

(i) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this Ordinance;

(ii) The division of land into parcels of five acres or more where no new street is involved and plats of these exceptions are received as information by the City, which shall indicate that fact on the plats;

(iii) The combination or recombination of entire lots of record where no new street or change in existing streets is involved; and

(iv) The partition of land by court decree.

(3) Minor and Major Subdivisions Distinguished

There are two types of subdivision approval in accordance this Ordinance: a Minor Subdivision and a Major Subdivision.

a. Minor Subdivision

A Minor Subdivision is a subdivision with all lots fronting on an existing street which does not involve the platting, construction, opening, or extension of

(i) New streets,

(ii) Improvements to existing streets,

(iii) Water or sewer facilities,

(iv) Storm drainage systems, or

(v) Other supporting governmental or private utilities.

b. Major Subdivision

A subdivision that is not a Minor Subdivision in accordance with subsection a above is a Major Subdivision.

(4) Minor Subdivision Procedure

The procedure for review of and decision on a Minor Subdivision consists of review of and decision on a Final Plat by the LDA. The City Engineer may require a service connection plan and a grading plan. Figure 17-2.5(j)(4) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to Minor Subdivision applications. Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(j)(4): Summary of Final Plat (Minor Subdivision) Procedure



a. Pre-Application Conference

Optional (see Sec. 17-2.4(b), Pre-Application Conference).

b. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

c. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

d. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action). The LDA shall review and make a decision on the application in accordance with Sec. 17-2.5(j)(6)a, Minor Subdivision Decision Standards. The decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions of approval; or

(iii) Deny the application.

e. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

f. Appeal

Optional (see Sec. 17-2.4(j), Appeal).

(5) Major Subdivision Procedure

The procedure for review of and decision on a Major Subdivision consists of the following three steps in the order listed:

1. Review of and decision on a Sketch Plan by the LDA;
2. Review of and decision on a Preliminary Plat by the Planning Commission; and
3. Following required site improvements or receipt by the City of sufficient surety bonds for site improvements that have not been completed, review of and decision on a Final Plat by the City Engineer.

a. Sketch Plan Procedure

Figure 17-2.5(j)(5)a identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to Sketch Plan applications. Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(j)(5)a: Summary of Sketch Plan Procedure



1. Pre-Application Conference

Optional (see Sec. 17-2.4(b), Pre-Application Conference).

2. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

3. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

4. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action).

(i) The LDA shall review and make a decision on the Sketch Plan application in accordance with Sec. 17-2.5(j)(6)b.1, Sketch Plan Decision Standards, within 15 business days. Failure of the LDA to act within 15 business days after determination of application completeness shall be deemed to constitute approval of the application; however, the applicant may waive this requirement and consent in writing to the extension of that period. The LDA's decision shall be one of the following:

(a) Approve the application as submitted;

(b) Approve the application subject to conditions of approval; or

(c) Deny the application.

(ii) The approval of a Sketch Plan for a Major Subdivision shall automatically expire at the end of 2 years from the date of approval unless a Preliminary Plat for the subdivision has been approved.

5. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

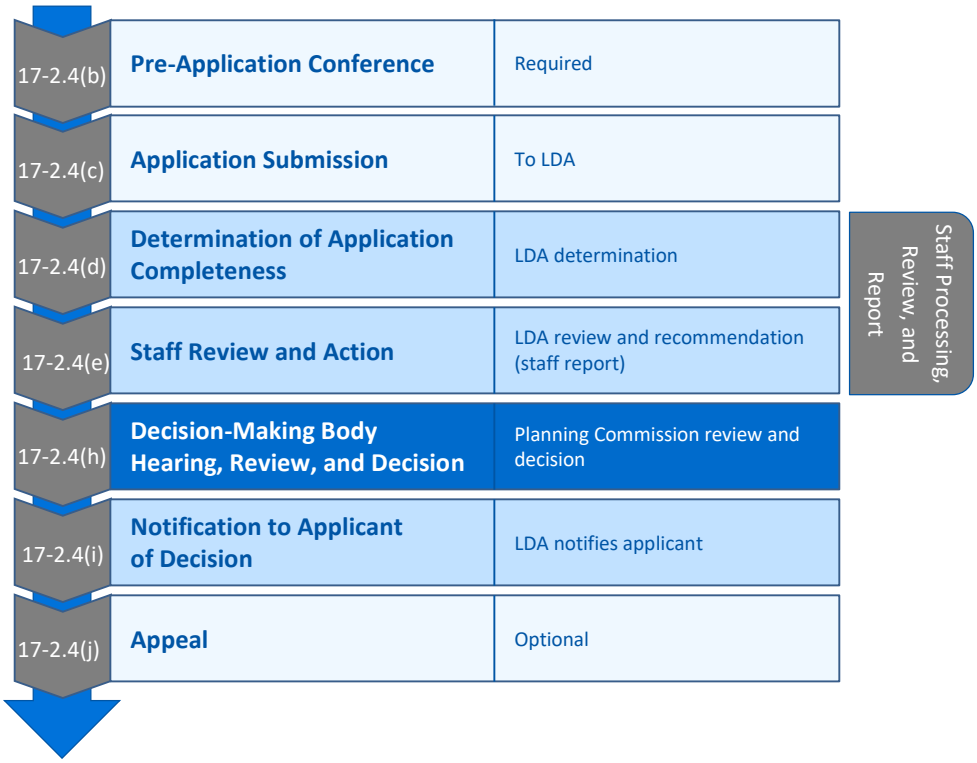
6. Appeal

Optional (see Sec. 17-2.4(j), Appeal).

b. Preliminary Plat Procedure

Figure 17-2.5(j)(5)b identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to Preliminary Plat applications. Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(j)(5)b: Summary of Preliminary Plat Procedure



1. **Pre-Application Conference**

   Required (see Sec. 17-2.4(b), Pre-Application Conference).

2. **Application Submission**

   Required (see Sec. 17-2.4(c), Application Submission).

3. **Determination of Application Completeness**

   Required (see Sec. 17-2.4(d), Determination of Application Completeness).

4. **Staff Review and Action**

   Required (see Sec. 17-2.4(e), Staff Review and Action).

5. **Decision-making Body Hearing, Review, and Decision**

   Required (see Sec. 17-2.4(h), Decision-Making Body Hearing, Review, and Decision).

   (i) The Planning Commission shall review and make a decision on the application in accordance with Sec. 17-2.5(j)(6)b.2, Preliminary Plat Decision Standards. The decision shall be one of the following:

   (a) Approve the application as submitted;

   (b) Approve the application subject to conditions of approval; or

   (c) Deny the application.

(ii) If the application is approved, the Planning Commission shall issue a certificate approving and authorizing the names of any new streets and roads shown on the Preliminary Plat.

(iii) Approval of a Preliminary Plat application authorizes the applicant to construct site improvements in accordance with the approved Preliminary Plat. The start of actual construction must be scheduled with the City Engineer.

(iv) Approval of a Preliminary Plat shall expire after two years from the date of approval if required improvements are not constructed within that time.

6. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

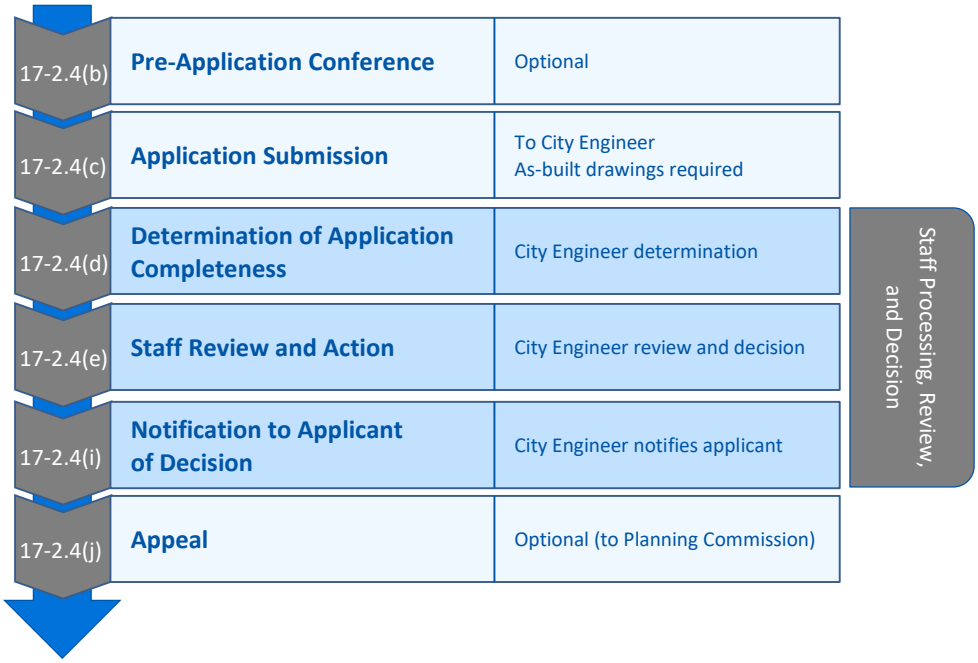
7. Appeal

Optional (see Sec. 17-2.4(j), Appeal). Any appeal from the decision of the Planning Commission must be taken within thirty days after actual notice of the decision and shall be to the County Circuit Court in accordance with S.C. Code § 6-29-1150 et seq.

c. Final Plat (Major Subdivision) Procedure

Figure 17-2.5(j)(5)c identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to Final Plat (Major Subdivision) applications. Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(j)(5)c: Summary of Final Plat (Major Subdivision) Procedure



1. Pre-Application Conference

Optional (see Sec. 17-2.4(b), Pre-Application Conference).

2. Application Submission

Required (see Sec. 17-2.4(c), Application Submission). The application shall be submitted to the City Engineer and shall include as-built drawings.

3. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness). The City Engineer shall have the powers and duties of the LDA in making a determination of application completeness.

4. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action).

(i) The City Engineer shall review and make a decision on the application in accordance with Sec. 17-2.5(j)(6), Subdivision Decision Standards, and shall have the powers and duties of the LDA in reviewing and making a decision. The decision shall be one of the following:

(a) Approve the application as submitted;

(b) Approve the application subject to conditions of approval; or

(c) Deny the application.

(ii) Upon the approval of a Final Plat, the City Engineer shall stamp two of the submitted copies of the Final Plat with the appropriate certificate and return them to the applicant.

5. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision). The City Engineer shall have the powers and duties of the LDA in providing notification.

6. Appeal

Optional (see Sec. 17-2.4(j), Appeal). Appeal of the City Engineer's decision shall be to the Planning Commission.

(6) Subdivision Decision Standards

a. Minor Subdivision Decision Standards

The LDA shall approve a Final Plat application for a Minor Subdivision upon a finding that the proposed Final Plat complies with the standards in Article 6: Land Development (Subdivision) Standards, any other applicable provisions of this Ordinance, and any other applicable City ordinances and regulations.

b. Major Subdivision Decision Standards

1. Sketch Plan Decision Standards

The LDA shall approve a Sketch Plan application upon a finding that the proposed Sketch Plan is in conformity with this Ordinance and any other applicable City ordinances and regulations, any previously-approved development plans for the area, floodplain information, and any pertinent community plans.

2. Preliminary Plat Decision Standards

The Planning Commission shall approve a Preliminary Plat application upon a finding that the proposed Preliminary Plat is in substantial conformity with the approved Sketch Plan and complies with the standards in Article 6: Land Development (Subdivision) Standards, any other applicable standards in this Ordinance, and any other applicable City ordinances and regulations.

3. Final Plat Decision Standards

The City Engineer shall approve a Final Plat application for a Major Subdivision upon a finding that:

(a) The Final Plat is in substantial conformity with the approved Preliminary Plat;

(b) The Final Plat complies with the standards in Article 6: Land Development (Subdivision) Standards, all other relevant provisions of this Ordinance, any other applicable provisions of this Ordinance, and any other applicable City ordinances and regulations; and

(c) All site improvements shown on the Preliminary Plat have been completed and the proper dedications have been completed, or a surety bond in an amount covering the value of the uncompleted site improvements has been accepted by the City Engineer in accordance with Sec. 17-6.3(b), Surety In-Lieu of Completion of Improvements.

(k) Street or Road Name Change

(1) Purpose

The purpose of this section is to establish a uniform mechanism for changing the name of a street or road.

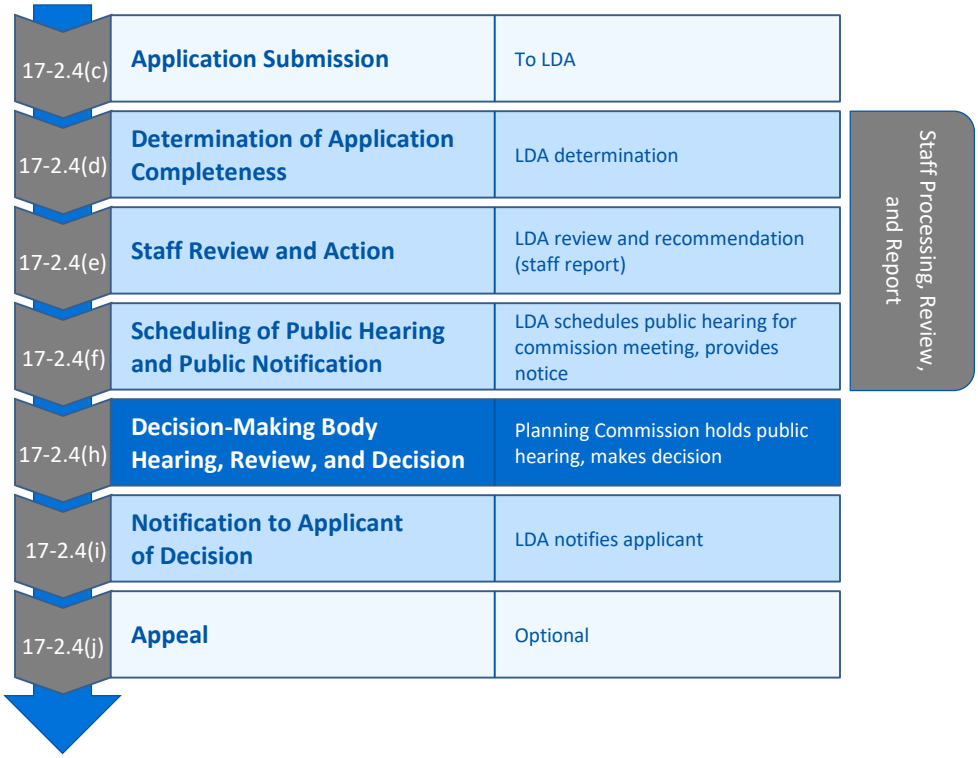
(2) Applicability

The Planning Commission may approve an application to change the legal name of a street or road name in accordance with this subsection.

(3) Street or Road Name Change Procedure

Figure 17-2.5(k) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to applications for a street or road name change application. Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(k): Summary of Street or Road Name Change Procedure



a. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

b. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

c. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action).

d. Scheduling of Public Hearing and Public Notification

Required (see Sec. 17-2.4(f), Scheduling of Public Hearing and Public Notification).

e. Decision-making Body Hearing, Review, and Decision

(i) Required (see Sec. 17-2.4(h), Decision-Making Body Hearing, Review, and Decision). The Planning Commission shall review and make a decision on the application in accordance with Sec. 17-

2.5(k)(4), Street or Road Name Change Decision Standards. The decision shall be one of the following:

(a) Approve the application as submitted; or

(b) Deny the application.

(ii) If the Planning Commission approves the application, it shall issue a certificate designating the change. Upon the applicant's recording of the certificate with the Register of Deeds (ROD), the name changed and certified shall be the legal name of the street or road.

f. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

g. Appeal

Optional (see Sec. 17-2.4(j), Appeal).

(4) Street or Road Name Change Decision Standards

An application for a street or road name change shall be approved upon a finding that the applicant demonstrates one of the following or upon any other good and just reason that may appear to the commission:

1. There is duplication of names or other conditions which tend to confuse the traveling public or the delivery of mail, orders, or messages; or

2. A change may simplify marking or giving of directions to persons seeking to locate addresses.

(l) Conditional Use Permit

(1) Purpose

A conditional use is a use that is generally compatible with other uses permitted in a zoning district, but is subject to additional conditions, restrictions or limitations on its location, design, configuration, or density and intensity of use, to ensure the appropriateness of the use at a particular location. The purpose of this subsection is to establish a uniform mechanism to ensure proposed conditional uses comply with all conditions, restrictions or limitations set forth in this Ordinance for the specific use.

(2) Applicability

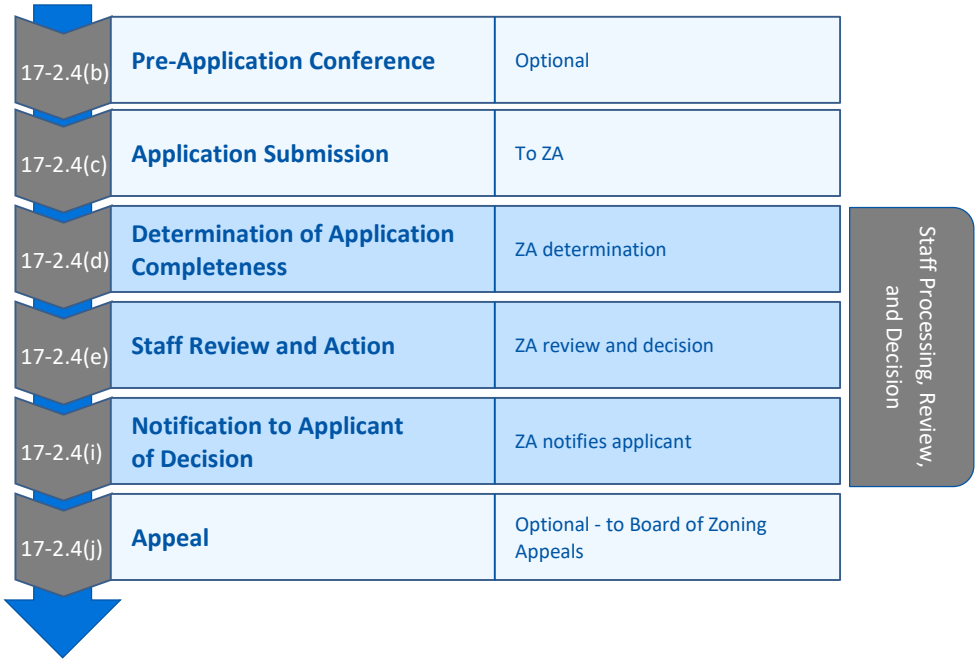
a. The procedures and standards in this subsection apply to the review of and decision on applications for Conditional Use Permits.

b. A Conditional Use Permit is required prior to the issuance of a Zoning Permit for development that involves a land use identified as requiring a Conditional Use Permit in Sec. 17-4.2, Principal Uses.

(3) Conditional Use Permit Procedure

Figure 17-2.5(l) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to applications for a Conditional Use Permit. Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(l): Summary of Conditional Use Permit Procedure



a. Pre-Application Conference

Optional (see Sec. 17-2.4(b), Pre-Application Conference).

b. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

c. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

d. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action). The ZA shall review and make a decision on the application in accordance with Sec. 17-2.5(l)(4), Conditional Use Permit Decision Standards. The decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions of approval; or

(iii) Deny the application.

e. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

f. Appeal

Optional (see Sec. 17-2.4(j), Appeal).

(4) Conditional Use Permit Decision Standards

An application for a Conditional Use Permit shall be approved upon a finding that the applicant demonstrates that the proposed conditional use complies with the standards in Sec. 17-4.2(c), Standards for Specific Principal Uses, for the conditional use.

(m) Tree Removal Permit

(1) Purpose

The purpose of this subsection is to establish a uniform mechanism of ensuring compliance with Sec. 17-5.4, Tree Protection, in situations where no other development approvals or permits are required.

(2) Applicability

a. A Tree Removal Permit is required prior to the cutting, destruction, removal, relocation, or transplantation of a protected tree, as defined in Sec. 17-5.4(c)(1), Protected Tree.

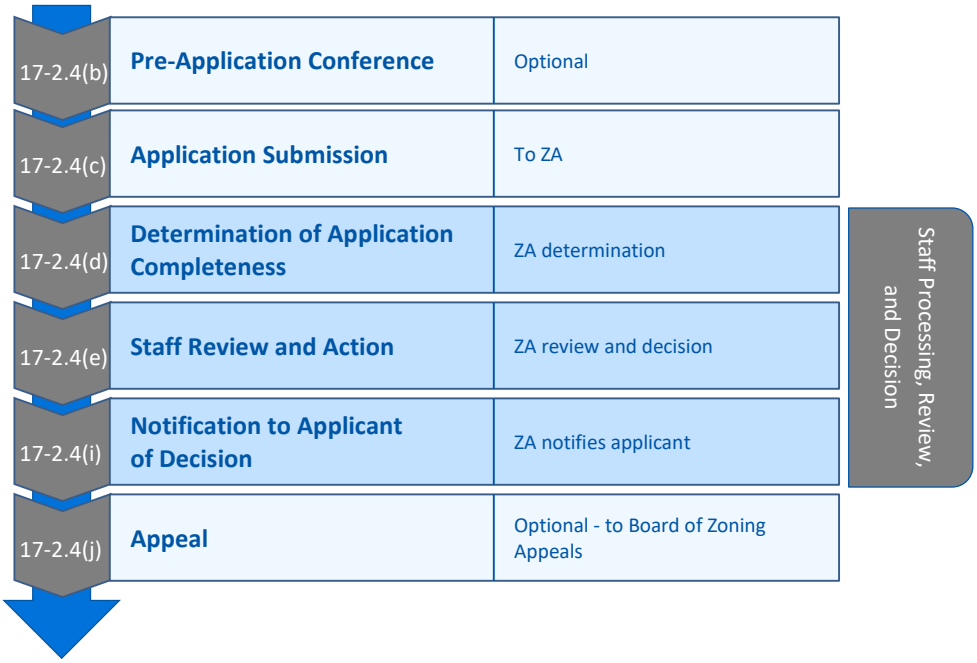
b. A Tree Removal Permit application shall only be submitted with a landscaping plan (see Sec. 17-5.3(b)(4), Landscaping Plan Required).

(3) Tree Removal Permit Procedure

Figure 17-2.5(m) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to applications for a Tree Removal

Permit. Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(m): Summary of Tree Removal Permit Procedure



a. Pre-Application Conference

Optional (see Sec. 17-2.4(b), Pre-Application Conference).

b. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

c. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

d. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action). The ZA shall review and make a decision on the application in accordance with Sec. 17-2.5(m)(4), Tree Removal Permit Decision Standards. The decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions of approval; or

(iii) Deny the application.

e. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

f. Appeal

Optional (see Sec. 17-2.4(j), Appeal).

(4) Tree Removal Permit Decision Standards

a. A tree removal permit shall be approved only upon a finding that all of the following standards are met:

1. A tree protection zone is established consistent with the requirements of Sec. 17-5.4(c)(5), Tree Protection Zone Established;

2. All trees within the tree protection zone are protected and maintained during and after development in conformance with Sec. 17-5.4, Tree Protection;

3. Any grand tree removed is done so only upon a finding it is in conformance with Sec. 17-5.4(e), Removal of Grand Trees;

4. Any tree protected by Sec. 17-5.4(d)(3), Retention of Existing Tree Canopy, that is removed is done so only upon a finding it is in conformance with Sec. 17-5.4(d)(3);

5. Any other protected tree removed other than a grand tree or a tree that is protected by Sec. 17-5.4(d)(3), Retention of Existing Tree Canopy, is done so only upon a finding;

(i) The application of the standards in Sec. 17-5.4, Tree Protection, would result in unreasonable or impractical situations due to unusual site conditions, such as may be caused by streams, natural rock formations, topography, lot configuration, or utility easements; and

(ii) The approval of the Tree Removal Permit is consistent with the purposes of this Section.

b. If a tree removal permit is approved, conditions of approval shall include the planting of any replacement trees required by Sec. 17-5.4(e), Removal of Grand Trees, and Sec. 17-5.4(d)(3), Retention of Existing Tree Canopy. The Zoning Administrator may require as a condition of approval that an equal number of density factor units (see Sec. 17-5.3(h), Site Tree Density) of replacement trees be planted on the site to replace the density factor units for protected trees removed, in addition to the minimum required site tree density (see Sec. 17-5.3(h), Site Tree Density).

(n) Forestry Permit

(1) Purpose

The purpose of this subsection is to provide a uniform mechanism for ensuring that proposed activities are consistent with the guidelines for tree care and preservation on City-owned property and public rights-of-way, species recommendations, and requirements for construction work prepared by the Forestry and Beautification Superintendent.

(2) Applicability

a. The procedures and standards in this subsection apply to the review of and decision on applications for Forestry Permits.

b. Unless exempt in accordance with subsection c below, approval of a Forestry Permit is required prior to any of the following activities:

1. Removing, destroying, cutting, severely pruning (including the root system), or otherwise treating any tree or shrub having its trunk in or upon any public right-of-way or on any City-owned property;

2. Trenching, digging, or changing the grade within the critical root zone of any trees having its trunk in or upon any public right-of-way or on any City-owned property; or

3. Planting any tree or shrub in or upon any public right-of-way or on any City-owned property.

4. Placing or maintaining upon the ground any compacted stone, cement or other impervious material in such a manner as to obstruct the free access of air or water to the root of any tree or shrub having its trunk in or upon any public right-of-way or on any City-owned property;

5. Performing construction work (including the operation or storage of equipment or materials) within the drip line of any tree having its trunk in or upon any public right-of-way or on any City-owned property;

6. Attaching any object, including but not limited to rope, wire, chain or signs to any tree or shrub, or to the guard or stake intended to protect these plantings, in or upon City-owned property or public rights-of-way.

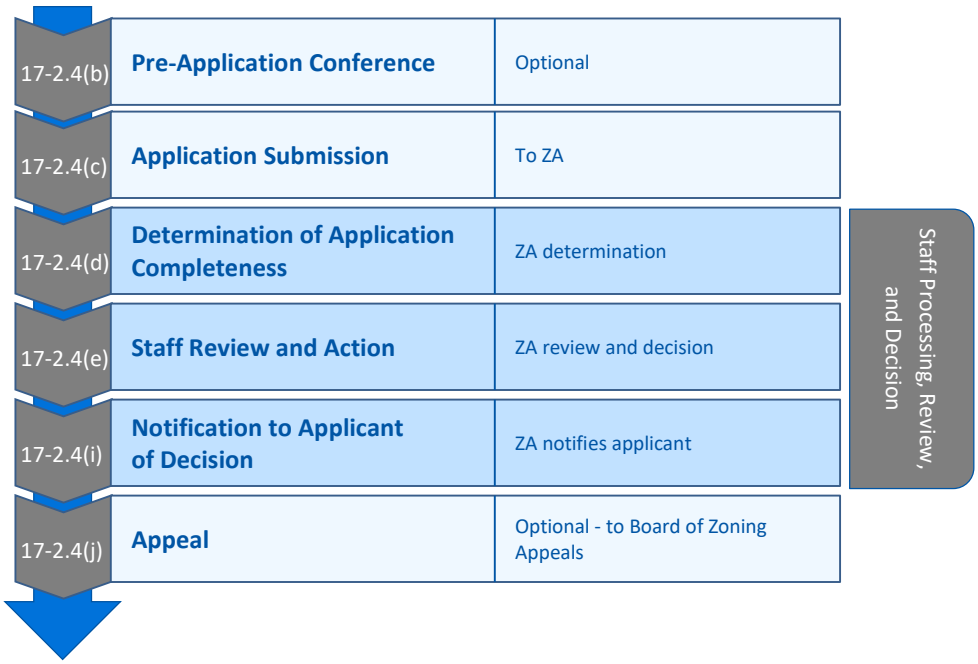
c. Routine pruning, trimming, trenching, and similar operations, when conducted by a public or private utility in accordance with written specifications approved by the Forestry and Beautification Superintendent are exempt from the requirements of this subsection.

(3) Forestry Permit Procedure

Figure 17-2.5(n) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to applications for a Forestry Permit.

Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(n): Summary of Forestry Permit Procedure



a. Pre-Application Conference

Optional (see Sec. 17-2.4(b), Pre-Application Conference).

b. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

c. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

d. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action).

1. The ZA shall transmit the application to the Forestry and Beautification Superintendent for review and recommendation. Upon receiving the Forestry and Beautification Superintendent's recommendation, the ZA shall review and make a decision on the application in accordance with Sec. 17-2.5(n)(4), Forestry Permit Decision Standards. The decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions of approval; or

(iii) Deny the application.

2. If the work described in any Forestry Permit has not begun within six months from the date of issuance, the Forestry Permit shall expire and be void.

3. Upon written application submitted by the applicant at least 30 days prior to the expiration of the approval of a Forestry Permit and upon a showing of good cause, the ZA may grant one extension of the time frame of approval not to exceed six months.

e. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

f. Appeal

Optional (see Sec. 17-2.4(j), Appeal).

(4) Forestry Permit Decision Standards

a. An application for a Forestry Permit shall be approved upon a finding that the applicant demonstrates that all of the following standards are met:

1. The application is consistent with the guidelines for tree care and preservation on City-owned property and public rights-of-way, species recommendations, and requirements for construction work prepared by the Forestry and Beautification Superintendent;

2. The application is consistent with the purposes of this Ordinance and any applicable standards in this Ordinance;

3. No object, including but not limited to rope, wire, chain or signs, is proposed to be attached to any tree or shrub in or upon City-owned property or public rights-of-way; and

4. The attaching of any object, including but not limited to rope, wire, chain or signs, to the guard or stake intended to protect any tree or shrub in or upon City-owned property or public rights-of-way is solely for the purpose of protecting the tree or shrub or the public.

(o) Sign Permit

(1) Purpose

The purpose of this subsection is to establish a uniform mechanism for ensuring that all signs comply with the standards in Sec. 17-5.10, Signs.

(2) Applicability

a. The procedures and standards in this subsection apply to the review of and decision on applications for Sign Permits.

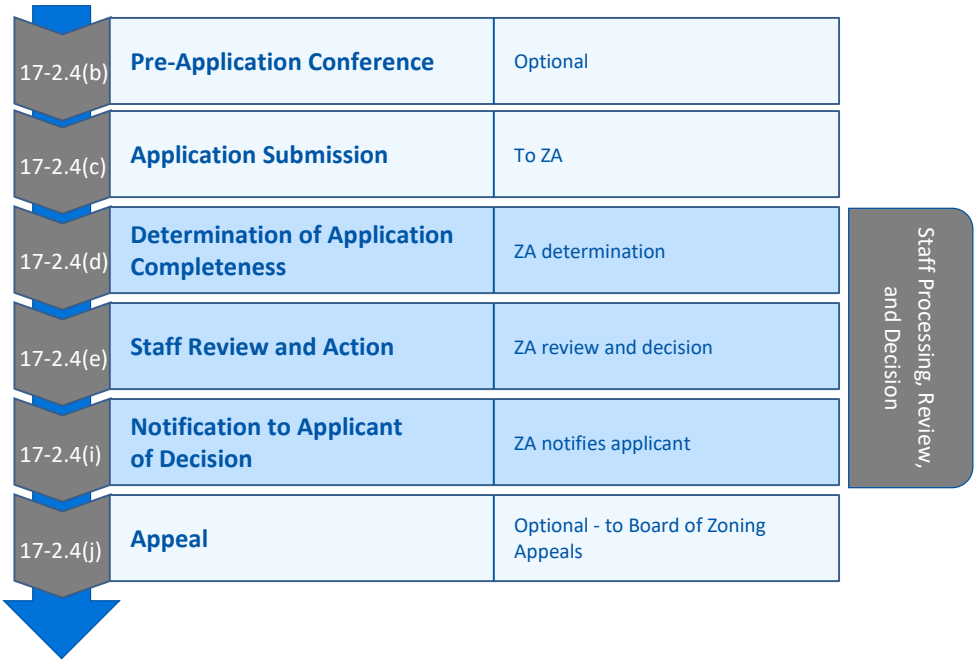
b. Approval of a Sign Permit is required before any sign that is not exempted in in accordance with Sec. 17-5.10(b)(2), Exemptions, or Sec. 17-5.10(b)(3), Signs not Requiring a Sign Permit, may be erected, installed, displayed, structurally altered, or otherwise changed.

c. In addition to a Sign Permit in accordance with this subsection, a Certificate of Design Approval may be required if the existing or proposed sign is located in the Historic Preservation Overlay district (see Sec. 17-2.5(g)) or a Design District (see Sec. 17-2.5(h)).

(3) Sign Permit Procedure

Figure 17-2.5(o) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to applications for a Sign Permit. Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(o): Summary of Sign Permit Procedure



a. Pre-Application Conference

Optional (see Sec. 17-2.4(b), Pre-Application Conference).

b. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

c. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

d. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action).

1. The ZA shall review and make a decision on the application in accordance with Sec. 17-2.5(o)(4), Sign Permit Decision Standards. The decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions of approval; or

(iii) Deny the application.

2. If the work described in any Sign Permit has not begun within six months from the date of issuance, the Sign Permit shall expire and be void.

3. Upon written application submitted by the applicant at least 30 days prior to the expiration of the approval of a Sign Permit and upon a showing of good cause, the ZA may grant one extension of the time frame of approval not to exceed six months.

e. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

f. Appeal

Optional (see Sec. 17-2.4(j), Appeal).

(4) Sign Permit Decision Standards

An application for a Sign Permit shall be approved upon a finding that the applicant demonstrates that the proposed activity complies with Sec. 17-5.10, Signs, and with all applicable standards in this Ordinance.

(p) Temporary Use Permit

(1) Purpose

The purpose of this subsection is to establish a uniform mechanism for ensuring that proposed temporary uses comply with the standards in Sec. 17-4.4, Temporary Uses and Structures.

(2) Applicability

a. The procedures and standards in this subsection apply to the review of and decision on applications for Temporary Use Permits.

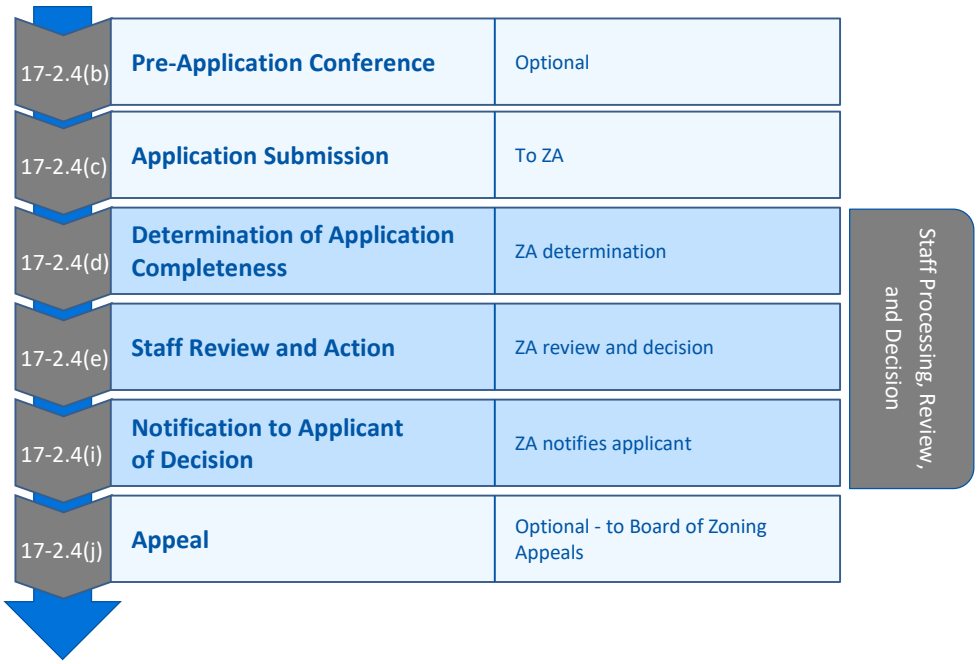
b. A Temporary Use Permit is required prior to the establishment or commencement of any temporary use identified in Sec. 17-4.4, General.

(3) Temporary Use Permit Procedure

Figure 17-2.5(p) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to applications for a Temporary Use

Permit. Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(p): Summary of Temporary Use Permit Procedure



a. Pre-Application Conference

Optional (see Sec. 17-2.4(b), Pre-Application Conference).

b. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

c. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

d. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action).

1. The ZA shall review and make a decision on the application in accordance with Sec. 17-2.5(p)(4), Temporary Use Permit Decision Standards. The decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions of approval; or

(iii) Deny the application.

2. A Temporary Use Permit shall be effective beginning on the date specified in the permit approval, and shall remain effective for the period indicated on the permit.

e. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

f. Appeal

Optional (see Sec. 17-2.4(j), Appeal).

(4) Temporary Use Permit Decision Standards

A Temporary Use Permit shall be approved upon a finding that the application complies with all applicable standards in Sec. 17-4.4, Temporary Uses and Structures.

(q) Zoning Permit

(1) Purpose

The purpose of this subsection is to establish a uniform mechanism for ensuring that all proposed development is consistent with applicable standards of this Ordinance.

(2) Applicability

a. The procedures and standards in this subsection apply to the review of and decision on applications for Zoning Permits.

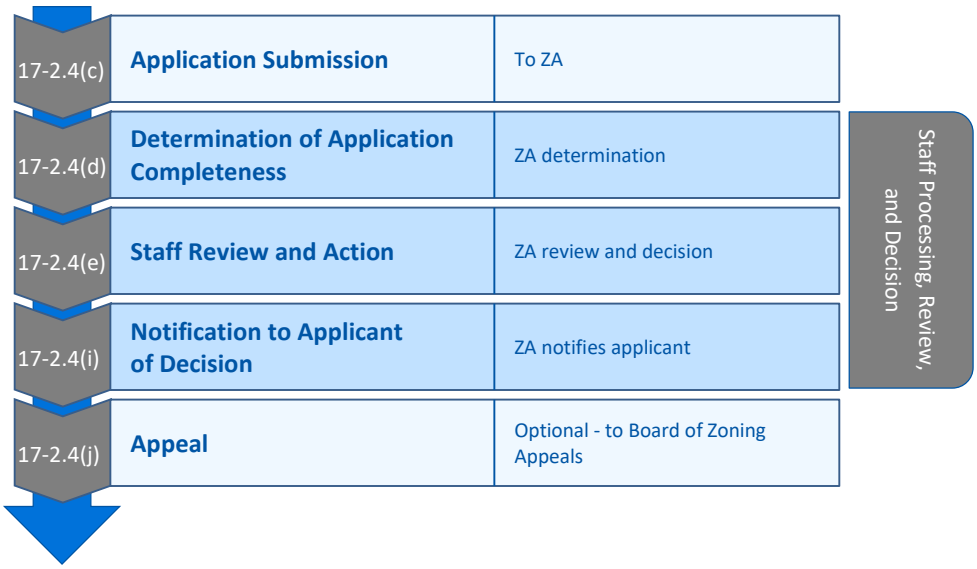
b. Approval of a Zoning Permit is required prior to the issuance of a Building Permit or the commencement of any development.

(3) Zoning Permit Procedure

Figure 17-2.5(q) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to applications for a Zoning Permit.

Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(q): Summary of Zoning Permit Procedure



a. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

b. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

c. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action).

1. The ZA shall review and make a decision on the application in accordance with Sec. 17-2.5(q)(4), Zoning Permit Decision Standards. The decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions of approval; or

(iii) Deny the application.

2. If a Building Permit is required for development approved in a Zoning Permit, the Zoning Permit shall automatically expire and be void if a Building Permit for the development is not approved within six months from the date the permit is issued, or in the case of a Special Exception Permit, Conditional Use Permit, or variance, within any time limit established in the permit approval.

3. If a Building Permit is not required for development approved in a Zoning Permit, the Zoning Permit shall automatically expire and be void

if the development has not begun within six months from the date the Zoning Permit is issued.

4. A Zoning Permit shall automatically expire and be void if the development described in the permit is not substantially completed within one year of the date the permit is issued, except as follows:

(i) In the case of a Special Exception, development shall be substantially completed within any time limit established in accordance with Sec. 17-2.5(e), Special Exception Permit; or

(ii) In the case of development which may reasonably be expected to require more than one year for completion, the ZA may specify a time limit in excess of one year at the time of original issuance of the Zoning Permit.

5. Upon written application submitted by the applicant at least 30 days prior to the expiration of the approval of a Zoning Permit and upon a showing of good cause, the ZA may grant one extension of the time frame of approval not to exceed six months.

d. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

e. Appeal

Optional (see Sec. 17-2.4(j), Appeal).

(4) Zoning Permit Decision Standards

An application for a Zoning Permit shall be approved upon a finding that the applicant demonstrates that the proposed development complies with all applicable standards in this Ordinance and all other applicable City codes and regulations.

(r) Administrative Adjustment

(1) Purpose

The purpose of this subsection is to establish a uniform mechanism for the ZA to approve minor deviations from the dimensional or design standards of this Ordinance in specific circumstances in order to better accomplish the purposes of this Ordinance.

(2) Applicability

a. The procedures and standards in this subsection apply to the review of and decision on applications for administrative adjustments.

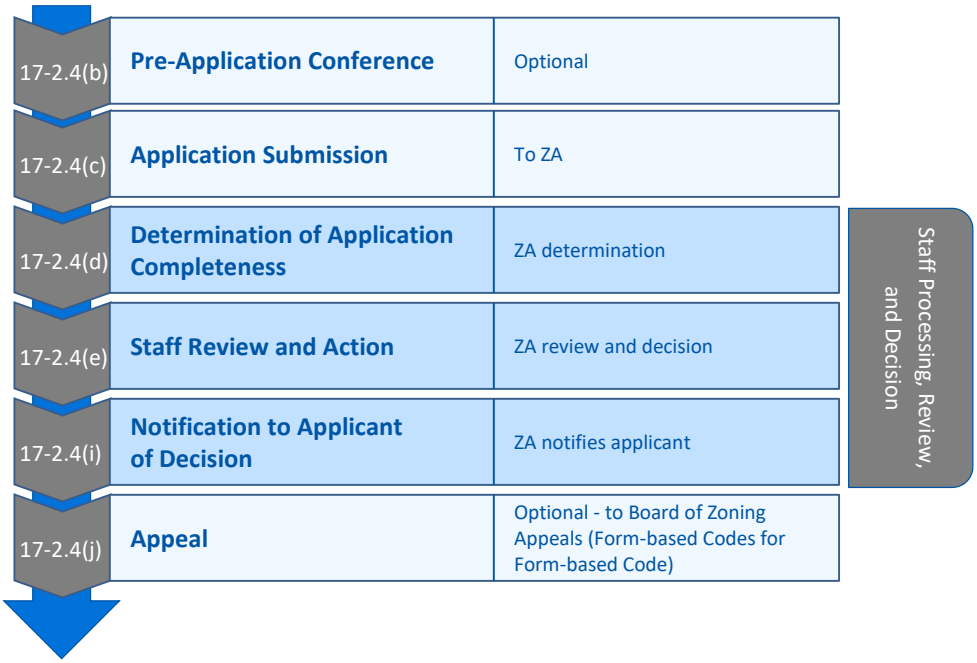
b. An administrative adjustment may be requested and granted for up to ten percent of any numeric parking standard set out in Sec. 17-5.2(d)(1), Minimum Number of Off-Street Parking Spaces, ten percent of any fence height standard set out in Table 17-5.8(d)(3), Maximum Fence or Wall Height in Required Yards and up to 20 percent of any numeric dimensional standard

governing lot width, lot area, building height, or building setback set out in Article 3: Zoning Districts.

(3) Administrative Adjustment Procedure

Figure 17-2.5(r) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to applications for an administrative adjustment. Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(r): Summary of Administrative Adjustment Procedure



a. Pre-Application Conference

Optional (see Sec. 17-2.4(b), Pre-Application Conference).

b. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

c. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

d. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action).

1. The ZA shall review and make a decision on the application in accordance with Sec. 17-2.5(r)(4), Administrative Adjustment Decision Standards. The decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions of approval;

(iii) Approve a lesser modification than requested by the applicant;

(iv) Approve a lesser modification than requested by the applicant subject to conditions of approval; or

(v) Deny the application.

2. Approval of an administrative adjustment authorizes only the particular administrative adjustment that is approved. It does not exempt the applicant from the responsibility to obtain all other development approvals and permits required by this Ordinance and any other applicable laws, and does not indicate that the development for which the administrative adjustment is granted should receive other development approvals or permits under this Ordinance unless the relevant and applicable portions of this Ordinance or any other applicable laws are met. Unless it expires, an administrative adjustment, including any conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.

3. If a maximum time frame for development to begin and/or be completed is established as a condition of approval, approval of an administrative adjustment shall expire and be void upon the lapse of the specified time frame if the development is not begun and/or completed.

4. If a maximum time frame for development to begin is not established as a condition of approval, approval of an administrative adjustment shall automatically expire and be void six months from the date of approval of the administrative adjustment if a Building Permit has not been issued for the development approved in the Administrative Adjustment, or, if a Building Permit is not required, if development has not commenced.

5. Upon written application submitted by the applicant at least 30 days prior to the expiration of the approval of an administrative adjustment and upon a showing of good cause, the ZA may grant one extension of the time frame of approval not to exceed six months.

e. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

f. Appeal

Optional (see Sec. 17-2.4(j), Appeal).

(4) Administrative Adjustment Decision Standards

An application for an administrative adjustment shall be approved upon a finding that the applicant demonstrates that all of the following standards are met:

1. The administrative adjustment does not exceed the maximum allowed in accordance with Sec. 17-2.5(r)(2)b;

2. The administrative adjustment is consistent with the character of development on surrounding land, and is compatible with surrounding land uses;

3. The administrative adjustment:

(i) Is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;

(ii) Supports an objective or goal from the purpose and intent statements of the zoning district(s) where it is located; or

(iii) Is proposed to save healthy existing trees;

4. The administrative adjustment will not pose a danger to the public health or safety;

5. Any adverse impacts will be mitigated, to the maximum extent practicable; and

6. The site is not subject to a series of multiple, incremental administrative adjustments that result in a reduction in development standards by the maximum allowed.

(s) Variance – Zoning

(1) Purpose

The purpose of this subsection is to establish a uniform mechanism for allowing certain deviations from specific dimensional standards of this Ordinance when their strict application would result in unnecessary hardship.

(2) Applicability

The procedures and standards in this subsection apply to the review of and decision on applications for a variance from the following standards:

1. The dimensional standards in Article 3: Zoning Districts;

2. The standards in Article 5: Development Standards; and

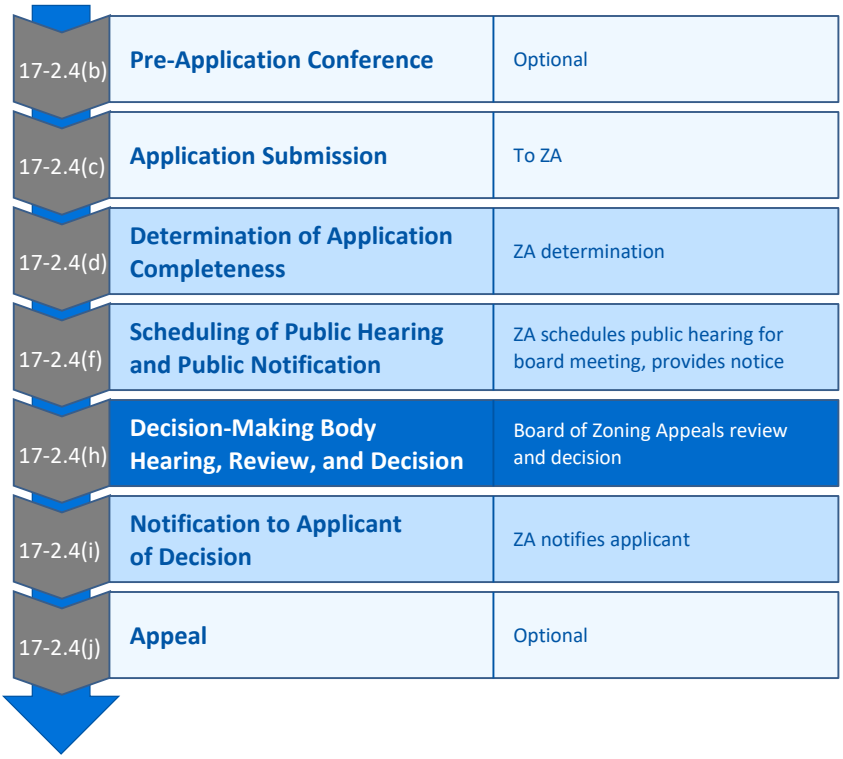
3. Standards specific to a Form-based Code.

(3) Variance – Zoning Procedure

Figure 17-2.5(s) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to applications for a Variance – Zoning.

Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(s): Summary of Variance – Zoning Procedure



a. Pre-Application Conference

Optional (see Sec. 17-2.4(b), Pre-Application Conference).

b. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

c. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

d. Scheduling of Public Hearing and Public Notification

Required (see Sec. 17-2.4(f), Scheduling of Public Hearing and Public Notification).

e. Decision-making Body Hearing, Review, and Decision

Required (see Sec. 17-2.4(h), Decision-Making Body Hearing, Review, and Decision).

1. The Board of Zoning Appeals or the Board of Zoning Appeals – Form-based Codes, in accordance with Sec. 17-2.2, Summary Table of Development Review Responsibilities, shall review and make a decision on the application in accordance with Sec. 17-2.5(s)(4), Variance – Zoning Decision Standards. The decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions of approval; or

(iii) Deny the application.

2. Conditions of approval may affect 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. Approval of a variance authorizes only the particular relief approved. It does not exempt the applicant from the responsibility to obtain all other approvals required by this Ordinance and any other applicable laws, and does not indicate that the development for which the variance is granted should receive other development approvals or permits under this Ordinance unless the relevant and applicable portions of this Ordinance or any other applicable laws are met. Unless it expires, a variance, including any conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.

4. As a condition of approval, the board making the decision may establish a time frame within which the development for which the variance is requested shall begin and/or be completed. The variance shall automatically expire and be void upon the lapse of the established time frame if the development for which the variance is granted is not begun and/or completed. Any established time frame shall not exceed two years and shall not be less than the effective period for any vested right that pertains to the same development.

f. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

g. Appeal

Optional (see Sec. 17-2.4(j), Appeal). Appeals from the final decision of the Board of Zoning Appeals or the Board of Zoning Appeals – Form-based Codes on an application for a variance are governed by S.C. Code § 6-29-820 et seq.

(4) Variance – Zoning Decision Standards

a. Required Findings

A variance may be granted by the Board of Zoning Appeals or the Board of Zoning Appeals – Form-based Codes if the board finds the applicant demonstrates by competent, substantial evidence that the strict enforcement of any appropriate dimensional, development, design, or performance standard subject to a variance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board finds the applicant demonstrates the following:

(i) There are extraordinary and exceptional conditions pertaining to the particular piece of property;

(ii) These conditions do not generally apply to other properties in the vicinity;

(iii) These conditions are not the result of the applicant's own actions;

(iv) Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

(v) The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district where the property is located will not be harmed by the granting of the variance;

(vi) The reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; and

(vii) The granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

b. Limitations

The board making the decision on the application may not grant a variance, the effect of which would do the following:

(i) Permit a use of land or a structure that is not allowed in the applicable zoning district;

(ii) Allow the physical extension of a nonconforming use; or

(iii) Change the zoning district boundaries shown on the Official Zoning Map.

c. Not Grounds for Granting Variance

The following do not constitute grounds for the granting of a variance:

(i) The nonconforming use of neighboring lands, structures, or buildings in the same zoning district that applies to the land for which the variance is sought;

(ii) Any permitted use of lands, structures or buildings in zoning districts other than the zoning district that applies to the land for which the variance is sought; or

(iii) The fact that land may be utilized more profitably should a variance be granted.

(t) Variance – Land Development (Subdivision)

(1) Purpose

The purpose of this subsection is to establish a uniform mechanism for allowing certain deviations from the standards in Article 6: Land Development (Subdivision) Standards, when their strict application would result in unnecessary hardship.

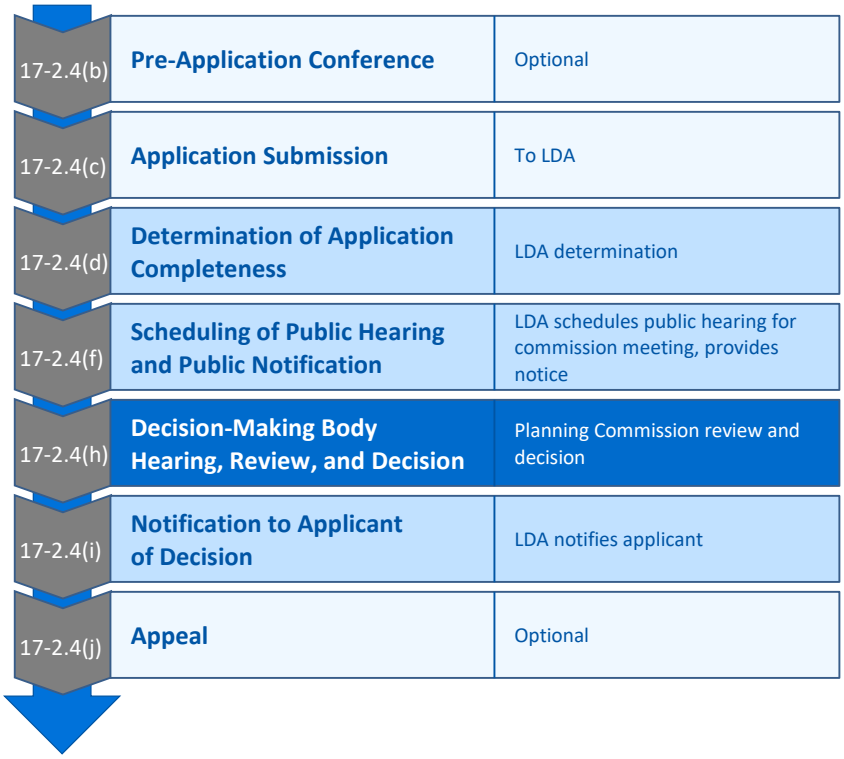
(2) Applicability

The procedures and standards in this subsection apply to the review of and decision on applications for a variance from the standards in Article 6: Land Development (Subdivision) Standards.

(3) Variance – Land Development (Subdivision) Procedure

Figure 17-2.5(t) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to applications for a Variance – Land Development (Subdivision). Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(t): Summary of Variance – Land Development (Subdivision) Procedure



a. Pre-Application Conference

Optional (see Sec. 17-2.4(b), Pre-Application Conference).

b. Application Submission

Required (see Sec. 17-2.4(c), Application Submission).

c. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

d. Scheduling of Public Hearing and Public Notification

Required (see Sec. 17-2.4(f), Scheduling of Public Hearing and Public Notification).

e. Decision-making Body Hearing, Review, and Decision

Required (see Sec. 17-2.4(h), Decision-Making Body Hearing, Review, and Decision).

1. The Planning Commission shall review and make a decision on the application in accordance with Sec. 17-2.5(t)(4), Variance – Land Development (Subdivision) Standards, , taking into consideration any recommendations from other City staff. The decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions of approval; or

(iii) Deny the application.

2. Conditions of approval may affect the location, character, or other features of the proposed building, structure or use as the commission may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

3. Approval of a variance authorizes only the particular relief approved. It does not exempt the applicant from the responsibility to obtain all other approvals required by this Ordinance and any other applicable laws, and does not indicate that the development for which the variance is granted should receive other development approvals or permits under this Ordinance unless the relevant and applicable portions of this Ordinance or any other applicable laws are met. Unless it expires, a variance – land development (subdivision), including any conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.

4. As a condition of approval, the commission may establish a time frame within which the development for which the variance is requested shall be begun and/or completed. The variance shall expire and be void upon the lapse of the established time frame if the development for which the variance is granted is not begun and/or completed. Any established time frame shall not exceed two years and shall not be less than the

effective period for any vested right that pertains to the same development.

f. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

g. Appeal

Optional (see Sec. 17-2.4(j), Appeal).

(4) Variance – Land Development (Subdivision) Standards

a. Required Findings

A variance – land development (subdivision) may be granted by the Planning Commission if it finds the applicant has demonstrated that the strict enforcement of any land development (subdivision) standard would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the commission finds in writing all of the following:

(i) There are extraordinary and exceptional conditions, such as a peculiar shape or topography, pertaining to the particular piece of property;

(ii) These conditions do not generally apply to other properties in the vicinity;

(iii) These conditions are not the result of the applicant's own actions;

(iv) Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

(v) The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district where the property is located will not be harmed by the granting of the variance;

(vi) The reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; and

(vii) The granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

b. Not Grounds for Granting Variance

The following do not constitute grounds for the granting of a Variance:

(i) The nonconforming use of neighboring lands, structures, or buildings in the same zoning district that applies to the land for which the variance is sought;

(ii) Any permitted use of lands, structures or buildings in zoning districts other than the zoning district that applies to the land for which the variance is sought; or

(iii) The fact that land may be utilized more profitably should a variance be granted.

(u) Appeal – Zoning

(1) Purpose

The purpose of this subsection is to establish a uniform mechanism for appeal to the Board of Zoning Appeals or the Board of Zoning Appeals – Form-based Codes from an action or decision of the ZA.

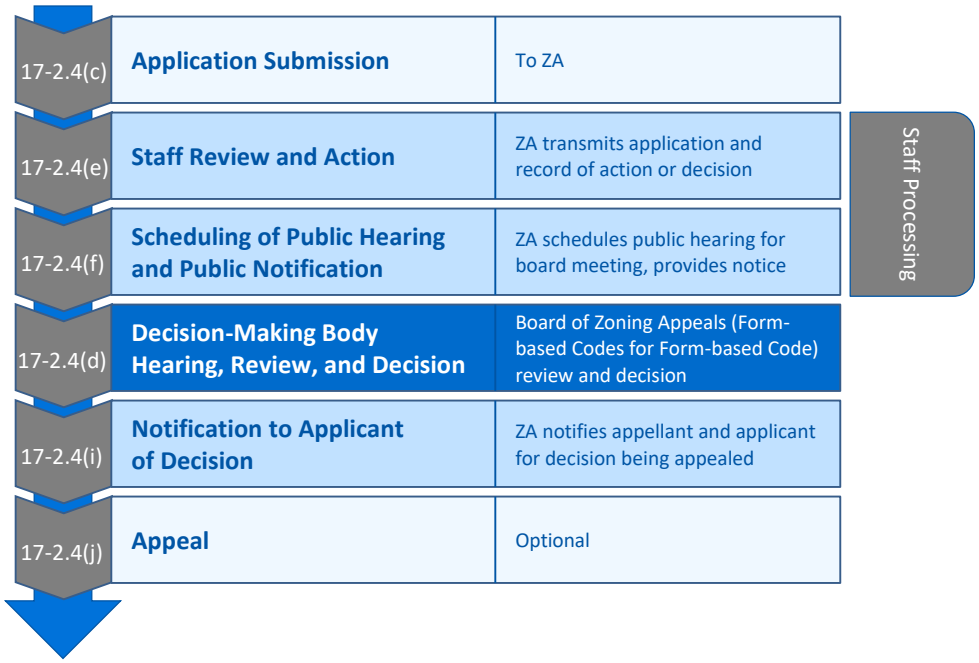
(2) Applicability

Any person aggrieved or any officer, department, board or bureau of the City affected by an action or decision made by the ZA, including any order, requirement, decision, determination, or written interpretation, may appeal to either the Board of Zoning Appeals or the Board of Zoning Appeals – Form-based Codes, in accordance with Sec. 17-2.2, Summary Table of Development Review Responsibilities, in accordance with the procedures and standards in this subsection.

(3) Appeal – Zoning Procedure

Figure 17-2.5(u) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to an Appeal – Zoning. Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(u): Summary of Appeal – Zoning Procedure



a. Application Submission

Required (see Sec. 17-2.4(c), Application Submission). An Appeal-Zoning application shall specify the grounds for the appeal and shall be submitted to the ZA within 30 days after receipt of notice of the action or decision being appealed.

b. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action). On receiving the application, the ZA shall transmit the appeal to the appellate board, in accordance with Sec. 17-2.2, Summary Table of Development Review , along with a copy of the application and the record upon which the action or decision appealed from is made.

c. Scheduling of Public Hearing and Public Notification

Required (see Sec. 17-2.4(f), Scheduling of Public Hearing and Public Notification).

d. Decision-making Body Hearing, Review, and Decision

Required (see Sec. 17-2.4(h), Decision-Making Body Hearing, Review, and Decision).

1. Within 30 business days of receipt of the appeal, the appellate board shall hear the appeal. The appellate board shall make a decision on the application in accordance Sec. 17-2.5(u)(4), Appeal – Zoning Decision Standards, within ten business days of the conclusion of the hearing, or, if applicable, the rehearing. The decision shall be one of the following:

(i) Affirmation of the action or decision, in whole or in part;

(ii) Modification of the action or decision, in whole or in part (in modifying the decision, the deciding board shall have all the powers of the ZA); or

(iii) Reversal of the action or decision, in whole or in part, by majority vote (in reversing the decision, the deciding board shall have all the powers of the ZA).

2. All final decisions and orders of the appellate board shall be in writing and be permanently filed in the office of the ZA. All findings of fact and conclusions of law shall be separately stated in final decisions or orders of the board.

e. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision). Notification of the final decision shall be sent by certified mail to the appellant and to the applicant for the decision being appealed (if different from the appellant) following the filing of the final decision in accordance with Sec. 17-2.5(u)(3)d.2 above.

f. Appeal

Optional (see Sec. 17-2.4(j), Appeal). Appeals from the final decision of the appellate board are governed by S.C. Code § 6-29-820 et seq.

(4) Appeal – Zoning Decision Standards

a. The appellate board may modify or reverse an action or decision of the ZA on finding, based on clear and substantial evidence in the record:

1. The ZA made an error in determining whether a standard was met. The record must indicate that an error in judgment occurred or facts, plans, or regulations were misread in determining whether the particular standard was or was not met;

2. The ZA made the decision based on a standard not contained in this Ordinance or other appropriate City ordinances, regulations, or State law; or

3. The ZA made an error in applying a standard.

b. Unless the appellate board makes one of the determinations in subparagraph a above, it shall affirm the ZA's action or decision.

(5) Effect of Pending Appeal

A pending appeal stays all proceedings in furtherance of the action or decision appealed from, unless the ZA certifies to the board hearing the appeal that, because of facts stated in the certificate, a stay would, in the ZA's opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board hearing the appeal or by a court of record on application, on notice to the ZA, and on due cause shown.

(v) Appeal – Land Development (Subdivision)

(1) Purpose

The purpose of this subsection is to establish a uniform mechanism for appeal to the Planning Commission from an action or decision of the LDA or a decision of the City Engineer on an application for a Major Subdivision Final Plat.

(2) Applicability

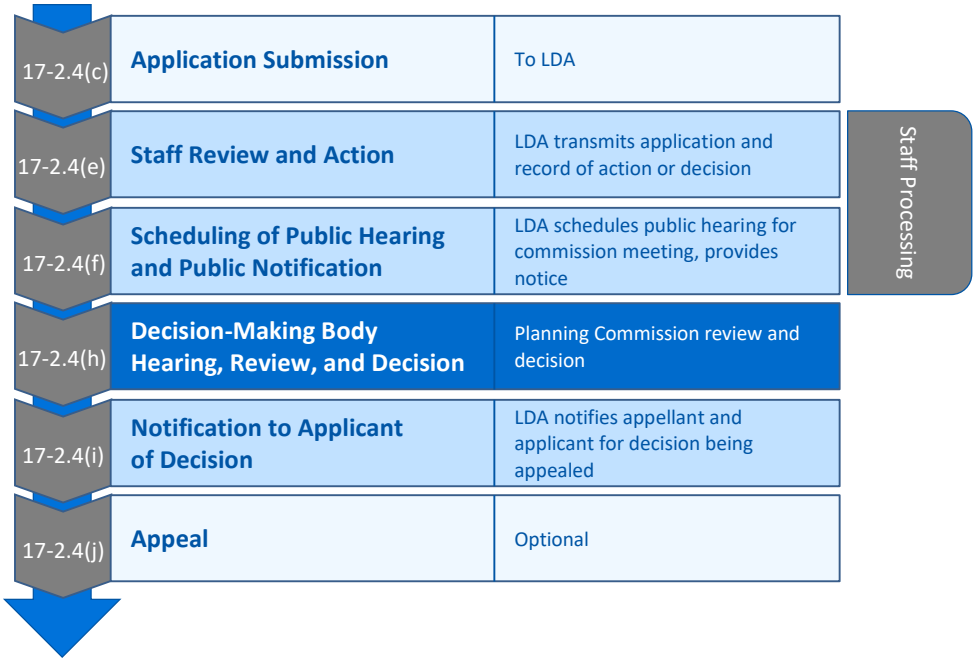
Any party in interest may appeal an action or decision made by the LDA, including any order, requirement, decision, determination, or written interpretation, or a decision of the City Engineer on an application for a Major Subdivision Final Plat, to the Planning Commission in accordance with the procedures and standards in this subsection.

(3) Appeal – Land Development (Subdivision) Procedure

Figure 17-2.5(v) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to an Appeal – Land Development

(Subdivision). Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(v): Summary of Appeal – Land Development (Subdivision) Procedure



a. Application Submission

Required (see Sec. 17-2.4(c), Application Submission). An Appeal – Land Development (Subdivision) application shall specify the grounds for the appeal and shall be submitted to the LDA within 30 days after receipt of notice of the action or decision being appealed.

b. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action). On receiving the application, the LDA shall transmit the appeal to the Planning Commission, along with a copy of the application and the record upon which the action or decision appealed from is made.

c. Scheduling of Public Hearing and Public Notification

Required (see Sec. 17-2.4(f), Scheduling of Public Hearing and Public Notification).

d. Decision-making Body Hearing, Review, and Decision

Required (see Sec. 17-2.4(h), Decision-Making Body Hearing, Review, and Decision).

1. Within 60 days of receipt of the application, the Planning Commission shall review and make a decision on the application in accordance with Sec. 17-2.5(v)(4), Appeal – Land Development (Subdivision) Decision Standards. The decision shall be one of the following:

(i) Affirmation of the decision, in whole or in part;

(ii) Modification of the decision, in whole or in part; or

(iii) Reversal of the decision, in whole or in part.

2. The Planning Commission's final decision shall be in writing and include findings of fact and conclusions of law separately stated.

e. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision). Notification of the final decision shall be sent by certified mail to the appellant and to the applicant for the decision being appealed (if different from the appellant).

f. Appeal

Optional (see Sec. 17-2.4(j), Appeal). Appeals from the final decision of the Planning Commission on an appeal application are governed by S.C. Code § 6-29-1150 et seq.

(4) Appeal – Land Development (Subdivision) Decision Standards

a. The Planning Commission may modify or reverse an decision of the LDA or City Engineer on finding, based on clear and substantial evidence in the record:

1. The LDA or City Engineer, as applicable, made an error in determining whether a standard was met. The record must indicate that an error occurred or facts, plans, or regulations were misread in determining whether the particular standard was or was not met;

2. The LDA or City Engineer, as applicable, made the decision based on a standard not contained in this Ordinance or other appropriate City ordinances, regulations, or State law; or

3. The LDA or City Engineer, as applicable, made an error in applying a standard.

b. Unless the Planning Commission makes one of the determinations in subparagraph a above, it shall affirm the LDA's or the City Engineer's decision.

(5) Effect of Pending Appeal

A pending appeal stays all proceedings in furtherance of the action or decision appealed from, unless the LDA certifies to the Planning Commission that, because of facts stated in the certificate, a stay would, in the LDA's opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Planning Commission or by a court of record on application, on notice to the LDA, and on due cause shown.

(w) Interpretation – Zoning

(1) Purpose

The purpose of this subsection is to establish a uniform mechanism for rendering formal written interpretations of any provision of this Ordinance other than standards that directly pertain to subdivision or site plan approval.

(2) Applicability

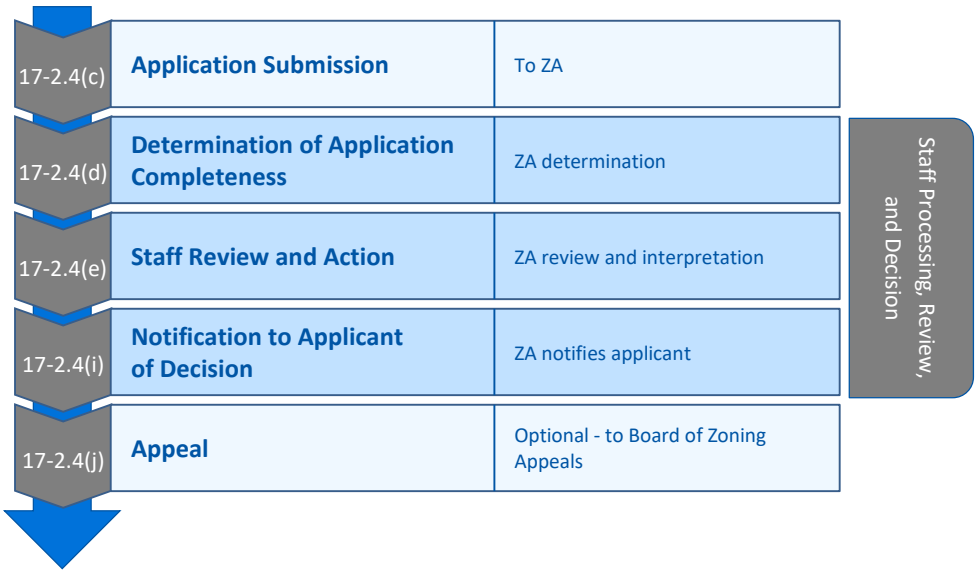
The ZA is responsible for rendering interpretations, in accordance with this procedures and standards in this subsection, of all provisions of this Ordinance that do not directly pertain to subdivision or site plan approval, including, but not limited to:

1. Interpretations of the text, including standards;
2. Interpretations of the zoning district boundaries;
3. Interpretations of whether an unlisted use in the use tables in Article 4: Use Regulations, is comparable to a listed use or not, and should be allowed in a zoning district or prohibited in that district; and
4. Interpretations of compliance with a condition of approval.

(3) Interpretation – Zoning Procedure

Figure 17-2.5(w) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to an Interpretation – Zoning. Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(w): Summary of Interpretation – Zoning Procedure



a. Application Submission

Required (see Sec. 17-2.4(c), Application Submission). An application for a formal written interpretation may be submitted only by a person with a direct interest in the matter requested for interpretation (e.g., landowner or contract purchaser of property in the City, applicant for or holder of an affected development approval or permit). The application shall include a statement of the applicant's direct interest.

b. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

c. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action).

1. The ZA shall review the application, consult with the City Attorney and other affected City staff, and render a formal written interpretation in accordance with Sec. 17-2.5(w)(4), Interpretation – Zoning Standards. The interpretation shall be in a form approved by the City Attorney and shall constitute the decision on the application.

2. A formal written interpretation shall be binding on subsequent decisions by the ZA in applying the same provision of this Ordinance.

d. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

e. Appeal

Optional (see Sec. 17-2.4(j), Appeal).

(4) Interpretation – Zoning Standards

a. Text Provisions

Interpretation of the provision's text and its application shall be based on Sec. 17-9.1, General Rules for Construction and Interpretation, Sec. 17-1.6, Relationship with Other Laws, Covenants, or Deeds, and considerations including, but not limited to, the following:

(i) The plain meaning of the provision's wording, considering any terms specifically defined in Sec. 17-9.4, Definitions, and the common and accepted usage of terms; and

(ii) The purpose of the provision, as indicated by:

(a) Any purpose statement in the section(s) where the text is located;

(b) The provision's context and consistency with surrounding and related provisions;

(c) Any legislative history related to the provision's adoption;

(d) The general purposes served by this Ordinance, as set forth in Sec. 17-1.3, General Purpose and Intent; and

(e) The Comprehensive Plan.

b. Unspecified Uses

Interpretation of whether an unspecified use is similar to a use or is prohibited in a zoning district shall be based on Sec. 17-9.3(b), Interpretation of Unlisted Uses, and whether the interpretation is in accordance with the Comprehensive Plan.

c. Official Zoning Map Boundaries

Interpretation of zoning district boundaries on the Official Zoning Map shall be in accordance with the standards in Sec. 17-1.7(d), Zoning District Boundaries.

d. Conditions of Approval

Interpretation of conditions of approval included in development approvals and permits approved in accordance with the procedures and standards of this Ordinance shall consider the review standards for the particular development approval or permit, the record of the meeting(s) and hearing(s) where the approval was made, and other relevant parts of the record of the approval.

(5) Official Record of Interpretations

The ZA shall maintain a record of formal written interpretations rendered by the ZA, which shall be available, upon reasonable request and during normal business hours, in the ZA's office.

(x) Interpretation – Land Development (Subdivision)

(1) Purpose

The purpose of this subsection is to establish a uniform mechanism for rendering formal written interpretations of standards that directly pertain to subdivision or site plan approval.

(2) Applicability

The LDA is responsible for rendering interpretations, in accordance with the procedures and standards in this subsection, of all standards in this Ordinance that standards that directly pertain to subdivision or site plan approval, including, but not limited to:

1. Interpretations of the text, including standards, and

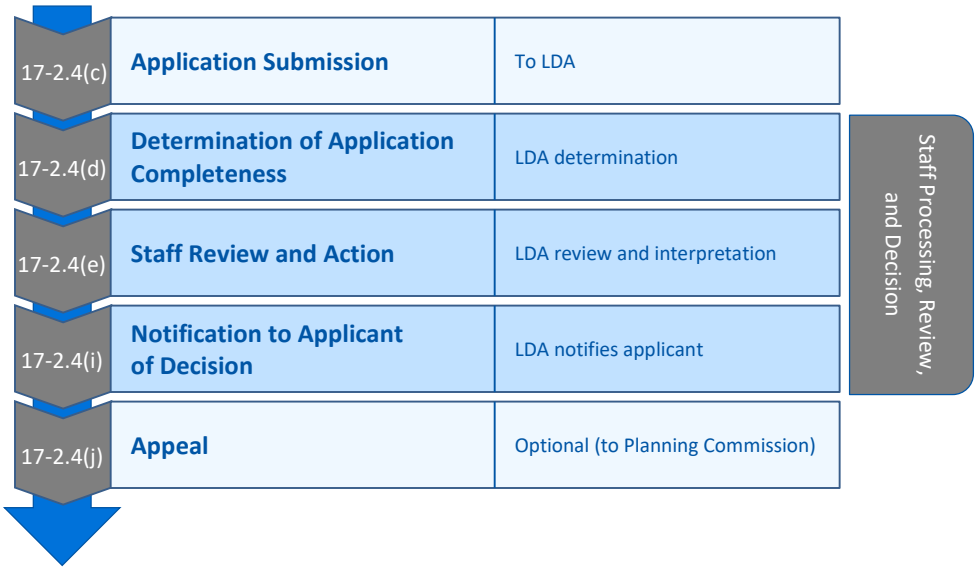
2. Interpretations of compliance with a condition of approval.

(3) Interpretation – Land Development (Subdivision) Procedure

Figure 17-2.5(x) identifies the standard review procedures from Sec. 17-2.4, Standard Review Procedures, that apply to an Interpretation – Land Development

(Subdivision). Additions or modifications to the standard review procedures are identified in this subsection.

Figure 17-2.5(x): Summary of Interpretation – Land Development (Subdivision) Procedure



a. Application Submission

Required (see Sec. 17-2.4(c), Application Submission). An application for a formal written interpretation may be submitted only by a person with a direct interest in the matter requested for interpretation (e.g., landowner or contract purchaser of property in the City, applicant for or holder of an affected development approval or permit). The application shall include a statement of the applicant's direct interest.

b. Determination of Application Completeness

Required (see Sec. 17-2.4(d), Determination of Application Completeness).

c. Staff Review and Action

Required (see Sec. 17-2.4(e), Staff Review and Action).

1. The LDA shall review the application, consult with the City Attorney and other affected City staff, and render a formal written interpretation in accordance with Sec. 17-2.5(x)(4), Interpretation – Land Development (Subdivision) Standards. The interpretation shall be in a form approved by the City Attorney and shall constitute the decision on the application.

2. A formal written interpretation shall be binding on subsequent decisions by the LDA in applying the same provision of this Ordinance.

d. Notification to Applicant of Decision

Required (see Sec. 17-2.4(i), Notification to Applicant of Decision).

e. Appeal

Optional (see Sec. 17-2.4(j), Appeal).

(4) Interpretation – Land Development (Subdivision) Standards

a. Text Provisions

Interpretation of the provision's text and its application shall be based on Sec. 17-9.1, General Rules for Construction and Interpretation, Sec. 17-1.6, Relationship with Other Laws, Covenants, or Deeds, and considerations including, but not limited to, the following:

(i) The plain meaning of the provision's wording, considering any terms specifically defined in Sec. 17-9.4, Definitions, and the common and accepted usage of terms; and

(ii) The purpose of the provision, as indicated by:

(a) Any purpose statement in the section(s) where the text is located;

(b) The provision's context and consistency with surrounding and related provisions;

(c) Any legislative history related to the provision's adoption;

(d) The general purposes served by this Ordinance, as set forth in Sec. 17-1.3, General Purpose and Intent; and

(e) The Comprehensive Plan.

b. Conditions of Approval

Interpretation of conditions of approval included in development approvals and permits approved in accordance with the procedures and standards of this Ordinance shall consider the review standards for the particular development approval or permit, the record of the meeting(s) and hearing(s) where the approval was made, and other relevant parts of the record of the approval.

(5) Official Record of Interpretation

The LDA shall maintain a record of formal written interpretations rendered by the LDA, which shall be available, upon reasonable request and during normal business hours, in the LDA's office.

(y) Bailey Bill – Special Tax Assessment Created

(1) Purpose

It is the purpose of this division to:

a. Encourage the restoration of historic properties;

b. Promote community development and redevelopment;

c. Encourange sound community planning; and

d. Promote the general health, safety, and welfare of the community.

(2) Eligible Properties

In order to be eligible for the special tax assessment, historic properties must received preliminary and final certification.

a. To receive preliminary certification a property must meet the following conditions:

(i) The property has received historic designation.

(ii) The proposed rehabilitation work receives approval from the Design/Development Review Commission (DDRC).

b. To received final certification, a property must have met the following conditions:

(i) The property has received preliminary certification.

(ii) The minimum expenditures for rehabilitation were incurred and paid.

(iii) The completed rehabilitation received approval from the secretary to the DDRC as being consistent with the plans approved by DDRC as part of preliminary certification

(3) Historic Designation

As used in this section, "Historic Designation" means the property maintains one or more of the following:

a. The property is listed on the National Register of Historic Places either individually or as a contributing property in a district.

b. The property is at least 50 years old and is an individual landmark or a contributing property in an OV-HP district.

(4) Eligible Rehabilitation

To be eligible for the special tax assessment, historic rehabilitations must be appropriate for the historic building and the historic district in which it is located.

a. Standards for rehabilitation work:

(i) The historic character of a property shall be retained and preserved; the removal of historic materials or alterations of features and spaces that characterize each property shall be avoided.

(ii) Each property shall be recognized as a physical record of its time, place and use; changes that create a false sense of historical development shall not be undertaken.

(iii) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(iv) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property should be preserved.

(v) Deteriorated historic features shall be repaired rather than replaced; where the severity of deterioration requires replacement of a distinctive feature, the new should match the old in design, color, texture, and other visual qualities and, where possible, materials; replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(vi) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used; the surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(vii) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property; the new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features

to protect the historic integrity of the historic property and its environment.

(viii) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

b. Work to be reviewed:

(i) Repairs to the exterior of the designated building.

(ii) Alterations to the exterior of the designated building.

(iii) New construction on the property on which the building is located.

(iv) Alterations to interior primary public spaces.

(v) Any remaining work where the expenditures for such work are being used to satisfy the minimum expenditures for rehabilitation.

c. Minimum expenditures for rehabilitation means the owner or the owner's estate rehabilitates the building, with expenditures for rehabilitation exceeding 20 percent of the fair market value of the building. Fair market value means the appraised value as certified to the DDRC by a real estate appraiser licensed by the State of South Carolina, the sales price as delineated in a bona fide contract of sale within 12 months of the time it is submitted, or the most recent appraised value published by the Richland County Tax Assessor.

d. Expenditures for rehabilitation means the actual cost of rehabilitation relating to one or more of the following:

(i) Improvements located on or within the historic building as designated.

(ii) Improvements outside of but directly attached to the historic building which are necessary to make the building fully useable (such as vertical circulation) but shall not include rentable/habitable floorspace attributable to new construction.

(iii) Architectural and engineering services attributable to the design of the improvements.

(iv) Costs necessary to maintain the historic character or integrity of the building.

e. The special tax assessment may apply to the following:

(i) Structure(s) rehabilitated.

(ii) Real property on which the building is located.

f. To be eligible for the special tax assessment, rehabilitation must be completed within two years of the preliminary certification date. If the project is not complete after two years, but the minimum expenditures for

rehabilitation have been incurred, the property continues to receive the special assessment until the project is completed or until the end of the special assessment period, whichever shall first occur.

(5) Process

a. There is a fee of $150.00 required for final certification for each application for review of rehabilitation work of single-family and/or duplex structures and $300.00 for all other structures. Fees are payable to the City of Columbia, and final certification will not be given without payment of this fee.

b. Owners of property seeking approval of rehabilitation work must submit a rehabilitation historic property application with supporting documentation and application fee prior to beginning work.

c. Upon receipt of the completed application, the proposal shall be placed on the next available agenda of the DDRC to determine if the project is consistent with the standards for rehabilitation. After the DDRC makes its determination, the owner shall be notified in writing. Upon receipt of this determination the owner may:

(i) If the application is approved, begin rehabilitation;

(ii) If the application is not approved, he may revise such application in accordance with comments provided by the DDRC.

d. Once preliminary certification is granted to an application, substantive changes must be approved by the DDRC. Unapproved substantive changes are conducted at the risk of the property owner and may disqualify the project from eligibility. Additional expenditures will not qualify the project for an extension on the special assessment.

e. Upon completion of the project, the project must receive final certification in order to be eligible for the special assessment. The secretary to the DDRC will inspect completed projects to determine if the work is consistent with the approval granted by the DDRC. Final certification will be granted when the completed work meets the Standards and verification is made that expenditures have been made. Upon receiving final certification, the property will be assessed for the remainder of the special assessment period on the fair market value of the property at the time the preliminary certification was made or the final certification was made, whichever occurred earlier.

f. For the remainder of the special assessment period after final certification, the property owner shall notify the DDRC of any additional work, other than ordinary maintenance. The DDRC will review the work at a regularly scheduled hearing and determine whether the overall project is consistent with the standards for rehabilitation. If the additional work is found to be

inconsistent the property owner may withdraw his request and cancel or revise the proposed additional work.

g. When the property has received final certification and has been assessed as rehabilitated historic property, it remains so certified and must be granted the special assessment until the property becomes disqualified by any one of the following:

(i) Written notice from the owner to the DDRC and the auditor requesting removal of the preferential assessment;

(ii) Removal of the historic designation by City Council; or

(iii) Rescission of the approval of rehabilitation by the DDRC because of alterations or renovation by the owner or the owner's estate which causes the property to no longer possess the qualities and features which made it eligible for final certification.

h. The City shall, upon final certification of a property, notify the Richland County Assessor, Auditor and Treasurer that such property has been duly certified and is eligible for the special tax assessment.

i. If an application for preliminary or final certification is filed by May 1 or the preliminary or final certification is approved by August 1, the special assessment authorized herein is effective for that year. Otherwise, it is effective beginning with the following year.

(i) The special assessment only begins in the current or future tax years as provided for in this section. In no instance may the special assessment be applied retroactively.

j. Once the DDRC has granted the special property tax assessments authorized herein, the owner of the property shall make application to the Richland County Auditor for the special assessment provided for herein.

Article 3: Zoning Districts

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ARTICLE 3: ZONING DISTRICTS

Sec. 17-3.1 General

(a) Compliance with Zoning District Standards

Land in the City shall not be developed except in accordance with the zoning district regulations of this article, and all other relevant provisions of this Ordinance.

(b) Lots of Record

New structures shall only be erected on lots of record.

(c) Establishment of Zoning Districts

This Ordinance establishes the base, planned development and overlay zoning districts identified in Table 17-3.1(c): Establishment of Zoning Districts. The boundaries of each of the zoning districts are identified on the Official Zoning Map.

TABLE 17-3.1(C): ESTABLISHMENT OF ZONING DISTRICTS
BASE ZONING DISTRICTS
RESIDENTIAL DISTRICTS
T/C: Transitional/Conservation District
LL-R: Large Lot - Reserve District
RSF-1: Residential Single Family - Large Lot District
RSF-2: Residential Single Family - Medium Lot District
RSF-3: Residential Single Family - Small Lot District
RD: Residential Two-Family District
RD-MV: Residential Two-Family - Mill Village District
RM-1: Residential Mixed District
RM-2: Residential Mixed District
MIXED-USE, ACTIVITY CENTER, AND CORRIDOR DISTRICTS
MU-1: Mixed-Use District
MU-2: Mixed-Use District
NAC: Neighborhood Activity Center/Corridor District
CAC: Community Activity Center/Corridor District
RAC: Regional Activity Center/Corridor District
O-I: Office and Institutional District
DAC: Downtown Activity Center District
GC: General Commercial District
MC: Mixed Commercial District
INSTITUTIONAL AND CAMPUS DISTRICTS
INS-GEN: Institutional - General District
INS-U/M: Institutional - University/Medical District

TABLE 17-3.1(C): ESTABLISHMENT OF ZONING DISTRICTS
INS-ZOO: Institutional - Riverbanks Zoo and Gardens District
INS-FJ: Institutional - Fort Jackson District
INS-T/U: Institutional - Transportation/Utilities District
INDUSTRIAL DISTRICTS
LI: Light Industrial District
HI: Heavy Industrial District
EC: Employment Campus District
PLANNED DEVELOPMENT DISTRICTS
PD-#: Planned Development - General District
OVERLAY DISTRICTS
OV-A: Airport Safety Overlay District
OV-FW: Floodway Overlay District
OV-FP: Floodplain Overlay District
OV-5P: Five Points Design Overlay District
OV- ID: Innovista Design Overlay District
OV-NMC: North Main Corridor Design Overlay District
OV-CC: City Center Design Overlay District
OV-HP: Historic Preservation Overlay District
OV-GATE-#: Gateway Design Overlay District
OV-CCP: Community Character Protection Overlay District
OV-OAS: Outdoor Advertising Sign Overlay District
OV-HSV: Height and Setback View Corridor Protection Overlay District

(d) Organization of Zoning Districts

(1) Base Zoning Districts

a. Base zoning districts include Residential, Activity and Corridor, Institutional and Campus, and Industrial districts, as shown in Table 17-3.1(c): Establishment of Zoning Districts. Base districts are established initially by the City's adoption of this Ordinance, and subsequently by a Zoning Map Amendment (see Sec. 17-2.5(c), Zoning Map Amendment).

b. The general purpose and standards of each base zoning district is set forth in Sec. 17-3.2, Residential Base Zoning Districts, through Sec. 17-3.5, Industrial Base Zoning Districts.

c. For each base zoning district, the regulations set out the district's purpose, the intensity and dimensional standards applicable in the district, and reference other Ordinance standards generally applicable to development in the district. Each base zoning district also includes photographs depicting a building form typical in the district and an illustration depicting how the

district's dimensional standards apply to lots and typical building forms. Graphics are included for illustrative purposes and show the application of the dimensional and intensity standards to some of the uses allowed in the district.

(e) Planned Development Districts

(1) The general purpose of planned development (PD) districts, as shown in Table 17-3.1(B): Establishment of Zoning Districts, is set forth in Sec. 17-3.6, Planned Development Districts.

(2) Planned development districts are adopted by the City Council as zoning map amendments in accordance with Sec. 17-2.5(d), Planned Development. Each PD district name shall include a number that uniquely identifies the district. The name and location of the specific planned development district is shown on the Official Zoning Map and recorded, as appropriate.

(3) Planned development districts are subject to an approved PD Plan and PD Agreement, which establishes a plan for development parameters, and specific rules for individual PD districts. As provided in Sec. 17-2.5(d), Planned Development, the PD Plan and PD Agreement is included with the adopting ordinance, and recorded as appropriate.

(4) Lands may be reclassified from a base district to a planned development district in accordance with Sec. 17-2.5(d), Planned Development. Generally, PD districts require unified control of a parcel and allow for greater flexibility and a wider range of allowed uses than traditional base zoning districts allow, in return for innovative design and higher quality development. It is the intent of this Ordinance that PD Districts should be used sparingly.

(f) Overlay Districts

(1) Overlay zoning districts (see Table 17-3.1(C): Establishment of Zoning Districts), are established initially by the City's adoption of this Ordinance, and subsequently by approval of a zoning map amendment (see Sec. 17-2.5(c), Zoning Map Amendment).

(2) Standards governing development in an overlay zoning district shall apply in addition to, or instead of, the standards governing development in the underlying base zoning district or PD district, and may also provide a more flexible alternative to base zoning district standards. If the regulations governing an overlay district expressly conflict with those governing an underlying base zoning district, the regulations governing the overlay district shall control, unless expressly stated to the contrary. If land is classified into multiple overlay districts and the regulations governing one overlay district expressly conflict with those governing another overlay district, the more restrictive regulations shall control.

Sec. 17-3.2 Residential Base Zoning Districts

(a) General Purpose of Residential Base Zoning Districts

The purpose of residential base zoning districts is to:

(1) Support the development pattern and character of Columbia's established neighborhoods;

(2) Provide a range of housing choices;

(3) Encourage infill and redevelopment that is compatible with the districts' existing character;

(4) Allow for small-scale, neighborhood-serving commercial uses; and

(5) Ensure the requirements of this Ordinance are in accordance with the Comprehensive Plan.

(b) Established Residential Base Zoning Districts

The residential base zoning districts established by this Ordinance are identified in Table 17-3.2(b): Established Residential Base Zoning Districts.

TABLE 17-3.2(B): ESTABLISHED RESIDENTIAL BASE ZONING DISTRICTS
T/C: Transitional/Conservation District
LL-R: Large Lot - Reserve District
RSF-1: Residential Single Family - Large Lot District
RSF-2: Residential Single Family - Medium Lot District
RSF-3: Residential Single Family - Small Lot District
RD: Residential Two-Family District
RD-MV: Residential Two-Family - Mill Village District
RM-1: Residential Mixed District
RM-2: Residential Mixed District

(c) T/C: Transitional/Conservation District

(1) Purpose

The purpose of the Transitional/Conservation (T/C) District is to provide land on the edge of the City that is undeveloped or developed at a very low density and to conserve land. The T/C District is intended to accommodate land recently annexed into the City as an area that will one day be developed at suburban or urban density and intensity. Lands within the T/C District are intended either to be rezoned at the appropriate time to accommodate urban expansion or to remain in conservation.





(2) Use Standards

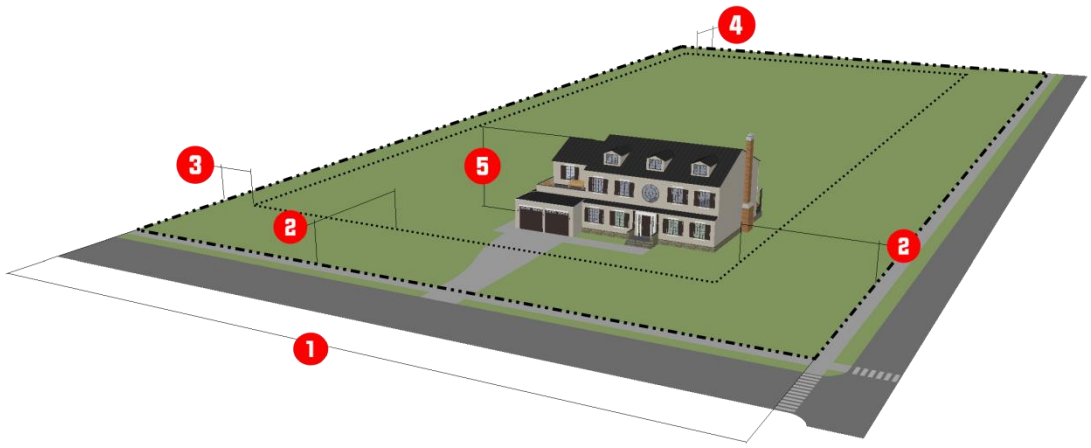
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

Standard	All Uses

	Lot Area, min. (acres)	5
1	Lot Width, min. (ft.)	150
	Lot Coverage, max. (% of site area)	10
	Density, max. (du/acre)	0.3
2	Front Yard Setback, min. (ft.)	45
3	Side Yard Setback, min. (ft.)	15
4	Rear Yard Setback, min. (ft.)	30
5	Building Height, max. (ft.)	40

Notes: ft. = feet sf. = square feet du. = dwelling unit



(4) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

(d) LL-R: Large Lot - Reserve District

(1) Purpose

The purpose of the Large Lot - Reserve (LL-R) District is to reserve undeveloped or low-density land primarily located on the edge of the City. Lands within the LL-R District are intended to be rezoned at the appropriate time to accommodate urban expansion.





(2) Use Standards

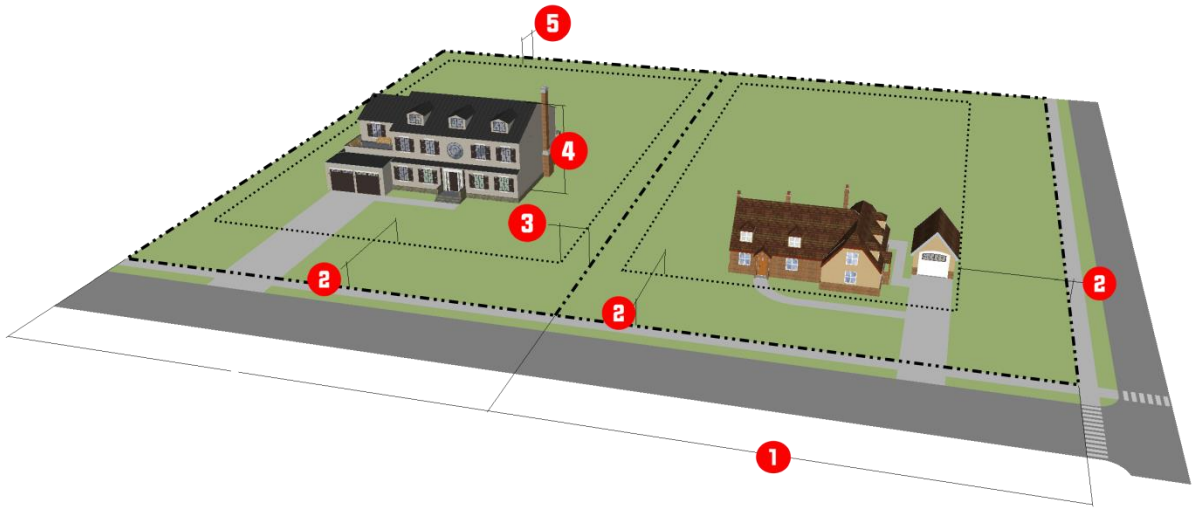
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

Standard	All Uses
Lot Area, min. (sf.)	40,000
1 Lot Width, min. (ft.)	150
Lot Coverage, max. (% of site area)	25
Density, max. (du/acre)	1.1

2	Front Yard Setback, min. (ft.)	35
3	Side Yard Setback, min. (ft.)	10
5	Rear Yard Setback, min. (ft.)	15
4	Building Height, max. (ft.)	40

Notes: ft. = feet sf. = square feet du. = dwelling unit



(4) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

(e) RSF-1: Residential Single-Family - Large Lot District

(1) Purpose

The purpose of the Residential Single-Family - Large Lot (RSF-1) District is to provide lands that accommodate primarily single-family detached dwellings at very low densities. The district also accommodates parks and recreation centers, government offices, and minor utility facilities. District regulations discourage development that substantially interferes with the quiet residential nature of the district.







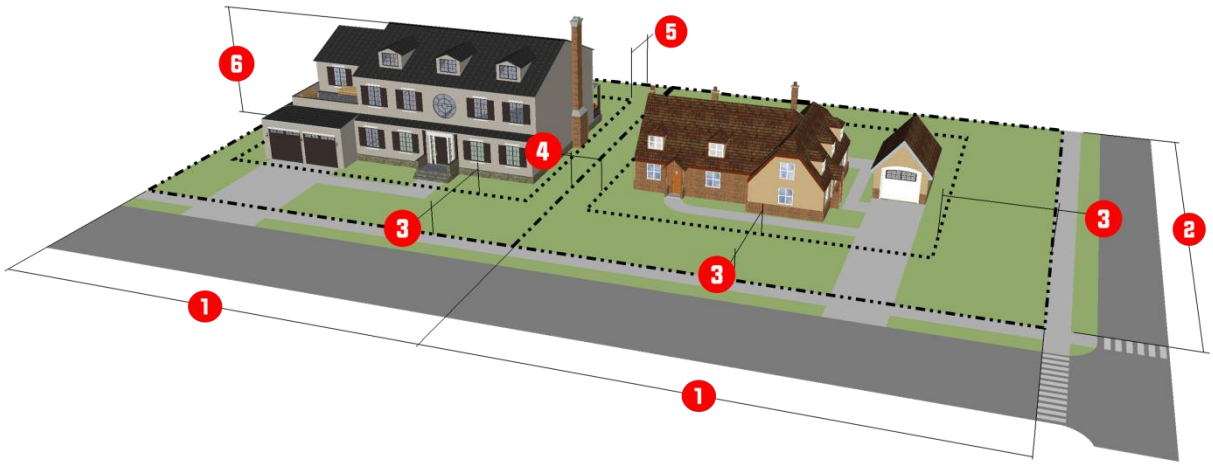
(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

	Standard	All Uses
	Lot Area, min. (sf.)	15,000
1	Lot Width, min. (ft.)	90
2	Lot Depth, min. (ft.)	70
	Lot Coverage, max. (% of site area)	40
	Density, max. (du/acre)	N/A
3	Front Yard Setback, min. (ft.)	25
4	Side Yard Setback, min. (ft.)	8
5	Rear Yard Setback, min. (ft.)	15
6	Building Height, max. (ft.)	40

Notes: ft. = feet sf. = square feet du. = dwelling unit



(4) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

(f) RSF-2: Residential Single-Family - Medium Lot District

(1) Purpose

The purpose of the Residential Single-Family - Medium Lot (RSF-2) District is to provide lands that accommodate primarily single-family detached dwellings at moderate densities. The district also accommodates parks and recreation centers, government offices, and minor utility facilities. District regulations discourage development that substantially interferes with the quiet residential nature of the district.







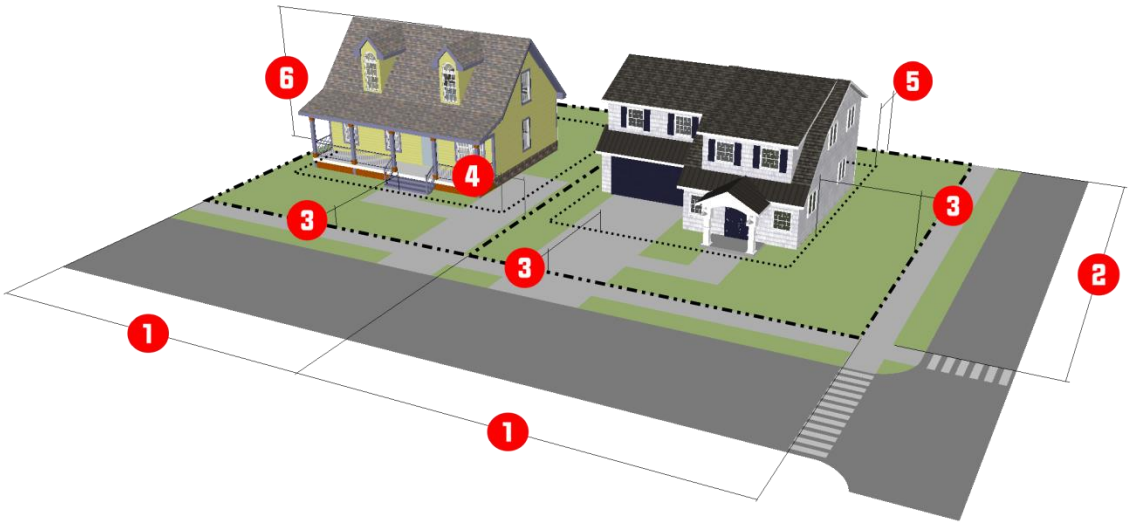
(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

	Standard	All Uses
	Lot Area, min. (sf.)	8,500
1	Lot Width, min. (ft.)	60
2	Lot Depth, min. (ft.)	70
	Lot Coverage, max. (% of site area)	40
	Density, max. (du/acre)	N/A
3	Front Yard Setback, min. (ft.)	20
4	Side Yard Setback, min. (ft.)	5
5	Rear Yard Setback, min. (ft.)	10
6	Building Height, max. (ft.)	40

Notes: ft. = feet sf. = square feet du. = dwelling unit



(4) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

(g) RSF-3: Residential Single-Family - Small Lot District

(1) Purpose

The purpose of the Residential Single-Family - Small Lot (RSF-3) District is to provide lands that accommodate primarily single-family detached dwellings at moderate densities. The district also accommodates parks and recreation centers, government offices, and minor utility facilities. District regulations discourage development that substantially interferes with the quiet residential nature of the district.







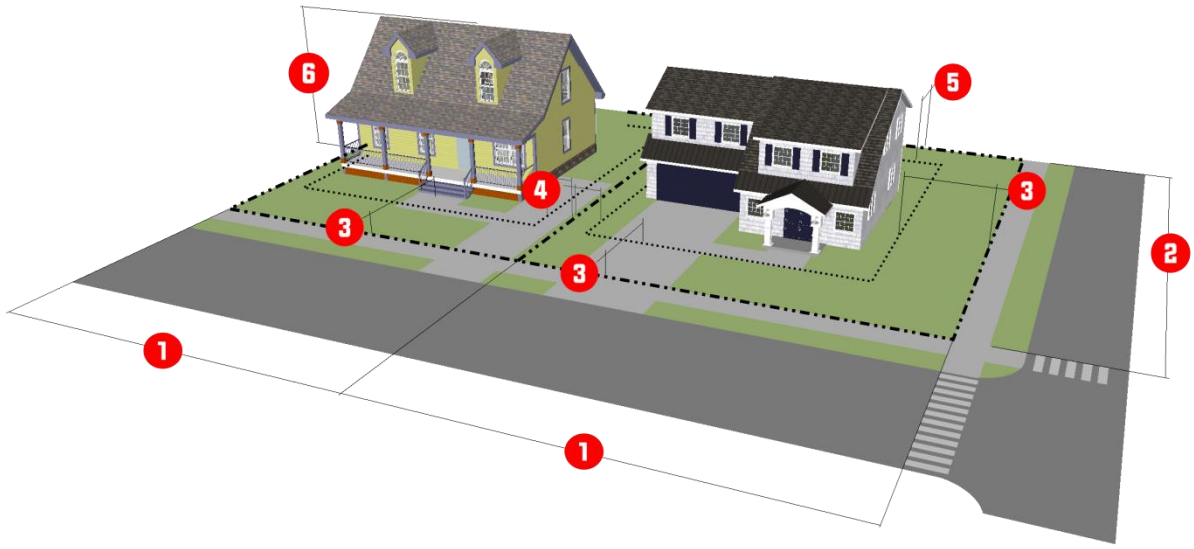
(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

	Standard	All Uses
	Lot Area, min. (sf.)	5,000
1	Lot Width, min. (ft.)	50
2	Lot Depth, min. (ft.)	70
	Lot Coverage, max. (% of site area)	40
	Density, max. (du/acre)	N/A
3	Front Yard Setback, min. (ft.)	15
4	Side Yard Setback, min. (ft.)	5
5	Rear Yard Setback, min. (ft.)	10
6	Building Height, max. (ft.)	40

Notes: ft. = feet sf. = square feet du. = dwelling unit



(4) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

(h) RD: Residential Two-Family District

(1) Purpose

The purpose of the Residential Two-Family (RD) District is to provide lands that accommodate a mix of single-family dwellings and two-family dwellings at moderate densities. The district also accommodates parks and recreation centers, government offices, and minor utility facilities. District regulations discourage development that substantially interferes with the quiet residential nature of the district.







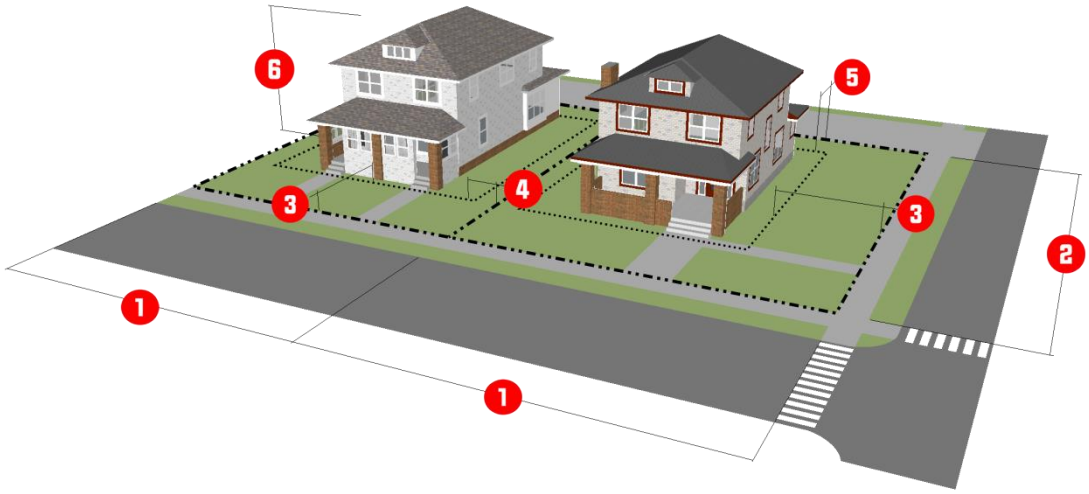
(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

	Standard	Two-Family	All Other Uses
	Lot Area, min. (sf.)	7,500	5,000
1	Lot Width, min. (ft.)	50	
2	Lot Depth, min. (ft.)	70	
	Lot Coverage, max. (% of site area)	50	
	Density, max. (du/acre)	N/A	
3	Front Yard Setback, min. (ft.)	20	
4	Side Yard Setback, min. (ft.)	5	
5	Rear Yard Setback, min. (ft.)	10	
6	Building Height, max. (ft.)	40	

Notes: ft. = feet sf. = square feet du. = dwelling unit



(4) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

(i) RD-MV: Residential Two-Family - Mill Village District

(1) Purpose

The purpose of the Residential Two-Family - Mill Village (RD-MV) District is to accommodate a mix of single-family dwellings and two-family dwellings at higher densities on lands within the historic Mill Village area. The district also accommodates parks and recreation centers, government offices, and minor utility facilities. District regulations discourage development that substantially interferes with the quiet residential nature of the district.







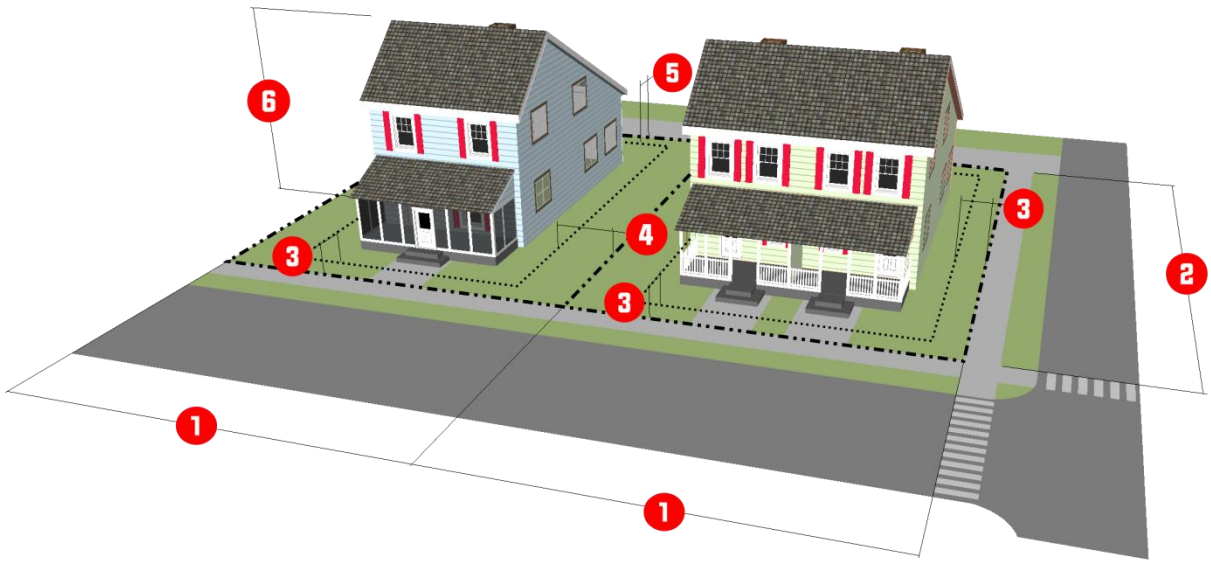
(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

	Standard	All Uses
	Lot Area, min. (sf.)	3,300
1	Lot Width, min. (ft.)	50
2	Lot Depth, min. (ft.)	70
	Lot Coverage, max. (% of site area)	50
	Density, max. (du/acre)	13.2
3	Front Yard Setback, min. (ft.)	5
4	Side Yard Setback, min. (ft.)	10
5	Rear Yard Setback, min. (ft.)	5
6	Building Height, max. (ft.)	35

Notes: ft. = feet sf. = square feet du. = dwelling unit



(4) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

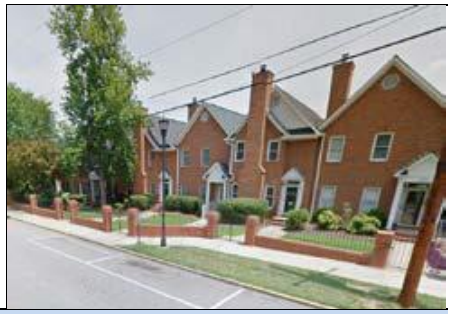
(j) RM-1: Residential Mixed District

(1) Purpose

The purpose of the Residential Mixed (RM-1) District is to provide lands that accommodate a walkable, moderate-density mix of residential development that allows single-family, two-family, townhouse, and multi-family dwellings.







(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

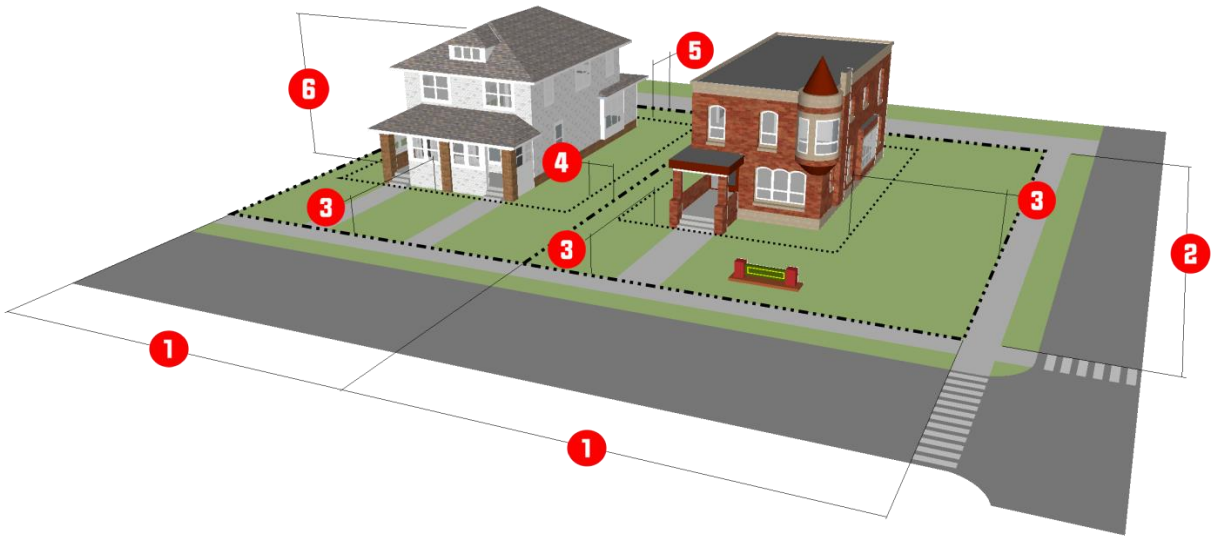
	Standard	Townhouse	All Other Uses
	Lot Area, min. (sf.)	8,000[1]/1,500[2]	5,000
1	Lot Width, min. (ft.)	75[1]/18[2]	50
2	Lot Depth, min. (ft.)	70	70
	Lot Coverage, max. (% of site area)	50	50
	Density, max. (du/acre)	N/A	8.7
3	Front Yard Setback, min. (ft.)	15	15
4	Side Yard Setback, min. (ft.)	[3]	5
5	Rear Yard Setback, min. (ft.)	10	10
6	Building Height, max. (ft.)	40	40

Notes: ft. = feet sf. = square feet du. = dwelling unit

[1] Applies to the development lot as a whole rather than individual lots under individual units.

[2] Applies to individual lots under individual units.

[3] A minimum of five feet required between end units and side yard and ten feet between end units and any secondary front yard.



(4) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

(k) RM-2: Residential Mixed District

(1) Purpose

The purpose of the Residential Mixed (RM-2) District is to provide lands that accommodate moderate-density mixed residential development that allows single-family, two-family, townhouse, and medium-scale multi-family dwellings.

The street network is gridded and buildings are located close to, and oriented toward, the street.







(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

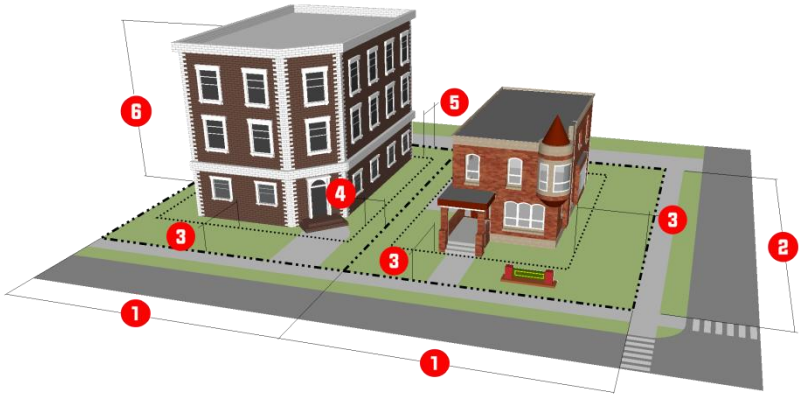
	Standard	Townhouse	All Other Uses
	Lot Area, min. (sf.)	8,000[1]/1,500[2]	3,000
1	Lot Width, min. (ft.)	75[1]/18[2]	40
2	Lot Depth, min. (ft.)	60	60
	Lot Coverage, max. (% of site area)	50	50
	Density, max. (du/acre)	N/A	17.2
3	Front Yard Setback, min. (ft.)	15	15
4	Side Yard Setback, min. (ft.)	[3]	5
5	Rear Yard Setback, min. (ft.)	10	10
6	Building Height, max. (ft.)	50	50

Notes: ft. = feet sf. = square feet du. = dwelling unit

[1] Applies to the development lot as a whole rather than individual lots under individual units.

[2] Applies to individual lots under individual units.

[3] A minimum of five feet required between end units and side yard and ten feet between end units and any secondary front yard.



(4) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

Sec. 17-3.3 Mixed-Use, Activity Center, and Corridor Base Zoning Districts

(a) General Purpose of Mixed-Use, Activity Center, and Corridor Base Zoning Districts

The purpose of mixed-use, activity center, and corridor base zoning districts is to:

(1) Support mixed-use development and walkable urbanism at appropriate densities;

(2) Provide centers of commerce, employment, and entertainment for residents and visitors;

(3) Support development that is scaled to local, community, and regional needs;

(4) Accommodate multiple modes of travel; and

(5) Encourage high-quality design of the built environment and public spaces.

(b) Established Mixed-Use, Activity Center, and Corridor Base Zoning Districts

The mixed-use, activity center, and corridor base zoning districts established by this Ordinance are identified in Table 17-3.3(b): Established Mixed-Use, Activity Center, and Corridor Base Zoning Districts.

TABLE 17-3.3(B): ESTABLISHED MIXED-USE, ACTIVITY CENTER, AND CORRIDOR BASE ZONING DISTRICTS
MU-1: Mixed-Use District
MU-2: Mixed-Use District
NAC: Neighborhood Activity Center/Corridor District
CAC: Community Activity Center/Corridor District
RAC: Regional Activity Center/Corridor District
O-I: Office and Institutional District
DAC: Downtown Activity Center District
GC: General Commercial District
MC: Mixed Commercial District

(c) MU-1: Mixed-Use District

(1) Purpose

The purpose of the Mixed-Use (MU-1) District is to provide lands that accommodate low-density, walkable, mixed-use development in a gridded street pattern with varied lot sizes.

Allowed uses include single-family, two-family, townhouse, and multi-family dwellings, as well as neighborhood-serving, small-scale mixed-use retail, office, personal services, and institutional development.







(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

	Standard		Townhouse	Single-Family and Two-Family	Multi-Family and Mixed Use	All Other Uses
	Lot Area, min. (sf.)		8,000[1]/1,500[2]	5,000	10,000	5,000
1	Lot Width, min. (ft.)		75[1]/18[2]	50	75	50
2	Lot Depth, min. (ft.)		[3]			
	Lot Coverage, max. (% of site area)		50	N/A		
	Density, max. (du/acre)		N/A			
3	Front Yard Setback. (ft.)	Min.	15	0		
		Max.	20			
4	Side Yard Setback, min. (ft.)		[4]	5		
5	Rear Yard Setback, min. (ft.)		10			
6	Building Height, max. (ft.)		40			

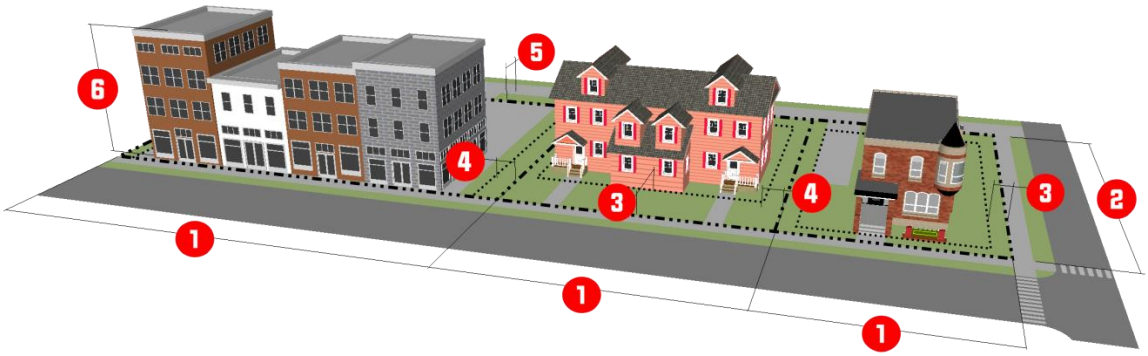
Notes: ft. = feet sf. = square feet du. = dwelling unit

[1] Applies to the development lot as whole rather than individual lots under individual units.

[2] Applies to individual lots under individual units.

[3] Lot depth for residential uses shall be a minimum of 60 feet.

[4] A minimum of five feet required between end units and side yard and ten feet between end units and any secondary front yard.



(4) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

(d) MU-2: Mixed-Use District

(1) Purpose

The purpose of the Mixed-Use (MU-2) District is to provide lands that accommodate medium-density, walkable mixed-use development in a gridded street pattern.

Allowed uses include single-family, two-family, townhouse, and multi-family development, as well as a moderate range of neighborhood-serving mixed-use, retail, office, and personal services development.







(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

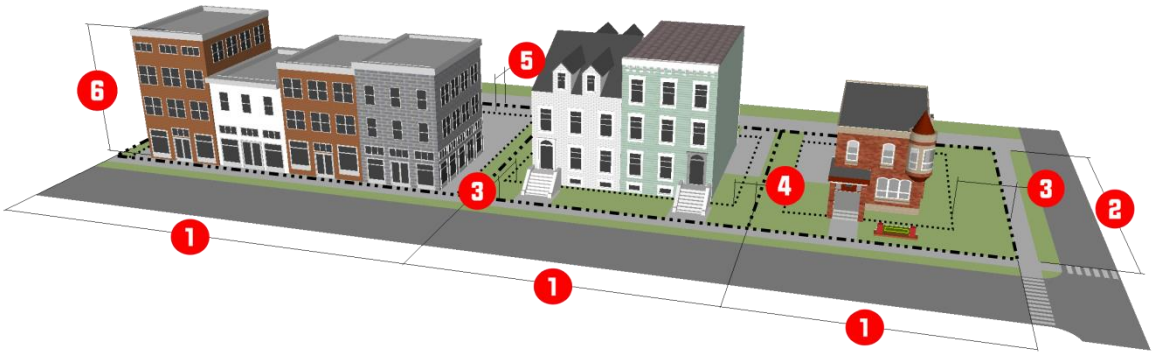
	Standard		Townhouse	Single-Family and Two-Family	Multi-Family and Mixed Use	All Other Uses
	Lot Area, min. (sf.)		8,000[1]/1,500[2]	5,000	10,000	5,000
1	Lot Width, min. (ft.)		75[1]/18[2]	50	75	50
2	Lot Depth, min. (ft.)		50			N/A
	Lot Coverage, max. (% of site area)		N/A			
	Density, max. (du/acre)		N/A			
3	Front Yard Setback (ft.)	Min.	0			
		Max.	15			N/A
4	Side Yard Setback, min. (ft.)		[3]	5		
5	Rear Yard Setback, min. (ft.)		10			
6	Building Height, max. (ft.)		60			

Notes: ft. = feet sf. = square feet du. = dwelling unit

[1] Applies to the development lot as a whole rather than individual lots under individual units.

[2] Applies to individual lots under individual units.

[3] A minimum of five feet required between end units and side yard and ten feet between end units and any secondary front yard.



(4) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

(e) NAC: Neighborhood Activity Center/Corridor District

(1) Purpose

The purpose of the Neighborhood Activity Center/Corridor (NAC) District is to provide lands that accommodate moderate-density, walkable, neighborhood-scale mixed-use development with neighborhood-serving commercial development within the City's urban neighborhoods. The district is intended to be applied to portions of a city block, consisting of storefronts with limited on-site parking.

Uses are intended to be neighborhood-serving and capture some through-traffic, though auto-oriented uses and design are discouraged. Allowed uses include live/work and multi-family dwellings, mixed-use, offices, personal services uses, and community service uses.







(2) Use Standards

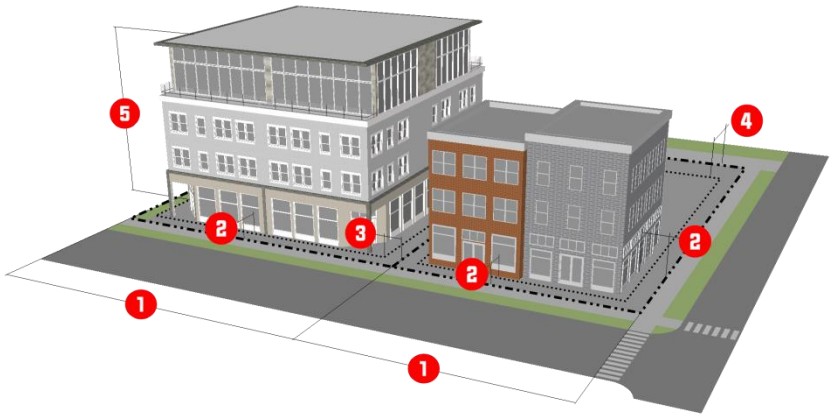
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

	Standard		Multi-family and Mixed-Use	All Other Uses
	Lot Area, min. (sf.)		10,000	5,000
1	Lot Width, min. (ft.)		75	N/A
	Lot Coverage, max. (% of site area)		N/A	
	Density, max. (du/acre)		N/A	
2	Front Yard Setback (ft.)	Min.	5 [1]	
		Max.	15 [1]	
3	Side Yard Setback, min. (ft.)		N/A	
4	Rear Yard Setback, min. (ft.)		15	
5	Building Height, max. (ft.)		50	

Notes: ft. = feet sf. = square feet du. = dwelling unit

[1] In lieu of this standard, the Zoning Administrator may approve a front yard setback that is within 90 percent and 110 percent of the average front yard setback for buildings on the same block face, if more than 50 percent of the lots on the block face have buildings.


5
4
2
3
2
2
1
1

(4) Form and Design Standards

a. Off-street Parking

Along any street frontage, all proposed new or additional accessory parking area shall be located to the rear or side of the development's principal building(s).

b. Sidewalks

Along any street frontage, a sidewalk having a minimum width of six feet shall be provided. A street protective yard (see Sec. 17-5.3(e), Street Protective Yards) having a minimum width of 5 feet shall be located between the street and the sidewalk.

c. Connectivity

1. The internal vehicular, bicycle, and pedestrian circulation systems of development shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the internal system and any internal vehicular, bicycle, and pedestrian circulation systems of existing or allowable future development on adjoining lots.

2. Easements allowing vehicular, bicycle, or pedestrian cross-access between adjoining lots, along with agreements defining maintenance responsibilities of the property owners, shall be recorded with the Register of Deeds.

3. The Zoning Administrator may waive or modify the requirement for cross-access on determining that such cross–access is impractical or infeasible due to police concerns about through traffic routes complicating law enforcement or the presence any of the following at the point(s) where through connections would otherwise be required: topographic conditions, natural features, visual obstructions or parking space locations that create traffic hazards, or the existence of mature or protected landscaping.

(5) Reference to Other Standards

Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties

(f) CAC: Community Activity Center/Corridor District

(1) Purpose

The purpose of the Community Activity Center/Corridor (CAC) District is to provide lands that accommodate moderate-density, walkable, and medium-scale mixed-use development, and commercial development that serves multiple neighborhoods. Some auto-oriented uses are allowed, but the design and location of those uses must be compatible with and support pedestrian-oriented development

Allowed uses include live/work and multi-family dwellings, mixed-use, offices, recreation/entertainment, cultural facilities, restaurants, and drinking establishments.







(2) Use Standards

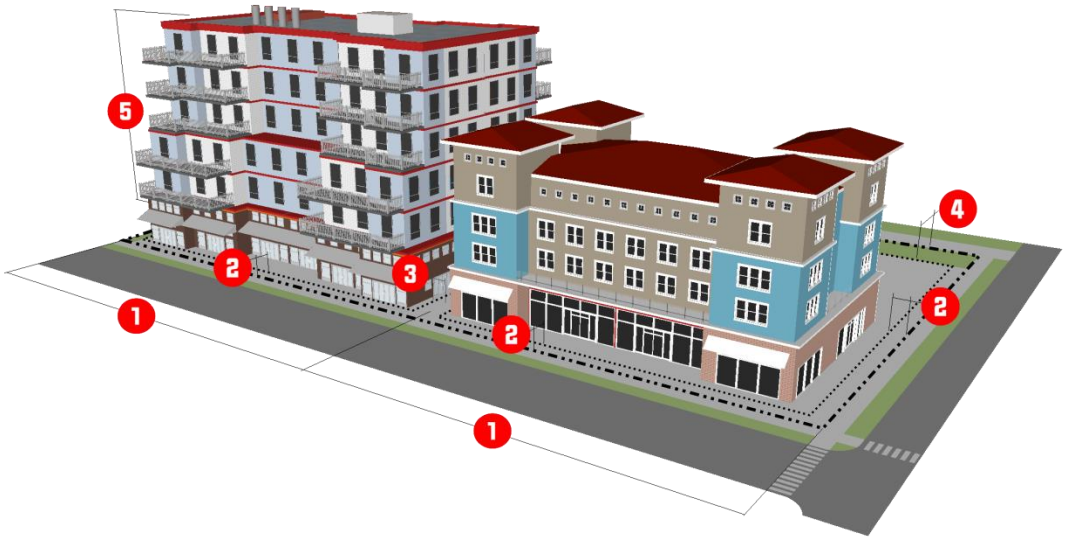
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

	Standard		Multi-family and Mixed-Use	All Other Uses
	Lot Area, min. (sf.)		10,000	5,000
1	Lot Width, min. (ft.)		75	50
	Lot Coverage, max. (% of site area)		N/A	
	Density, max. (du/acre)		N/A	
2	Front Yard Setback, (ft.)	Min.	5 [1]	
		Max.	15 [1]	
3	Side Yard Setback, min. (ft.)		0 to 5	
4	Rear Yard Setback, min. (ft.)		20	
5	Building Height, max. (ft.)		75	

Notes: ft. = feet sf. = square feet du. = dwelling unit

[1] In lieu of this standard, the Zoning Administrator may approve a front yard setback that is within 90 percent and 110 percent of the average front yard setback for properties on the same block face, if more than 50 percent of the lots on the block face have buildings.



(1) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

(g) RAC: Regional Activity Center/Corridor District

(1) Purpose

The purpose of the Regional Activity Center/Corridor (RAC) District is to provide lands that accommodate high- density, walkable, mixed-use development that serves the region. The district is primarily intended for commercial and mixed-use development, but high-intensity residential development is also appropriate.

Allowed uses include live/work and multi-family dwellings, mixed-use, offices, retail sales uses, commercial services, visitor accommodation, and vehicle sales and service uses.







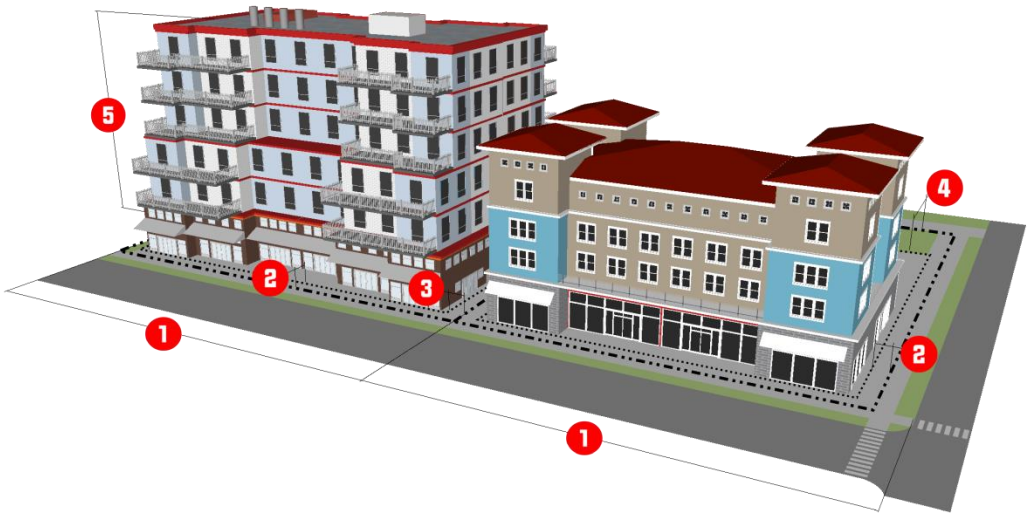
(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

Standard	Multi-family and Mixed-Use	All Other Uses
Lot Area, min. (sf.)	10,000	5,000
1 Lot Width, min. (ft.)	75	50
Lot Coverage, max. (% of site area)	N/A	
Density, max. (du/acre)	N/A	
2 Front Yard Setback, min. (ft.)	5	
3 Side Yard Setback, min. (ft.)	0 to 5	
4 Rear Yard Setback, min. (ft.)	15	
5 Building Height, max. (ft.)	100	

Notes: ft. = feet sf. = square feet du. = dwelling unit



(4) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

(h) O-I: Office and Institutional District

(1) Purpose

The purpose of the Office and Institutional (O-I) District is to provide lands that accommodate a broad range of civic and commercial development, as well as limited residential, typically in locations where visibility and good access are important. Development is encouraged to be configured with multiple uses, shared parking, and coordinated signage and landscaping. Higher-density residential development is encouraged on the upper floors of nonresidential establishments.

Allowed uses include multi-family, mixed-use, hospitals, government offices, medical or dental offices, professional offices, and restaurants.







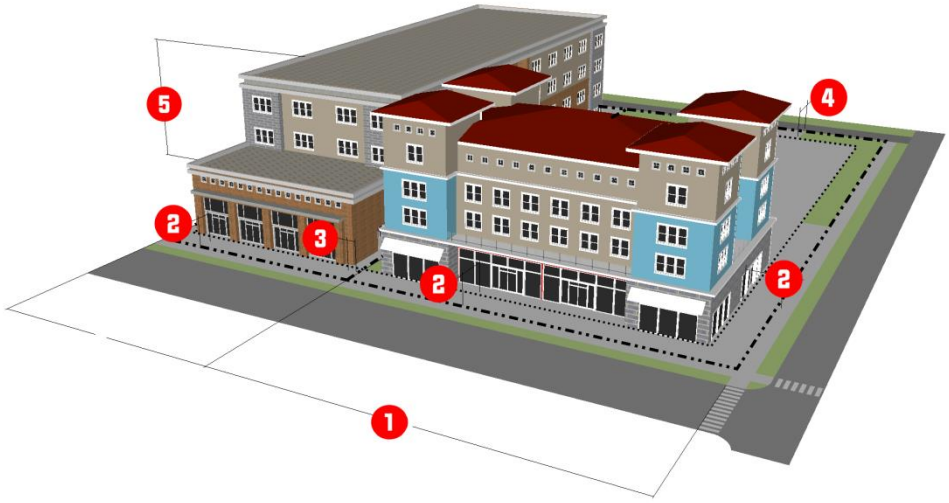
(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

	Standard	Multi-Family and Mixed-Use	All Other Uses
	Lot Area, min. (sf.)	7,500	5,000
1	Lot Width, min. (ft.)	75	50
	Lot Coverage, max. (% of site area)	N/A	
	Density, max. (du/acre)	16.4	
2	Front Yard Setback, min. (ft.)	10	
3	Side Yard Setback, min. (ft.)	N/A	
4	Rear Yard Setback, min. (ft.)	10	
5	Building Height, max. (ft.)	50	

Notes: ft. = feet sf. = square feet du. = dwelling unit



(4) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

(i) DAC: Downtown Activity Center District

(1) Purpose

The purpose of the Downtown Activity Center (DAC) District is to provide lands that support Downtown Columbia as a unique regional center of culture and commerce. Principal types of development include high-density residential, civic, government, commercial, employment, and mixed-uses in a pedestrian-oriented context. The district is intended to facilitate the creation of a convenient, attractive and harmonious context of buildings and streets, pedestrian ways, parks, and open spaces.

Allowed uses include multi-family dwellings, mixed-use, offices, retail sales, communication, education, and health care uses, commercial services, visitor accommodation, eating and drinking establishments, and recreation/entertainment uses.







(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

Standard		All Uses
Lot Area, min. (sf.)		N/A
Lot Width, min. (ft.)		N/A
Lot Coverage, max. (% of site area)		N/A
Density, max. (du/acre)		N/A
Front Yard Setback, (ft.)	Min.	N/A
	Max.	[1]
Side Yard Setback, min. (ft.)		N/A
Rear Yard Setback, min. (ft.)		N/A
Building Height, max. (ft.)		N/A

Notes: ft. = feet sf. = square feet du. = dwelling unit

[1] The maximum front yard setback is the average front yard setback for buildings on the same block face and on the adjacent block faces fronting the same street. If the average front yard setback cannot be established, the maximum front yard setback is ten feet.



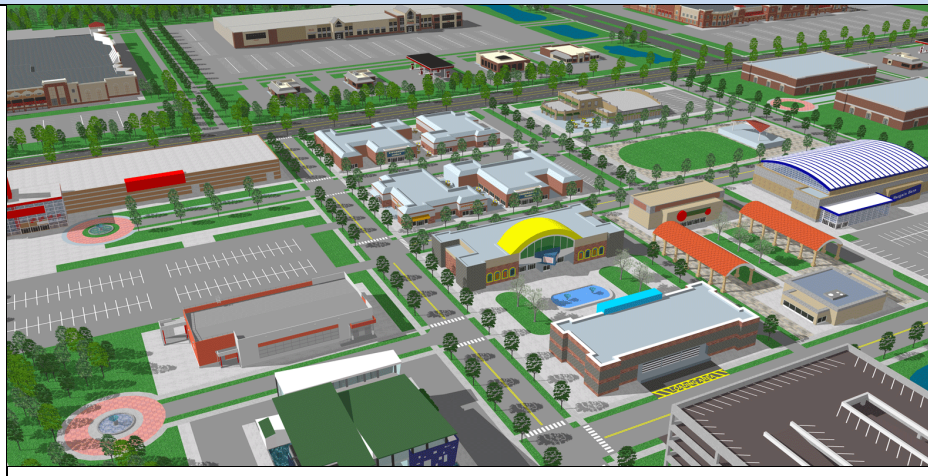
(4) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

(j) GC: General Commercial District

(1) Purpose

The purpose of the General Commercial (GC) District is to provide lands that accommodate a broad range of nonresidential uses characterized primarily by retail, office, and service establishments. Development is primarily auto-oriented, serving isolated commercial areas outside of the activity centers.

Allowed uses include personal services, retail sales, recreation/entertainment, commercial services, eating and drinking establishments, visitor accommodation, and vehicle sales and services.







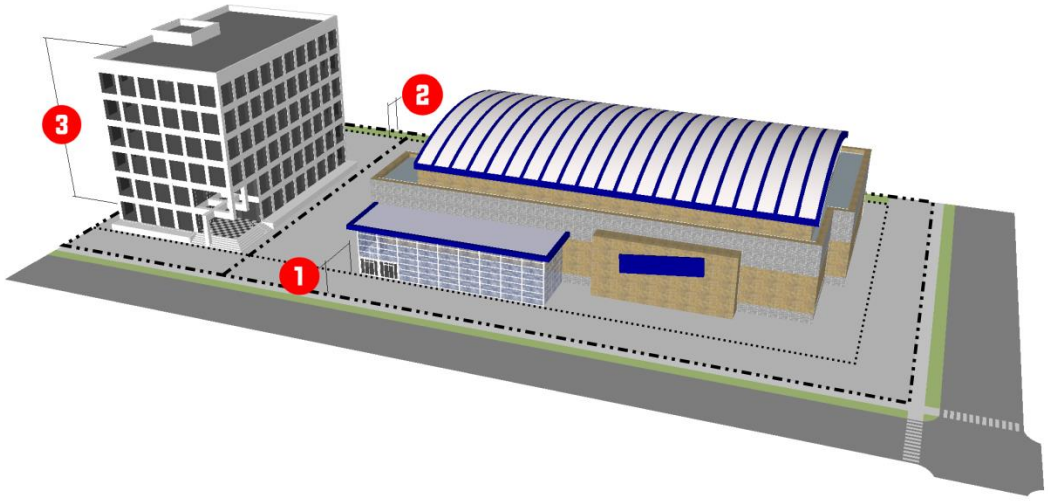
(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

	Standard	All Uses
	Lot Area, min. (sf.)	N/A
	Lot Width, min. (ft.)	N/A
	Lot Coverage, max. (% of site area)	N/A
	Density, max. (du/acre)	N/A
1	Front Yard Setback, min. (ft.)	20
	Side Yard Setback, min. (ft.)	N/A
2	Rear Yard Setback, min. (ft.)	10
3	Building Height, max. (ft.)	75

Notes: ft. = feet sf. = square feet du. = dwelling unit



(4) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

(k) MC: Mixed Commercial District

(1) Purpose

The purpose of the Mixed Commercial (MC) District is to provide lands that accommodate a broad range of pedestrian-oriented commercial development in an urban, mixed-use context. The district is intended to accommodate a wide range of residential, civic, and commercial development. Flexibility from conventional use and bulk requirements is provided to promote urban-density and mixed uses within a pedestrian-oriented streetscape.

Allowed uses include multi-family dwellings, mixed-use, offices, personal services, retail sales and services, and eating and drinking establishments.







(2) Use Standards

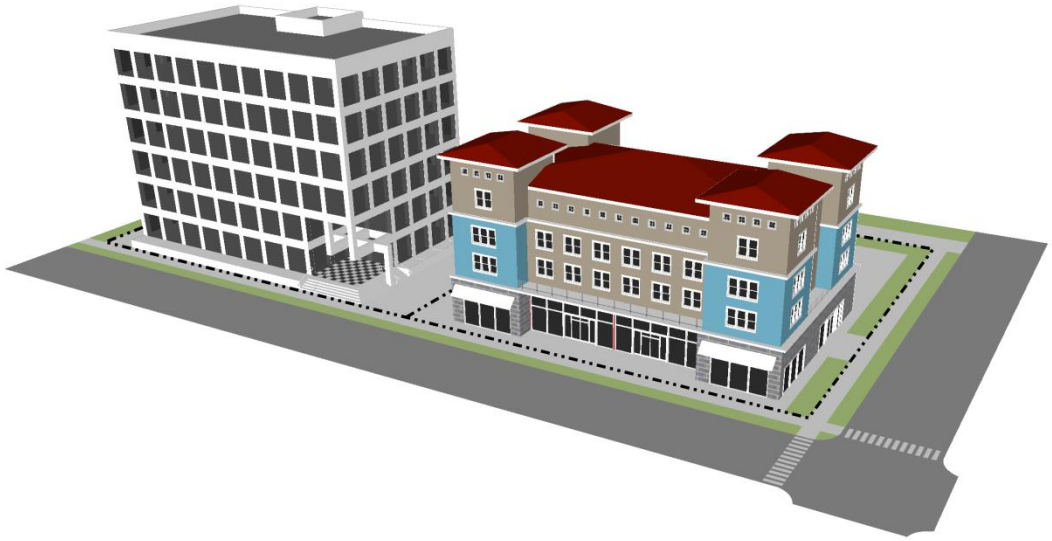
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

Standard		All Uses
Lot Area, min. (sf.)		N/A
Lot Width, min. (ft.)		N/A
Lot Coverage, max. (% of site area)		N/A
Density, max. (du/acre)		N/A
1 Front Yard Setback, min. (ft.)	Min.	0 [1]
	Max.	10
Side Yard Setback, min. (ft.)		N/A
Rear Yard Setback, min. (ft.)		N/A
Building Height, max. (ft.)		N/A

Notes: ft. = feet sf. = square feet du. = dwelling unit

[1] Additional front setback requirements for the front building facade above the ground floor shall be as established in the OV-ID District.



(4) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

Sec. 17-3.4 Institutional and Campus Base Zoning Districts

(a) General Purpose of Institutional and Campus Base Zoning Districts

The purpose of institutional and campus base zoning districts is to:

(1) Accommodate institutional, campus, and civic uses;

(2) Support integrated, multi-building campus development that includes internal street networks, green spaces and other amenities typically associated with high-intensity development on larger tracts of land;

(3) Support secondary uses within institutional and campus developments such as retail, personal services establishments, and indoor and outdoor recreation facilities;

(4) Provide lands for military installations and other similar land uses; and

(5) Ensure development in the City is in accordance with the Comprehensive Plan.

(b) Established Institutional and Campus Base Zoning Districts

The institutional and campus base zoning districts established by this Ordinance are identified in Table 17-3.4(b): Established Institutional and Campus Base Zoning Districts.

TABLE 17-3.4(B): ESTABLISHED INSTITUTIONAL AND CAMPUS BASE ZONING DISTRICTS
INS-GEN: Institutional - General District
INS-U/M: Institutional - University/Medical District
INS-ZOO: Institutional - Riverbanks Zoo and Gardens District
INS-FJ: Institutional - Fort Jackson District
INS-T/U: Institutional - Transportation/Utilities District

(c) INS-GEN: Institutional - General District

(1) Purpose

The purpose of the Institutional - General (INS-GEN) District is to provide lands that accommodate institutional uses typically developed on larger sites such as colleges, primary and secondary schools, cultural facilities, and government offices. The district also accommodates support uses such as offices, eating establishments, and limited retail and service establishments that primarily serve principal institutional uses. This district shall not be established within the Central Business District.

Development may include the grouping of multiple institutional buildings, and inter-related public, private, and nonprofit development. District standards are intended to protect surrounding residential uses from incompatible development.





(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

Standard		All Uses
Site area, min. (acres)		5
Lot Area, min. (sf.)		N/A
Lot Width, min. (ft.)		N/A
Lot Coverage, max. (% of site area)		N/A
Density, max. (du/acre)		N/A
Front Yard Setback, min. (ft.)	External street frontage [3]	25
	Internal street frontage [4]	10
Side Yard Setback, min. (ft.)		10 [1]
Rear Yard Setback, min. (ft.)		10 [1]
Building Height, max. (ft.)		75 [2]

Notes: ft. = feet sf. = square feet du. = dwelling unit

[1] For lots adjacent to a residential zoning district, the setback shall be the greater of ten feet or the setback required for the abutting district.

[2] The maximum height of a building or structure feature is the smaller of 75 feet or the horizontal distance between the building or structure feature and the nearest residential district.
[3] Refers to a street external to, or bordering, the site.
[4] Refers to a street internal to the site.

(4) Reference to Other Standards

Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

(d) INS-U/M: Institutional - University and Medical District

(1) Purpose

The purpose of the Institutional - University and Medical (INS-U/M) District is to provide lands that accommodate medical complexes and large universities.

District-specific standards support appropriate growth and development within the district, while ensuring development impacts will not have an adverse effect on surrounding properties. This is ensured through coordinated site development and off-street parking, traffic and pedestrian circulation plans, and continuity and compatibility with surrounding development, as prescribed by an Institutional Development Plan (IDP) for the district as described below.





(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations, unless otherwise modified by an approved IDP.

(3) Intensity and Dimensional Standards

Standard		All Uses
Front Yard Setback, min. (ft.)	External street frontage [3]	[1]
	Internal street frontage [4]	[1]
Side Yard Setback, min. (ft.)		[1]
Rear Yard Setback, min. (ft.)		[1]
Building Height, max. (ft.)		100 [2]
All Other Standards		[1]

Notes: ft. = feet sf. = square feet du. = dwelling unit

[1] Consistent with approved Institutional Development Plan as described in Sec. 17-3.4(d)(4)a, Institutional Development Plan.

[2] The maximum height of a building or structure feature is the smaller of 100 feet or the horizontal distance between the building or structure feature and the nearest residential district.

[3] Refers to a street external to, or bordering, the site.

[4] Refers to a street internal to the site.

(4) District-specific Development Standards

a. Institutional Development Plan

1. General

Prior to obtaining a zoning permit for development in the INS-U/M District, the institution or other shall prepare, and have approved in accordance with this section, an Institutional Development Plan (IDP). An IDP is intended to demonstrate how development, land uses, parking, transportation and other campus-related functions will be coordinated in the district. Development in the INS-U/M district is subject to all other applicable standards in this Ordinance, unless modified by an approved IDP.

2. Review of Institutional Development Plan

The IDP shall be reviewed by the Planning Commission and approved or denied by the City Council, following a public hearing on the IDP. Public notification prior to the public hearing shall be the same as required for a Zoning Map Amendment in accordance with Sec. 17-2.4(f), Scheduling of Public Hearing and Public Notification.

3. Review Standards

An IDP shall comply with the following standards:

(i) The form and function of proposed buildings shall be compatible with development immediately adjacent to the district, in terms of building separation, massing, scale, and proportion.

(ii) An IDP will provide potential sites for construction of buildings, parking garages, parks or other green spaces and other amenities which shall include:

(a) Height and massing for new buildings;

(b) Permitted uses; and

(c) Location of parks and other green spaces.

(iii) An IDP shall include a parking and transportation plan that evidences that:

(a) Off-street parking facilities shall be sufficient to accommodate the employees, faculty, students, patients and/or others users of the university or medical complex.

(b) Anticipated traffic generation and circulation patterns shall be compatible with internal and external street capacities and configurations.

(c) Potential pedestrian and bicycle circulation within the district shall be properly integrated with buildings, parking areas, and open space, and all infrastructure supporting bicycle and pedestrian circulation, including facilities for

bicycle storage, shall be designed and built in accordance with nationally accepted standards for such infrastructure.

(iv) An IDP shall be consistent with the Comprehensive Plan and any adopted area plans.

4. Amendments to Approved Institutional Development Plan

(i) General

Major amendments to the IDP shall be made in accordance with the procedures and standards for its original approval.

(ii) Minor Deviations

Subsequent applications for development approvals and permits on land subject to an IDP that include minor deviations from the approved IDP may be reviewed and decided upon, without the need to amend the IDP, if the LDA or ZA, whichever receives the application, determines that such deviations consist of only the following:

(a) A modification of design of facilities for amenities such as parks, gardens, or open spaces in areas not abutting a neighboring zoning district; or

(b) A deviation specifically listed in the IDP as a minor deviation not materially affecting the INS-U/M district's basic concept or the designated general use of parcels of land within the district.

5. Effect

(i) Development within the INS-U/M District shall be in substantial compliance with:

(a) The approved IDP; and

(b) All other applicable standards and requirements of this Ordinance.

(ii) Approvals of zoning permits for development in substantial compliance with the IDP and this Ordinance shall be processed as a Minor Site Plan; however, properties located within an Overlay District shall also be subject to the requirements of that district.

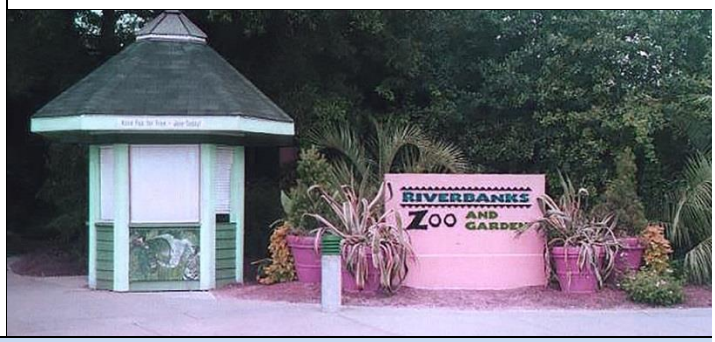
(5) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

(e) INS-ZOO: Institutional - Riverbanks Zoo and Gardens District

(1) Purpose

The purpose of the Institutional - Riverbanks Zoo and Gardens (INS-ZOO) District is to provide lands that accommodate the unique needs of the Riverbanks Zoo and Gardens. Allowed uses include botanical and zoological gardens, movie theaters, restaurants, indoor and outdoor recreation facilities, as well as support uses such as offices and retail establishments. District standards are intended to protect surrounding uses from incompatible development.





(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

Standard	All Uses
Lot Area, min. (sf.)	N/A
Lot Width, min. (ft.)	N/A
Lot Coverage, max. (% of site area)	N/A
Density, max. (du/acre)	N/A
Front Yard Setback, min. (ft.)	25
Side Yard Setback, min. (ft.)	10 [1]
Rear Yard Setback, min. (ft.)	10
Building Height, max. (ft.)	100

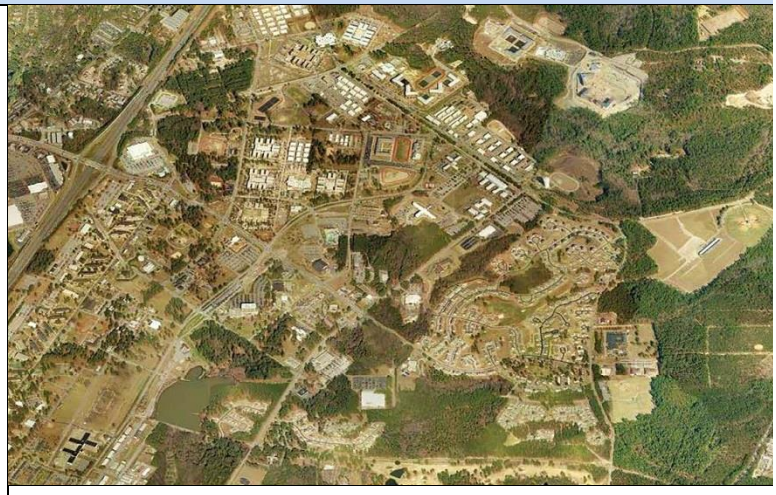
Notes: ft. = feet sf. = square feet du. = dwelling unit

(4) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

(f) INS-FJ: Institutional - Fort Jackson District

(1) Purpose

The purpose of the Institutional - Fort Jackson (INS-FJ) District is to recognize and support major facilities in the City that are owned and operated by the United States military. While military lands are not subject to this Ordinance and other local ordinances and codes, they occupy large land areas in the City and are therefore identified on the Official Zoning Map to differentiate them from lands that are subject to the Zoning Ordinance.





(2) Intensity and Dimensional Standards

Dimensional Standards

No dimensional and intensity standards apply in the INS-FJ District, though military facilities are encouraged to provide building setbacks from adjacent residential zoning districts equal to or greater than the setback required for the abutting district. If land within the INS-FJ District is declared surplus or otherwise conveyed to private ownership in the future, the land shall be subject to the same intensity and dimensional standards that apply in the T/C district until the land is rezoned to another zoning district in accordance with Sec. 17-2.5(c), Zoning Map Amendment.

(g) INS-T/U: Institutional - Transportation/Utilities District

(1) Purpose

The purpose of the Institutional - Transportation and Utilities (INS-T/U) District is to provide lands that accommodate transportation and utility-related uses such as airports, railroad facilities, major utility facilities, passenger terminals, and their support uses, such retail sales and personal services. District standards are intended to protect surrounding uses from incompatible development.





(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

Standard	All Uses
Lot Area, min. (sf.)	N/A
Lot Width, min. (ft.)	N/A
Lot Coverage, max. (% of site area)	N/A
Density, max. (du/acre)	N/A
Front Yard Setback, min. (ft.)	25
Side Yard Setback, min. (ft.)	10
Rear Yard Setback, min. (ft.)	10
Building Height, max. (ft.)	75

Notes: ft. = feet sf. = square feet du. = dwelling unit

(4) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

Sec. 17-3.5 Industrial Base Zoning Districts

(a) General Purpose of Industrial Base Zoning Districts

The purpose of the industrial base zoning districts is to:

(1) Provide appropriately-located lands for the full range of industrial uses needed by the City's residents, businesses, and workers, in accordance with the Comprehensive Plan.

(2) Strengthen the City's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities;

(3) Support a range of building types and uses dedicated to processing, manufacturing, assembly, warehousing, outdoor storage, and distribution of goods;

(4) Create suitable environments for uses that have heavy freight traffic, and which may generate noise, odors or other impacts;

(5) Ensure industrial development is located and designed to protect and preserve the character of existing residential districts and neighborhoods;

(6) Improve the design quality of industrial areas; and

(7) Provide a place to locate uses that are generally incompatible with other uses in other zoning districts.

(b) Established Industrial Base Zoning Districts

The industrial base zoning districts established by this Ordinance are identified in Table 17-3.5(b): Established Industrial Base Zoning Districts.

TABLE 17-3.5(B): ESTABLISHED INDUSTRIAL BASE ZONING DISTRICTS
LI: Light Industrial District
HI: Heavy Industrial District
EC: Employment Campus District

(c) LI: Light Industrial District

(1) Purpose

The purpose of the Light Industrial (LI) District is to provide lands that allow light industrial development. Development allowed in the LI District includes wholesaling, distribution, storage, processing, research and development, light manufacturing, and related development. The district also accommodates support uses such as office and limited commercial uses that primarily serve the principal industrial uses.







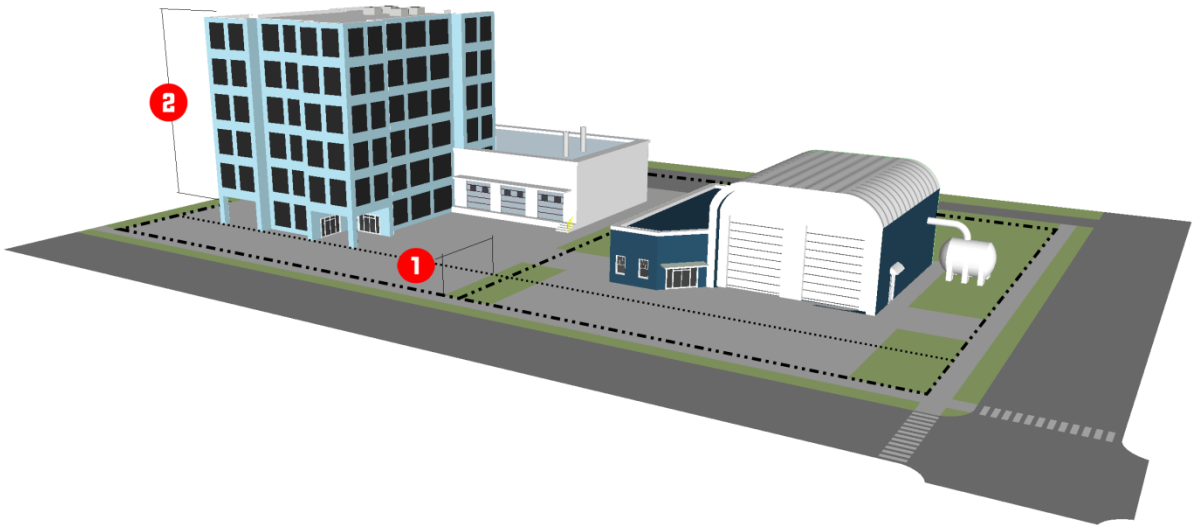
(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

Standard	All Uses
Lot Area, min. (sf.)	N/A
Lot Width, min. (ft.)	N/A
Lot Coverage, max. (% of site area)	N/A
Density, max. (du/acre)	N/A
1 Front Yard Setback, min. (ft.)	25
Side Yard Setback, min. (ft.)	N/A
Rear Yard Setback, min. (ft.)	N/A
2 Building Height, max. (ft.)	75

Notes: ft. = feet sf. = square feet du. = dwelling unit



(4) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

(d) HI: Heavy Industrial District

(1) Purpose

The purpose of the Heavy Industrial (HI) District is to provide lands that accommodate intense industrial development that generally requires large sites, as well as industrial uses that are important to the City's economic growth but may impact adjacent lands. The uses generally involve greater potential for adverse off-site impacts on the environment and surrounding development (e.g. from dust, fumes, smoke, odor, noise, or vibration, or due to extensive movement of vehicles, materials, and goods).

Allowed uses include heavy manufacturing, warehouse distribution, wholesale sales, major utility facilities, and research laboratories. District regulations are intended to encourage the reuse of existing industrial development. District development is intended to include buffers and the use of mitigation techniques to ensure heavy industrial development mitigates potential impacts to surrounding neighborhoods.







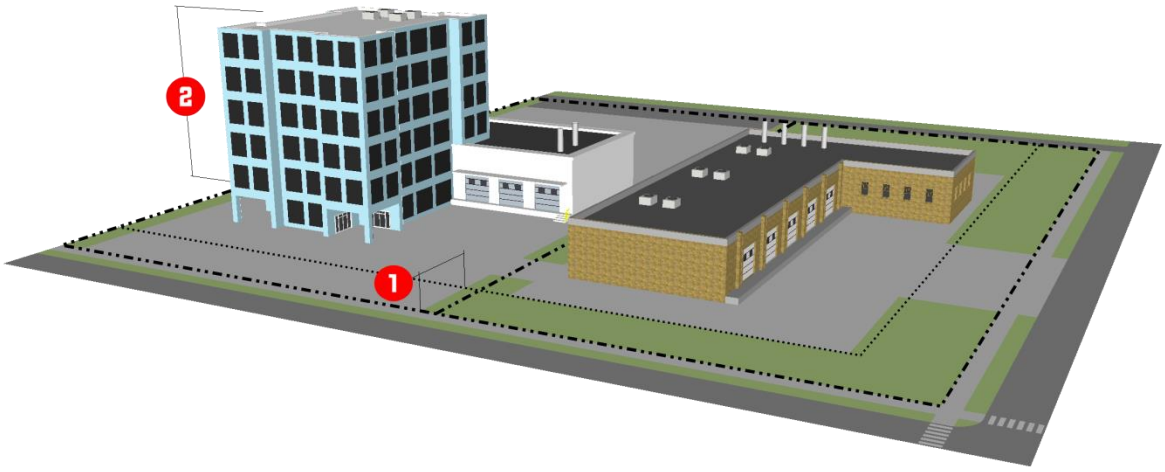
(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

Standard	All Uses
Lot Area, min. (sf.)	N/A
Lot Width, min. (ft.)	N/A
Lot Coverage, max. (% of site area)	N/A
Density, max. (du/acre)	N/A
1 Front Yard Setback, min. (ft.)	25
Side Yard Setback, min. (ft.)	N/A
Rear Yard Setback, min. (ft.)	N/A
2 Building Height, max. (ft.)	75

Notes: ft. = feet sf. = square feet du. = dwelling unit



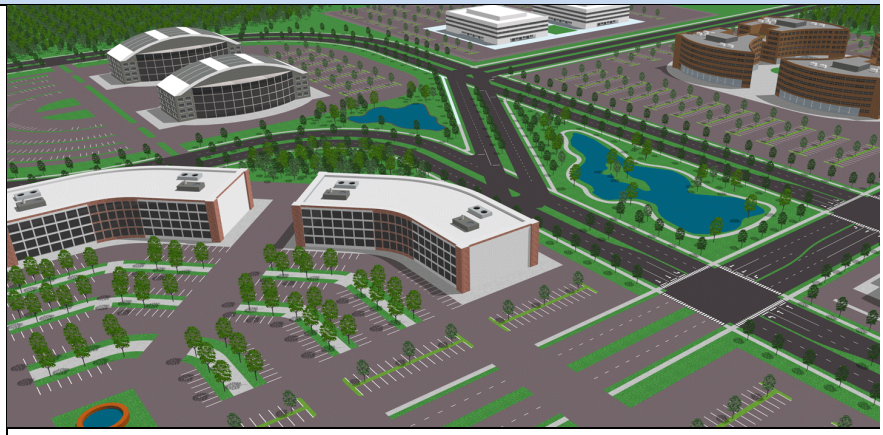
(4) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

(e) EC: Employment Campus District

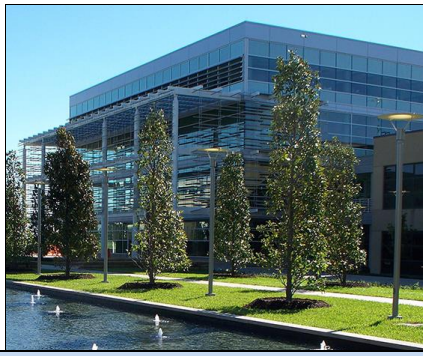
(1) Purpose

The purpose of the Employment Campus (EC) District is to provide lands that accommodate a mix of employment, research and development, and light industrial development, with an expectation of high quality design, typically within a campus setting.

Development allowed in the EC District includes office, institutional, light industrial, research, and similar employment uses. Allowed uses include trade schools, offices, research and medical laboratories, and medium-intensity manufacturing, as well as uses such as multi-family dwellings, restaurants, and retail sales and services that are supportive of principal employment-based uses.







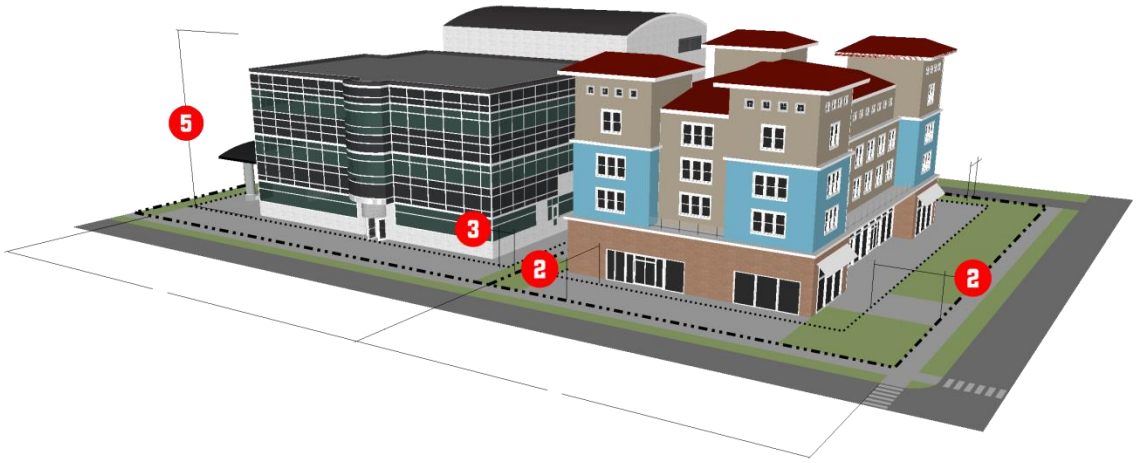
(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(3) Intensity and Dimensional Standards

Standard	Multi-Family and Mixed-Use	All Other Uses
Lot Area, min. (sf.)	10,000	N/A
1 Lot Width, min. (ft.)	75	50
Lot Coverage, max. (% of site area)	75	
Density, max. (du/acre)	N/A	
2 Front Yard Setback, min. (ft.)	15	
3 Side Yard Setback, min. (ft.)	5	
4 Rear Yard Setback, min. (ft.)	10	
5 Building Height, max. (ft.)	75	

Notes: ft. = feet sf. = square feet du. = dwelling unit



(4) Reference to Other Standards			
Sec. 17-5.1	Access, Mobility, and Circulation	Sec. 17-5.8	Fences and Walls
Sec. 17-5.2	Off-Street Parking, Bicycle Parking	0	Exterior Lighting
Sec. 17-5.3	Landscaping	0	Signs
Sec. 17-5.4	Tree Protection	Sec. 17-5.11	Green Building Standards
Sec. 17-5.5	Open Space	Sec. 17-6.2	Minimum Design Standards
Sec. 17-5.6	Neighborhood Compatibility	0	Improvements and Sureties
Sec. 17-5.7	Form and Design Standards	Article 9	Definitions and Rules of Measurement

Sec. 17-3.6 Planned Development Districts

(a) Established Planned Development Zoning Districts

Planned development zoning districts established by this Ordinance are identified in Table 17-3.6(a): Established Planned Development Zoning Districts.

TABLE 17-3.6(A): ESTABLISHED PLANNED DEVELOPMENT ZONING DISTRICTS
PD-#: Planned Development District

(b) General Provisions for All Planned Development (PD) Zoning Districts

(1) General Purpose of Planned Development (PD) Zoning Districts

The purpose of planned development (PD) zoning districts is to encourage innovative and efficient land planning and physical design concepts. Planned development (PD) zoning districts are intended to:

a. Support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and provision of public services;

b. Reduce the inflexibility of zoning district standards that sometimes results from strict application of the base district regulations, and development standards established in this Ordinance;

c. Allow greater freedom and flexibility in selecting:

1. The form and design of development;

2. The ways by which pedestrians, cyclists, and vehicular traffic circulate;

3. How the development will be located and designed to respect the natural features of the land and protect the environment;

4. How design amenities are to be applied; and

5. The location and integration of open space and civic space into the development.

d. Preserve natural and scenic features;

e. Encourage a greater mix of land uses within the same development, including a mix of nonresidential development, residential development, lot sizes, and densities and intensities;

f. Allow more efficient use of land, with smaller networks of streets and utilities;

g. Provide pedestrian connections within the site, and to the public right-of way;

h. Encourage the provision of centrally-located open space amenities on the site;

i. Promote development forms and patterns that respect the character of established surrounding neighborhoods and/or other types of land uses; and

j. Promote development form that respects and takes advantage of a site's natural and man-made features, such as rivers, lakes, wetlands, floodplains, trees, and historic resources.

(2) Minimum Size

The minimum size for a PD district shall be two acres.

(3) Classification of Planned Development Zoning Districts

Land shall be classified into a PD zoning district only in accordance with the procedures and standards set forth in Sec. 17-2.5(d), Planned Development, and this section.

(4) Organization of Planned Development Zoning District Regulations

The following general standards apply to all PD zoning districts. Sec. 17-3.6(c), PD-#: Planned Development District , includes additional provisions and standards for PD zoning districts.

(5) Standards for all Planned Development Zoning Districts

Before recommending approval of a PD zoning district, the Planning Commission shall find that the application for the PD zoning district classification, as well as the PD Plan and PD Agreement, comply with the following standards.

a. PD Plan

As set forth in Section Sec. 17-2.5(d), Planned Development, a PD Plan is a required component in the establishment of a PD district. The PD Plan shall:

1. Establish a statement of planning and development goals for the zoning district that is in accordance with the Comprehensive Plan and, as applicable, any adopted area, neighborhood, or corridor plans, as well as the purposes of the individual PD zoning district;

2. Identify the specific principal, accessory, and temporary uses permitted in the zoning district. They shall be consistent with the Principal Use Tables (see Article 4: Use Regulations), and the purposes of the individual PD zoning districts, and shall include a mix of uses, including both residential and nonresidential uses, and housing types in accordance with state law. Uses shall also be subject to applicable use-specific standards identified in the PD Plan, and any additional limitations or requirements applicable to the individual PD zoning district;

3. Establish the general location of each development area in the zoning district, its acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity. The development areas shall include at least two different residential densities, and each residential density and nonresidential intensity shall be consistent with the purposes of the PD zoning district and the specific requirements of the individual PD zoning district;

4. Establish the intensity and dimensional standards that apply in the individual PD zoning district. The intensity and dimensional standards shall be consistent with the requirements of the individual PD zoning district, and its purposes;

5. Where relevant, establish the standards and requirements that ensure development on the perimeter of the PD zoning district is designed and located to be compatible with the character of adjacent existing or approved development. Determination of compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, hours of operation, exterior lighting, and siting of service areas;

6. Establish the general location, amount, and type (whether designated for active or passive recreation) of open space, consistent with the purposes of the individual PD zoning district;

7. Identify the location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and indicate how protection of these lands will be assured consistent with the purposes of the individual PD zoning district and the requirements of this Ordinance;

8. Identify the on-site pedestrian and bicyclist circulation systems, and how they will connect to off-site pedestrian and bicyclist systems in ways that are consistent with the purposes of the individual PD zoning district, and the requirements of this Ordinance;

9. Identify the general design and layout of the on-site transportation circulation system, including the general location of all public streets, existing or projected transit corridors, and how they interface with the pedestrian circulation system (pedestrian and bicycle pathways, and trails), and connect to existing and planned City and regional systems in a manner consistent with the purposes of the individual PD zoning district, and the requirements of this Ordinance;

10. Identify the general location of on-site potable water and wastewater facilities, and how they will connect to existing and planned City and regional systems in a manner consistent with the purposes of the individual PD zoning district, and the requirements of this Ordinance;

11. Identify the general location of on-site storm drainage facilities, and how they will connect to existing and planned City systems, in a manner

consistent with the purposes of the individual PD zoning district, and the requirements of this Ordinance;

12. Identify the general location and layout of all other on-site and off-site public facilities serving the development, and how they are consistent with the purposes of the individual PD zoning district. The other on-site and off-site public facilities considered shall include—but not limited to—parks, schools, and facilities for fire protection, police protection, emergency management, stormwater management, and solid waste management;

13. Establish provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development; and

14. Establish the development standards that will be applied to development. The development standards shall be consistent with the requirements of the individual PD zoning district and its purposes, and the requirements of this Ordinance, as appropriate. At a minimum, the development standards shall address:

(i) Mobility, Circulation, and Connectivity;

(ii) Off-Street Parking and Loading, and Bicycle Parking;

(iii) Landscaping;

(iv) Form and Design Standards;

(v) Fences and Walls;

(vi) Exterior Lighting;

(vii) Tree Protection;

(viii) Signs;

(ix) Open Space; and

(x) Neighborhood Compatibility.

15. Establish minimum requirements for onsite management of stormwater using vegetation and soils.

b. PD Agreement

1. As set forth in Sec. 17-2.5(d), Planned Development, a PD Agreement is a required component for the establishment of a PD district. A PD Agreement shall include, but not be limited to:

(i) Conditions related to approval of the application for the individual PD zoning district classification;

(ii) Conditions related to the approval of the PD Plan, including any conditions related to the form and design of development shown in the PD Plan;

(iii) Provisions addressing how public facilities (pedestrian and bicycle, other transportation, potable water, wastewater, stormwater management, and other public facilities) will be provided to accommodate the proposed development. This shall include but not be limited to:

(a) Recognition that the applicant/landowner will be responsible to design and construct or install required and proposed on-site public facilities in compliance with applicable City, State, and federal regulations; and

(b) The responsibility of the applicant/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable City, State, and federal
regulations.

(iv) Provisions related to environmental protection and monitoring (e.g., restoration of mitigation measures, annual inspection reports);

(v) Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the individual PD zoning district; and

(vi) Any other provisions the City Council determines are relevant and necessary to the development of the planned development.

2. All conditions shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands.

c. Development Phasing Plan

If development in a PD zoning district is proposed to be phased, the PD Plan shall include a development phasing plan that identifies the general sequence or phases in which the zoning district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private), open space, and other amenities will be provided and timed, how development will be coordinated with the City's capital improvements program, and how environmentally sensitive lands will be protected and monitored.

d. Conversion Schedule

The PD Plan may include a conversion schedule that identifies the extent to which one type of use may be converted to another type of use.

(c) PD-#: Planned Development District

(1) Purpose

The purpose of the Planned Development (PD) District is to encourage integrated and well-planned mixed-use development in locations throughout the City. A range of residential and nonresidential uses are allowed, with the intent of providing a variety of housing options and mutually-supportive nonresidential uses that serve the residents and the surrounding neighborhood.

Substantial flexibility is provided, with an expectation that development quality will surpass what is otherwise achievable through the base zoning district. District standards shall support the efficient use of land and resources, protect natural features and the environment, promote greater efficiency in providing public facilities and infrastructure, and mitigate potential adverse impacts on surrounding development.





(2) Intensity and Dimensional Standards

Standard	Requirement
Lot Area, min. (sf.)	To be established in PD Plan and PD Agreement document as set forth in Sec. 17-2.5(d), Planned Development.
Lot Width, min. (ft.)	
Lot Coverage, max. (% of site area)	
Density, max. (du/acre)	
Intensity, max. (sf)	
Front Yard Setback, min. (ft.)	
Side Yard Setback, min. (ft.)	
Rear Yard Setback, min. (ft.)	
Building Height, max. (ft.)	
Other intensity and dimensional standards	

Notes: ft. = feet sf. = square feet du. = dwelling unit

(3) Use Standards

The specific uses that may be developed in the specific PD zoning district, together with any standards that apply to specific uses, shall be identified in the PD Plan.

a. Principal Uses

The following uses are not allowed in a PD zoning district:

1. Mobile home park;
2. Dormitory, private;
3. Correctional facility;
4. Zoo;
5. College or university;
6. Hospital;
7. Airport;
8. Railroad facility;
9. Solar energy conversion system (large scale);
10. Animal shelter;
11. Laboratory, testing or research;
12. Self-service storage facility;
13. Sign fabrication establishment;
14. Crematory;
15. Sexually-oriented business;
16. Building supplies store;
17. Commercial vehicle sales and rentals;
18. Personal vehicle sales and rentals;
19. Vehicle towing and wrecker service;
20. Uses in the Agriculture and Forestry use categories;
21. Uses in the Industrial use classification; and
22. Any use that the Zoning Administrator determines to be part of , or substantially similar to, a use type, use category, or use classification listed in this subsection using the standards in Sec. 17-9.3(b), Interpretation of Unlisted Uses.

b. Accessory Uses and Structures

Accessory uses and structures within a PD district shall be subject to the standards in Sec. 17-4.3(c), General Standards for All Accessory Uses and Structures.

(4) District-Specific Development Standards

Development in a PD district shall comply with the following standards.

a. Use mixing

A PD district shall provide a mix of residential and nonresidential uses.

b. Building Types

A PD district shall provide a mix of building types, when feasible.

c. Pedestrian and Nonmotorized Connections

Facilities for pedestrian and other nonmotorized transportation shall be provided to establish connections within the site, and to adjacent public streets. The facilities may include, but are not limited to:

1. Sidewalks and trails;
2. Wayfinding markers and signage;
3. Crosswalks, raised intersections, traffic signals, or other safety features;
4. Curb cuts for bicycles, wheelchairs, and other forms of nonmotorized transportation;
5. Paths that connect to buildings, parking areas, open space areas, and public streets; and
6. Bicycle facilities, including on-street and off-street facilities and bicycle parking.

d. General Development Standards

1. Development in a PD district shall comply with the standards in Article 5: Development Standards, unless they are modified as allowed by Table 17-3.6(c)(4): Development Standards Subject to Modification.

TABLE 17-3.6(C)(4): DEVELOPMENT STANDARDS SUBJECT TO MODIFICATION		
STANDARD		**MEANS TO MODIFY**
Sec. 17-5.1	Access, Mobility, and Circulation	PD Plan
Sec. 17-5.2,	Off-Street Parking, Bicycle Parking	PD Plan
Sec. 17-5.3,	Landscaping	PD Plan
Sec. 17-5.4,	Tree Protection	PD Plan
Sec. 17-5.5,	Open Space	Modifications prohibited
Sec. 17-5.6,	Neighborhood Compatibility	Modifications prohibited
Sec. 17-5.7,	Form and Design Standards	PD Plan
Sec. 17-5.8,	Fences and Walls	PD Plan
0,	Exterior Lighting	PD Plan
0	Signs	PD Plan
Sec. 17-6.2,	Minimum Design Standards	PD Plan
0,	Improvements and Sureties	PD Plan
Article 9:	Definitions and Rules of Measurement	PD Plan

2. Modifications to development standards, as allowed in Table 17-3.6(c)(4): Development Standards Subject to Modification, shall be:

(i) Consistent with the purpose the PD district; and

(ii) Documented in the PD Plan and PD Agreement documents, with a clear basis for why the change is needed, how it supports the purpose of this district, and how it supports high-quality development.

e. Site Access

Any streets, alleys, and driveways proposed shall be adequate to serve the residents, occupants, visitors, and other anticipated traffic of the PD district, but may be designed to discourage through traffic from traversing the development.

f. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be separated as completely as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement.

g. Utilities

The planned development shall provide for underground installation of utilities (including electricity and telephone) both public ways and private extensions. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, and treatment of turf and maintenance of facilities.

h. Privacy

A planned development containing residential uses shall provide reasonable visual and acoustical privacy for dwelling units, including fences, insulation, walks, barriers, protection and aesthetic enhancement of property and the privacy of its occupants. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.

Sec. 17-3.7 Overlay Districts

(a) General Purpose of Overlay Zoning Districts

The purpose of overlay zoning districts is to provide supplemental standards with respect to special areas, land uses, or environmental features that supersede the standards of the underlying base zoning district.

(b) Established Overlay Zoning Districts

Overlay zoning districts established in this Ordinance are identified in Table 17-3.7(b): Established Overlay Zoning Districts.

TABLE 17-3.7(B): ESTABLISHED OVERLAY ZONING DISTRICTS
OV-A: Airport Safety Overlay District
OV-FW: Floodway Overlay District
OV-FP: Floodplain Overlay District
OV-5P: Five Points Design Overlay District
OV- ID: Innovista Design Overlay District
OV-NMC: North Main Corridor Design Overlay District
OV-CC: City Center Design Overlay District
OV-HP: Historic Preservation Overlay District
OV-GATE-#: Gateway Design Overlay District
OV-CCP: Community Character Protection Overlay District
OV-OAS: Outdoor Advertising Sign Overlay District
OV-HSV: Height and Setback View Corridor Protection Overlay District

(c) OV-A: Airport Safety Overlay District

(1) Purpose

The purpose of the Airport Safety (OV-A) Overlay District is to establish standards of safety for lands in the immediate vicinity of airports. District standards protect people and property by limiting physical obstructions which can interfere with aircraft maneuverability and normal operations at Jim Hamilton - L.B. Owens Field Airport, and encourage compatible land uses.

(2) Applicability

The standards and requirements in this section apply to development located in the OV-A District, in addition to base zoning district standards. In instances where there is a conflict between the standards in this district and the base district, the standards in the OV-A District shall control.

(3) Modifications of Otherwise Applicable Development Standards

a. Maximum Height

No structure or tree within the OV-A shall be erected, altered, allowed to grow, or maintained to a height in excess of 35 feet.

b. Prohibited Uses

The following uses are prohibited within the OV-A District:

1. Conversion of non-residential uses for residential purposes.
2. Any use categorized as Group Living in Table 17-4.2(B)(4).
3. Establishment of Household Living Uses outside of Residential Base Zoning Districts

c. Public Notification Requirements

Public disclosure regarding proximity to the airport and potential aircraft operation and noise impacts shall be required in accordance with this Subsection for newly created lots within a subdivision plat when such lots are located within the OV-A district.

1. The following statement shall be recorded on all newly created residential lots: “This property is located within the Airport Safety Overlay District and is subject to aircraft operations and aircraft noise. Please contact the City of Columbia Zoning Division for more information on potential impacts and to review the City’s Airport Safety Overlay District regulations.”
2. In addition, the subdivision owner shall provide public notice regarding proximity to the airport and potential aircraft operation and noise impacts to all prospective purchasers through a written disclosure statement.

(d) OV-FW: Floodway Overlay District

(1) Purpose

The purpose of the Floodway Overlay (OV-FW) District is to protect people and property from risks associated with flooding in floodway areas, minimize disruption of commerce and critical services, and minimize the need for costly repairs due to flooding. District standards limit vulnerable uses.

(2) Applicability

The standards and requirements in this section apply to development located in the OV-FW District, in addition to the base zoning district standards. In instances where there is a conflict between the standards in the OV-FW district and any other standards in this Ordinance, including the standards in the base district, the standards in the OV-FW District shall control.

(3) Comply with Floodway Regulations

Development in the OV-FW District shall comply, as determined by the City Engineer, with regulations established for floodways in Article III, Chapter 21 of the Code of Ordinances and with applicable Federal Emergency Management Agency regulations.

(e) OV-FP: Floodplain Overlay District

(1) Purpose

The purpose of the Floodplain Overlay (OV-FP) District is to protect people and property from risks associated with flooding in floodplain areas, minimize disruption of commerce and critical services, and minimize the need for costly repairs due to flooding. District standards limit vulnerable uses and require certain uses to be located and constructed in a manner that avoids or mitigates damage in the event of flooding.

(2) Applicability

The standards and requirements in this section apply to development located in the OV-FP District, in addition to the base zoning district standards. In instances where there is a conflict between the standards in this district and the base district, the standards in the OV-FP District shall control.

(3) Comply with Floodplain Regulations

Development in the OV-FP District shall comply, as determined by the City Engineer, with all applicable regulations established for special flood hazard areas in Article III, Chapter 21 of the Code of Ordinances and with applicable Federal Emergency Management Agency regulations.

(f) OV-5P: Five Points Design Overlay District

(1) Purpose

The purpose of the Five Points Design Overlay (OV-5P) District is to support the established character of the Five Points area as a walkable, mixed use destination. District standards and guidelines promote high-density mixed-use development, pedestrian-oriented community form, and economic vitality.

(2) Applicability

The standards and requirements in this section apply to development located in the OV-5P District, in addition to base zoning district standards. In instances where there is a conflict between the standards in this district and the base district, the standards in the OV-5P District shall control.

(3) Sub-districts

The OV-5P District includes the following two sub-districts, the boundaries of which are defined in the *Future Five Design/Development Guidelines*:

a. Upper Five Points; and

b. Lower Five Points.

(4) Design Guidelines

Development in the OV-5P District shall comply with the *Future Five Design/Development Guidelines,* which are incorporated herein by reference.

(5) Modifications of Otherwise Applicable Development Standards

a. Permitted Uses

Structured parking is allowed (see Sec. 17-4.2, Principal Uses), provided that a minimum of 50 percent of the ground floor façade adjacent to any street is occupied by a commercial use or a public, civic, or institutional use.

b. Building Height

1. Unless increased in accordance with subsection 2 below, maximum building height shall be 50 feet. For buildings located within 35 feet of a residential zoning district the maximum building height shall be 30 feet.

2. Within the Upper Five Points sub-district, building height may be increased to 75 feet if:

(i) The building is located a minimum of 200 feet from a residential base zoning district; and

(ii) Portions of the building above 50 feet in height are set back one foot from the ground floor façade for every two and one-half feet in height.

c. Sign Size

The total allowable square footage for building signage may be increased by 25 percent if no internally-illuminated signage is used on the building or parcel.

d. Minimum Off-street Parking Requirements

1. Required off-street parking shall be reduced by 20 percent (see Sec. 17-5.2(d)(1), Minimum Number of Off-Street Parking Spaces).

2. Excluding Eating and Drinking Establishments, Type 2, uses occupying 4,000 square feet or less shall not be required to provide off-street parking.

(g) OV-ID: Innovista Design Overlay District

(1) Purpose

The purpose of the Innovista Design Overlay (OV-ID) District is to support the transition of the Innovista area to a walkable, mixed use destination. District standards and guidelines promote transition from vacant and low-intensity industrial and commercial uses to pedestrian-oriented mixed uses with unified form.

(2) Applicability

The standards and requirements in this section apply to development located in the OV-ID District, in addition to base zoning district standards. In instances where there is a conflict between the standards in this district and the base district, the standards in the OV-ID District shall control.

(3) Design Guidelines

Development in the OV-ID District shall comply with the *Innovista Design District Guidelines,* which are incorporated herein by reference.

(4) Modifications of Otherwise Applicable Development Standards

a. Building Height

Building height shall not exceed 75 feet in height if located within 300 feet of a residential base zoning district or the OV-HP District.

b. Ground Floor Uses

For buildings located in a Ground Floor Activity Zones sub-district (see *Innovista Design District Guidelines*, "Ground Floor Activity Zones" map and "Ground Floor Activity Zones" in Sec. 17-9.4, Definitions), a minimum of 60 percent of the ground floor façade adjacent to any street shall be occupied by a commercial use or a public, civic, or institutional use.

(h) OV-NMC: North Main Corridor Design Overlay District

(1) Purpose

The purpose of the North Main Corridor Design Overlay (OV-NMC) District is to support the transition of the North Main Corridor to a pedestrian-oriented, mixed-use corridor that is compatible with surrounding residential development. District standards and guidelines promote transition from a low-intensity commercial development pattern to a walkable, mixed-use corridor that supports multiple modes of travel.

(2) Applicability

The standards and requirements in this section apply to development located in the OV-NMC District, in addition to base zoning district standards. In instances where there is a conflict between the standards in this district and the base district, the standards in the OV-NMC District shall control.

(3) Design Guidelines

Development in the OV-NMC District shall comply with the *North Main Corridor Design Guidelines,* which are incorporated herein by reference.

(4) Modifications of Otherwise Applicable Development Standards

a. Building Height

1. Maximum building height shall be 35 feet for buildings located with 30 feet of a residential zoning district.

2. If at least 60 percent of a building is occupied by a residential use, the maximum building height shall be 60 feet.

b. Minimum Off-street Parking

Required off-street parking (see Sec. 17-5.2(d)(1), Minimum Number of Off-Street Parking Spaces) shall be reduced by 20 percent.

c. Nonconforming Structures

Nonconforming structures containing manufacturing or wholesale uses that were conforming as of January 2010 may be expanded one time, by a maximum of 20 percent of the gross floor area.

(i) OV-CC: City Center Design Overlay District

(1) Purpose

The purpose of the City Center Design Overlay (OV-CC) District is to encourage new development and redevelopment that is consistent with the character of Downtown Columbia. District standards and guidelines are intended to ensure new uses, building form, and site features are compatible with Downtown's high-density, walkable urban character, and support Downtown's identity as an employment and destination commercial center.

(2) Applicability

The standards and requirements in this section apply to development located in the OV-CC District, in addition to the base zoning district standards. In instances where there is a conflict between the standards in this district and the base district, the standards in the OV-CC District shall control.

(3) Design Guidelines

Development in the OV-CC District shall comply with the *City of Columbia City Center Design/Development District Guidelines*, which are incorporated herein by reference.

(j) OV-HP: Historic Preservation Overlay District

(1) Purpose

The purpose of the Historic Preservation Overlay (OV-HP) District is to encourage new development and redevelopment that is consistent with the character of original or historic development in the historic districts and sites. District standards and guidelines are intended to prevent destruction of historic structures and ensure new uses, building design, and site features are compatible with the character of historic districts and sites.

(2) Applicability

a. In addition to base zoning district standards, the standards and requirements in this section apply to development located within the OV-HP District, which includes:

1. Historic sub-districts identified in Table 17-3.7(j)(3): Established Historic Sub-districts and Applicable Standards and Design Guidelines;

2. Type 1 landmarks listed in Appendix A, Type 1 Landmarks;

3. Type 2 landmarks listed in Appendix B, Type 2 Landmarks; and

4. Type 3 landmarks listed in Appendix C, Type 3 Landmarks.

b. In instances where there is a conflict between the standards in this district and the base district, the standards in the OV-HP District shall control.

(3) Historic Sub-districts

a. The OV-HP District includes 16 sub-districts, which are identified in Table 17-3.7(j)(3): Established Historic Sub-districts and Applicable Standards and Design Guidelines.

b. Each sub-district within the OV-HP district is subject to standards or design guidelines which are identified in Table 17-3.7(j)(3): Established Historic Sub-districts and Applicable Standards and Design Guidelines. Standards for the Governor's Mansion Protection Area, Elmwood Park Architectural Conservation District, and the Landmark District are in Sec. 17-2.5(g)(6)b, Standards for Structure and Site Design. Design guidelines listed in Table 17-3.7(j)(3): Established Historic Sub-districts and Applicable Standards and Design Guidelines, for all other sub-districts are incorporated into this Ordinance by reference.

c. The boundaries of each sub-district are identified on the official Zoning Map. They are further described in Appendices A-D.

d. Development in a sub-district shall comply with the corresponding standards and sub-district design guidelines identified in Table 17-3.7(j)(3): Established Historic Sub-districts and Applicable Standards and Design Guidelines.

TABLE 17-3.7(J)(3): ESTABLISHED HISTORIC SUB-DISTRICTS AND APPLICABLE STANDARDS AND DESIGN GUIDELINES	
HISTORIC SUB-DISTRICT	**APPLICABLE STANDARDS AND DESIGN GUIDELINES**
Cottontown/Bellevue	*Cottontown/Bellevue Architectural Conservation District Design Guidelines*
Oakwood Court	*Oakwood Court Architectural Conservation District*
Earlewood	*Earlewood Protection Area Design Guidelines*
Elmwood Park Architectural Conservation District	Sec. 17-2.5(g)(6)b, Standards for Structure and Site Design
Governor's Mansion Protection Area	Sec. 17-2.5(g)(6)b, Standards for Structure and Site Design
Granby	*Granby Architectural Conservation District Design Guidelines*
Landmark District	Sec. 17-2.5(g)(6)b, Standards for Structure and Site Design
Melrose Heights/Oak Lawn	*Melrose Heights/Oak Lawn Architectural Conservation District Design Guidelines*
Old Shandon/Lower Waverly	*Old Shandon/Lower Waverly Protection Area Design Guidelines*
Seminary Ridge	*Seminary Ridge Architectural Conservation District Design Guidelines*
University Hill	*University Hill Architectural Conservation District Design Guidelines*
Wales Garden	*Wales Garden Architectural Conservation District*
Waverly	*Waverly Protection Area Design Guidelines*
West Gervais Street Historic Commercial District	*West Gervais Street Historic Commercial District Design Guidelines*
West Gervais Street Protection Area	*West Gervais Street Protection Area Design Guidelines*
Whaley Street	*Whaley Street Protection Area Design Guidelines*

(4) Landmark Intent and Development Standards

The following standards apply to structures and sites with landmark designations.

a. Type 1 Landmarks

1. Intent

Type 1 landmarks (see Appendix A: Type 1 Landmarks) include structures or sites which strongly contribute to the City's visual and cultural history by exhibiting one or more of the following characteristics:

(i) Unique, outstanding, rare, or distinctive architectural design;

(ii) The work of an architect of national importance; or

(iii) The site of events or homes of persons that have significantly contributed to local or national history.

2. Development Standards

Development of a Type 1 landmark shall:

(i) Comply with applicable standards in Sec. 17-2.5(g)(6)b, Standards for Structure and Site Design;

(ii) Conserve the structure's original exterior; and

(iii) Restore the structure's original exterior, to the maximum extent practicable.

b. Type 2 Landmarks

1. Intent

Type 2 landmarks (see Appendix B: Type 2 Landmarks) include structures or sites which significantly contribute to the City's visual and cultural history by exhibiting one or more of the following characteristics:

(i) Unique, outstanding, or somewhat rare or distinctive architectural design;

(ii) The work of an architect of statewide or local importance;

(iii) A good example of a style or type of building which is becoming, or is in danger of becoming, extinct locally; or

(iv) The site of events or homes of persons that have significantly contributed to local or national history.

2. Development Standards

Development of a Type 2 landmark (see Appendix B: Type 2 Landmarks) shall:

(i) Comply with applicable standards in Sec. 17-2.5(g)(6)b, Standards for Structure and Site Design

(ii) Conserve the structure's original interior and exterior; and

(iii) Restore the structure's original exterior, to the maximum extent practicable.

c. Type 3 Landmarks

1. Intent

Type 3 landmarks (see Appendix B: Type 3 Landmarks) include structures or sites which generally contribute to the City's visual and cultural history by exhibiting one or more of the following characteristics:

(i) Distinctive architectural design;

(ii) Belonging to a family or genera of buildings recognized locally;

(iii) An example of a style or type of building which is becoming, or is in danger of becoming, extinct locally;

(iv) The work of an architect of statewide or local importance; or

(v) The site of events or homes of persons that have significantly contributed to local or national history.

2. Development Standards

Development of a Type 3 landmark (see Appendix C: Type 3 Landmarks) shall:

(i) Comply with applicable standards in Sec. 17-2.5(g)(6)b, Standards for Structure and Site Design;

(ii) Conserve the structure's original exterior; and

(iii) Restore the structure's original exterior, to the maximum extent practicable.

(5) Front Yard Setback and Minimum Off-Street Parking Standards

a. Front Yard Setbacks

Notwithstanding front yard setback standards in the underlying base zoning district, the following front yard setback standards apply in the OV-HP District.

1. Minimum Setback

There shall be no minimum front yard setback.

2. Maximum Setback

The maximum front yard setback shall be within 90 percent and 110 percent of the average front yard setback for properties on the same block face.

b. Minimum Off-Street Parking Requirements

Minimum off-street parking requirements shall be 50 percent of the requirements established in Sec. 17-5.2(d)(1), Minimum Number of Off-Street Parking Spaces.

(k) OV-GATE-#: Gateway Design Overlay District

(1) Purpose

The purpose of the Gateway Design Overlay (OV-GATE) District is to provide a sense of arrival into the City, assist in navigation, and support the City's overall identity. District standards will be established following the adoption of gateway plans that identify the character of specific gateway locations.

(2) Applicability

a. General Applicability

When a specific OV-GATE district is established in accordance with this section, development within the OV-GATE district shall comply with OV-GATE District standards for the specific overlay district.

b. Specific Applicability

Specific OV-GATE districts will be listed below as they are established by the City.

c. District Boundaries

Individual OV-GATE districts shall be represented on the Official Zoning Map.

d. Conflict

In instances where there is a conflict between the standards in this district and the base district, the standards in the OV-GATE district shall control.

(3) Procedure for Establishing Gateway Overlay Districts

a. Area Plan or Corridor Plan

Prior to establishment of an OV-GATE district for a specific gateway corridor, a corridor plan shall be prepared for the specific gateway location, reviewed by the Planning Commission, and adopted by the City Council. The corridor plan shall, at a minimum, address the following:

1. The value of the corridor as an entryway to the City which can influence the perception of residents, individuals, or businesses considering investment in the City;
2. The arrangement of uses along the gateway corridor which shall create a visually pleasing impression;
3. The unique qualities of the gateway corridor, such as significant buildings, views and vistas, and natural features which lend themselves to special consideration;
4. Transportation conditions on the gateway corridor, including vehicular access, dedication of right-of-way, driveway limitations, and traffic impact; and

5. The vision and general goals for development along the corridor, and specific recommendations for regulatory standards to achieve the City's vision and development goals.

b. Establishment

Specific OV-GATE districts shall be established in accordance with Sec. 17-2.5(b), Text Amendment, and Sec. 17-2.5(c), Zoning Map Amendment, Zoning Map Amendment (as appropriate), and included as a district in this section.

(4) Modifications of Otherwise Applicable Development Standards

a. General Standards

OV-GATE district standards for a specific gateway corridor shall conform with the direction in the corridor plan and at a minimum, address the following elements:

1. The name and boundaries of the overlay district;

2. Development along the corridor to which the overlay district applies (typically all new development and certain expansions and remodels);

3. Any variations from the requirements of the underlying base zoning district(s);

4. The uses allowed in the district, if appropriate;

5. The development and form standards of the overlay district, including some or all of the following:

(i) Dimensions (height, setbacks, etc.);

(ii) Streetscape landscaping;

(iii) Sidewalks and pedestrian circulation features;

(iv) Off-street parking;

(v) Landscaping and tree preservation/reforestation;

(vi) Open space set-asides;

(vii) Signage;

(viii) Exterior lighting;

(ix) Building design and form; and

(x) Road access and traffic circulation.

6. The extent to which a base zoning district or district-specific standards may be modified.

(l) OV-CCP: Community Character Protection Overlay District

(1) Purpose

a. The Community Character Protection Overlay (OV-CCP) District is intended to minimize the possibility that construction activity within a residential community would drastically negatively affect the existing character of that community.

b. The OV-CCP designation and the associated measures for community character protection are not intended to be utilized as a stand-alone zoning district classification, but as a set of regulations which are overlaid and supplemental to the regulations of the existing zoning district.

(2) Applicability

a. Unless exempt in accordance with subsection c below, new construction on or subdivision of land within the OV-CCP District that is located within a Residential base zoning district or residentially used shall comply with the standards in this Section.

b. For the purpose of this Section, “new construction” includes the placement of a structure moved from another site.

c. The following are exempt from this Section:

1. Subdivision of a parcel five acres or larger;

2. Subdivision within a PD District (see Sec. 17-3.6, Planned Development Districts); and

3. Lots of record existing upon the 1999 Richland County Tax Maps.

(3) Modifications of Otherwise Applicable Development Standards

a. Side Yard Setbacks

1. The side yard setbacks for new construction on a residential lot shall be the mean side yard setback for all improved residential lots located on the same block face, except that:

(i) Side yard setbacks shall not reduce the width of a building pad upon a newly subdivided residential lot to a width of less than 30 feet; and

(ii) Side yard setbacks upon a newly subdivided residential lot shall not be less than five feet.

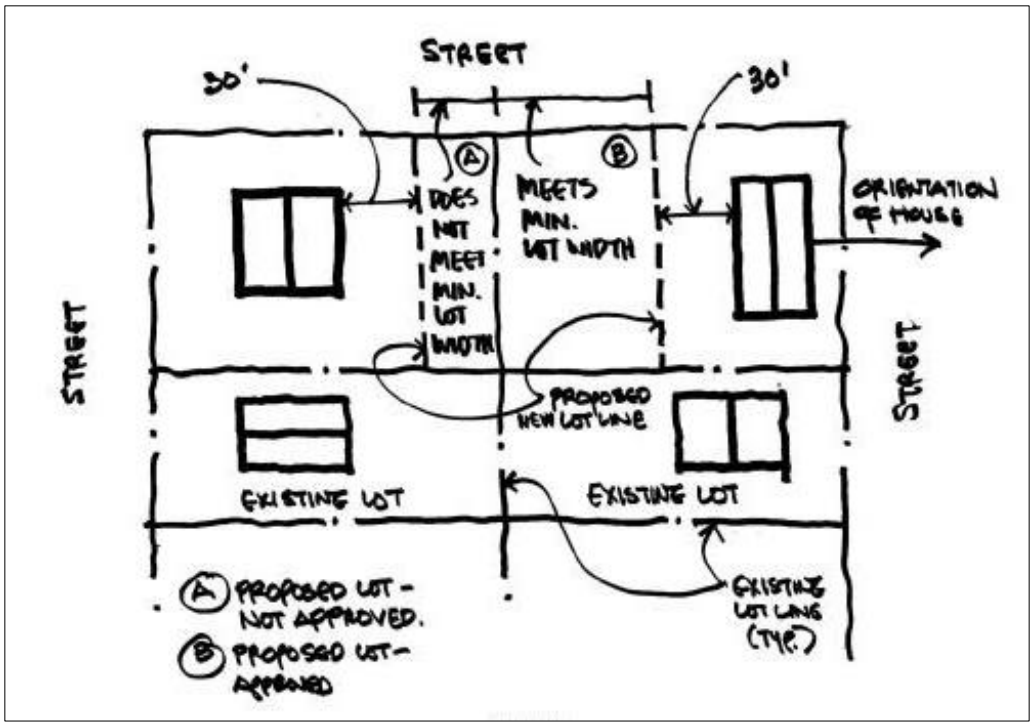
2. For the purpose of this Sec. 17-3.7(l)(3)a, "newly subdivided residential lot" means any residential lot created by a plat of subdivision filed and recorded after August 30, 2021 upon which no more than a single-family or two-family dwelling can be constructed.

b. Subdivisions of Improved Corner Lots

The following shall apply to an application to subdivide a new residential lot from an improved corner lot:

1. If the application for subdivision seeks to orient a structure perpendicular to the existing structure located upon the "remaining" corner lot, no new lot line shall be closer to the existing structure than 30 feet. Covered or enclosed landings, porches, or patios incidental to the structure having less than 75 square feet gross floor area may encroach into this thirty-foot setback (see Figure 17.3.7(l)(3)b.1: Minimum Lot Line Distance for Perpendicular Structure).

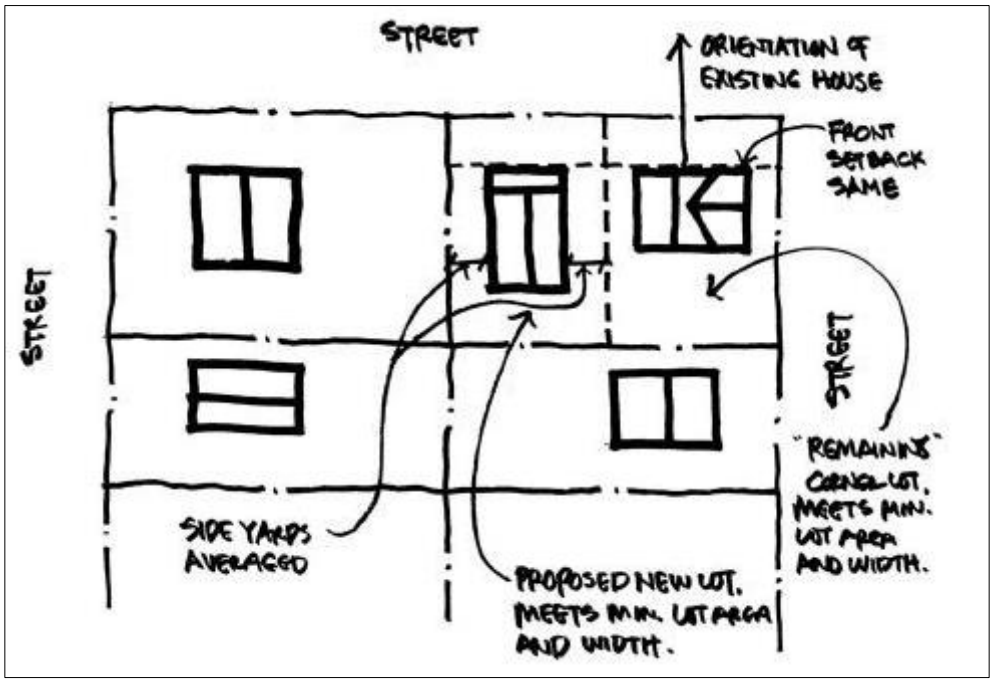
Figure 17.3.7(l)(3)b.1: Minimum Lot Line Distance for Perpendicular Structure



2. If the application for subdivision seeks to orient a structure in the substantially same orientation as the existing structure located upon the "remaining" corner lot, the front yard setback of the new lot shall be the same as the same street setback of the existing structure upon the "remaining" corner lot (see Figure 17.3.7(l)(3)b.3: Front and Side Yard Setbacks).

3. Side yard setbacks shall be established pursuant to Sec. 17-3.7(l)(3)a above (see Figure 17.3.7(l)(3)b.3: Front and Side Yard Setbacks).

Figure 17.3.7(I)(3)b.3: Front and Side Yard Setbacks



c. Subdivisions of Vacant Corner Lots

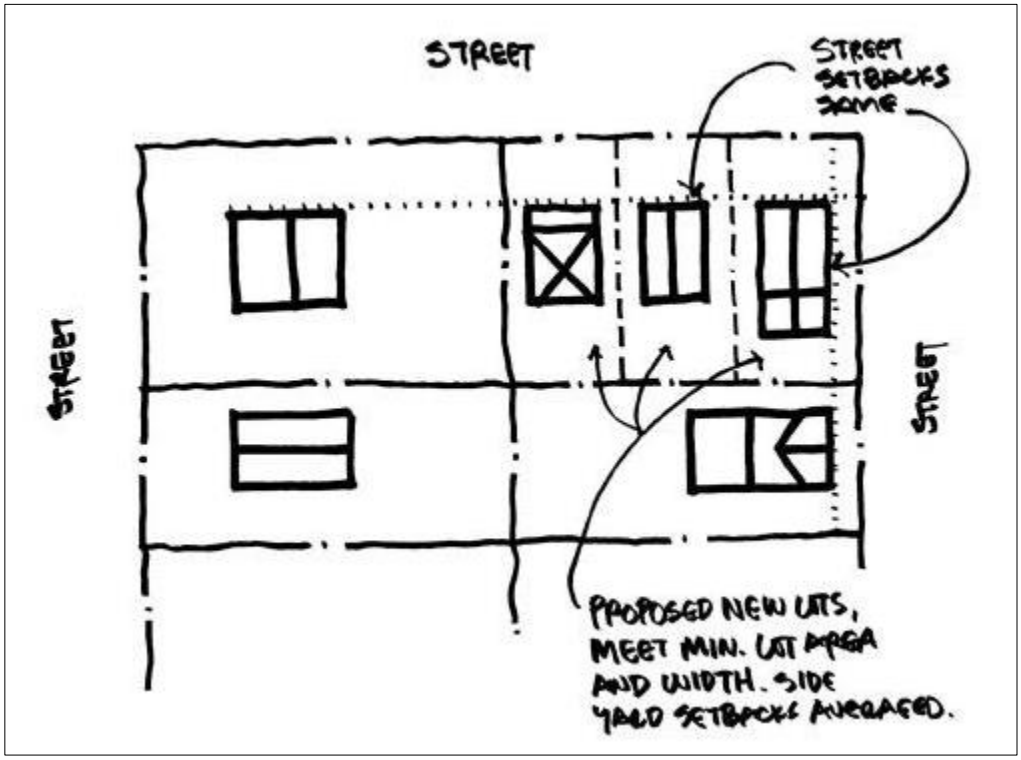
The following shall apply to an application to subdivide a new residential lot from a vacant corner lot (see Figure 17.3.7(I)3: Setbacks on Vacant Corner Lot Subdivision):

1. The subdivision shall be platted so the structure built upon the "remaining" corner lot has setbacks from both street lot lines that align with the existing setbacks of existing structures in each direction.

2. The setback from the street lot line for any new "interior" lot shall align with the existing setback of an existing adjacent structure. If no adjacent structure exists to establish the setback, or if the setback of an existing structure is atypical for the area, the setback from the street lot line shall be determined by the average of all similarly oriented setbacks along the same block face.

3. Side yard setbacks shall be established pursuant to Sec. 17-3.7(I)(3)a above.

Figure 17.3.7(l)(3)c: Setbacks on Vacant Corner Lot Subdivision



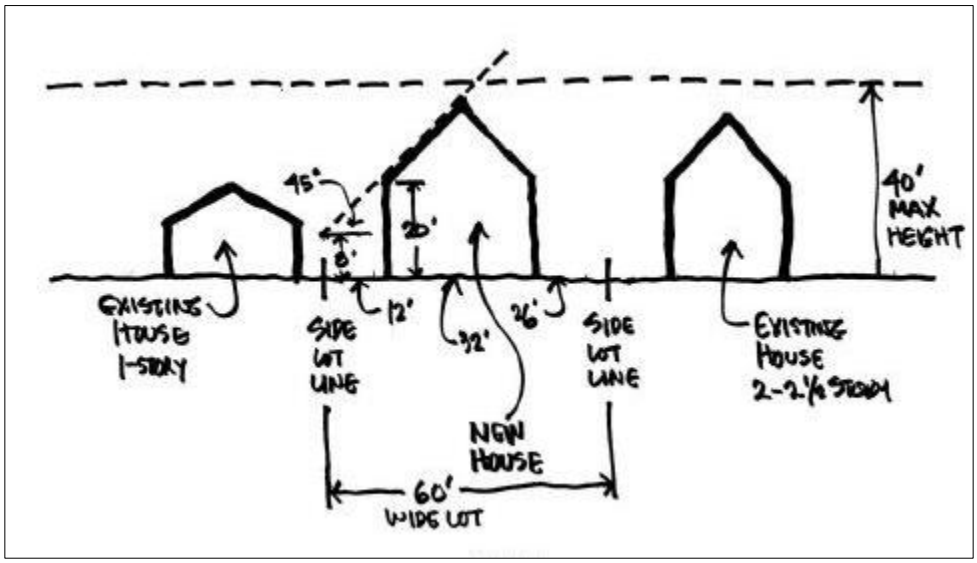
d. Subdivisions of Corner Lots Generally

The Zoning Administrator may require a different orientation or setback than that required by this Section if a different orientation or setback would further the intent of this Section, or where such orientation would preserve a grand and/or significant tree. The applicant for subdivision may appeal this determination in accordance with Sec. 17-2.5(u), Appeal – Zoning.

e. Height

New construction on a residential lot which is contiguous to a lot upon which a structure 1½ stories high or less exists shall be no higher than a line drawn at a 45-degree angle from a point eight feet above the common lot line or than the maximum allowance within the underlying zoning district, whichever is less. These provisions shall not apply to chimneys and other unoccupied appurtenances attached to the structure (see Figure 17.3.7(l)(3)e: Maximum Height).

Figure 17.3.7(l)(3)e: Maximum Height



(4) Limits to Demolition

a. General

1. The City shall not issue a demolition or relocation permit for any structure fifty (50) years old or more within any geographic area to which this overlay applies without prior review and approval by the design development review commission (DDRC).

2. The following demolitions and relocations are exempt from this section:

(i) Structures deemed noncontributing by City staff as determined by criteria in c.2(i) below.

(ii) Partial demolitions where City staff determines that the portion of the structure to be demolished does not contribute to the design integrity of the structure.

(iii) The structure poses an immediate threat to the public safety as determined by the Building Official.

3. The age of the structure shall be established by the records maintained by the Richland County Assessor's Office. If the age of the structure cannot be established by the records maintained by the Assessor's Office, the applicant for a demolition or relocation permit shall present other documentation to the City to establish the age of the structure.

b. Public Notice Requirement

The property upon which the structure is located shall be posted with notice of the application to demolish or relocate at least 15 days prior to the consideration by the DDRC.

c. Review by DDRC

1. The DDRC shall approve a request for demolition or relocation only if it finds one or more of the following:

(i) The physical integrity of the structure is compromised to such a degree that it is no longer salvageable and/or represents a hazardous or unsafe condition.

(ii) The structure does not contribute to the historical architectural character of the district.

(iii) The structure or property cannot be put to any reasonable economic beneficial use for which it is or may otherwise be adapted without approval of demolition.

2. For applications to demolish or relocate a structure, the DDRC shall apply the following criteria for review:

(i) Determination of the architectural significance and whether it contributes to the character of the district. The Commission shall consider the structure in relation to the street and the district as a whole. The architectural significance is defined by being fifty (50) years or older and meeting at least one of the following critieria:

(a) Individually listed in or has been determined eligible for listing in the National Register of Historic Places.

(b) Contributes to a Historic District listed in the National Register of Historic Places.

(c) A building which exemplifies an architectural style or type characterized by innovation, rarity, uniqueness, or overall quality of design, detail, materials, or craftsmanship.

(d) An excellent example of a style or type of building which is rare within Columbia or its historic context.

(e) The significant work of an architect or builder of local, regional, or national importance.

(ii) The existing structural condition as assessed by a licensed engineer or architect with experience in historic rehabilitation projects.

(iii) A determination of the building use and economic viability. The applicant shall submit information, prepared by qualified professionals, sufficient to demonstrate the following:

(a) The current use does not generate a reasonable economic return;

(b) The appropriate and reasonable alternate uses in the building could not generate a future reasonable economic return; and

(c) That alterations or additional to the existing building could not make the current or future use generate a reasonable economic return.

(m) OV-OAS: Outdoor Advertising Sign Overlay District

(1) Purpose

The purpose of the Outdoor Advertising Sign Overlay (OV-OAS) District is to allow for commercial promotion of business establishments at locations along appropriate designated collector streets (minor thoroughfares), arterial streets (major thoroughfares), and the interstate system and freeway class highways, consistent with established standards for outdoor advertising (billboard) signs.

(2) Applicability

a. The standards and requirements in this section apply to development located in the OV-OAS District, in addition to base zoning district standards.

b. The OV-OAS District shall not be applied over a residential base zoning district.

c. In instances where there is a conflict between the standards in this district and the base district, the standards in the OV-OAS District shall control.

(3) General Standards

Outdoor advertising (billboard) signs are permitted in the OV-OAS District, in accordance with Sec. 17-5.10(c)(6)b.4, Outdoor Advertising (Billboard) Sign Standards.

(n) OV-HSV: Height and Setback View Corridor Protection Overlay District

(1) Purpose:

The purpose of the Height and Setback View Corridor Protection Overlay (OV-HSV) District is to support the goals of the area plans with regard to compatible height and setbacks as identified through area plans.

(2) Applicability

a. The standards and requirements in this section apply to development located in the OV-HSV District.

b. The OV-HSV District consists of two types of sub-districts: height overlay sub-districts (Height Districts) and setback overlay sub-districts (Setback Districts).

(3) Height Overlay Sub-districts (Height Districts)

The requirements of this section have resulted from a contextual study of building height and architectural patterns in the mapped height overlay sub-district (Height District). The requirements of this section reflect the predominant building height trends of the areas to which they are applied, and reinforce the principles cited in the adopted plans for each area. The requirements of this section are intended to clarify acceptable heights of buildings in areas of the City that have been assigned a Height District. The Design Development Review Commission (DDRC) may adjust heights in defined Height Districts in limited circumstances when based on architectural merit.

a. General Requirements

1. A Height District shall have heights measured in stories or feet, as specified.

2. For maximum height specified in feet, the measurement shall be taken from the highest curb elevation adjacent to the site to the highest point of the structure. For maximum height specified in stories, the measurement shall be taken from the main floor finished elevation.

3. Where heights are specified in stories or feet, the measurement shall be from finished floor to finished floor.

4. Any area under a structure in excess of six feet shall be counted as a story.

5. The DDRC is empowered to require a downward adjustment of one-half story in the number of stories based on the number of stories of structures that predominate in the structure's immediate surroundings.

6. Floors shall be measured in the following manner:

(i) The maximum height of any residential floor shall be 12 feet, unless otherwise specified. Any dimension above this shall constitute a second floor. The DDRC may grant a waiver up to 14

feet on the first or second floor, based on architectural merit and context.

(ii) The minimum height of any residential floor shall not be less than 10 feet; however, there is no minimum height for floors in a single family residence, duplex or townhouse.

(iii) The maximum height of any nonresidential first floor shall be 20 feet, unless otherwise specified. Any dimension above this height shall constitute a second floor. The Design Development Review Commission may grant a waiver up to 25 feet on the main floor based on architectural merit and context.

(iv) The minimum height of any nonresidential floor shall not be less than 14 feet, unless otherwise specified.

7. The DDRC is empowered to require downward adjustments to floor heights, based on context of the structure with its immediate surroundings.

8. Appurtenances to a building shall not be permitted to exceed the maximum height, unless otherwise specified.

9. If any portion of a structure subject to the jurisdiction of the DDRC is within 50 feet of a designated landmark, such portion of that structure shall not exceed the height of such existing structures unless approved by the DDRC based on architectural merit and context.

10. Mechanical equipment on a roof shall be visually screened from the street with parapets or other types of visual screens of the minimum height necessary to conceal the same. The equipment shall be screened from view from surrounding streets within 1,000 feet of the equipment.

11. Parking garages shall not exceed the height of the principal building on the site. Parking garages shall not be constrained by floor to floor height requirements, but stand-alone and integrated parking garages shall appear from the street to conform to the number of stories permitted in the height district in which it is located.

12. In a Height District where additional height may be awarded on the basis of architectural merit and context, if the property is not subject to the jurisdiction of the DDRC through other sections of this Ordnance, the owner requesting the additional height must submit the plans to the DDRC. An applicant seeking modification based upon architectural merit and context shall provide studies and drawings as requested by the DDRC.

13. Communication towers shall not exceed the maximum building height limits of Height Districts that include a maximum height limit in feet, or a height limit equal to 10 feet per story for Height Districts that do not specify a maximum height in feet.

14. "Architectural merit" means a project that reflects exemplary architectural and urban design, utilizes the highest level of materials and finishes and contributes to the public realm.

b. OV-HSV H80/30: Height District 80/30.

1. In all areas mapped with this Height District, the following standards apply:

(i) There shall be no structure, including appurtenant parts of a structure, except for elevator penthouses or mechanical penthouses, exceeding a height of 80 feet, nor shall any structure fronting on any street be lower than the height of 30 feet.

(ii) All portions of a structure above the 55 foot level shall be set back at least 25 feet from all street right-of-way lines.

(4) Setback Overlay Sub-districts (Setback Districts).

The requirements of this section have resulted from a contextual study of building setbacks and urban design goals in the mapped setback overlay sub-district (Setback District). The requirements of this section reflect the predominant setback trends of the areas and urban design principles cited in the adopted plans for each area. The requirements of this section are intended to clarify acceptable setbacks and build to lines of buildings in areas of the City that have been assigned a Setback District. The DDRC may adjust setbacks in defined Setback Districts in limited circumstances when based on architectural merit.

a. General requirements:

1. The DDRC is empowered to require an adjustment of ½ the maximum requirement based upon analysis of the immediate surroundings and Architectural merit.

2. "Architectural merit" means a project that reflects exemplary architectural and urban design, utilizes the highest level of materials and finishes and contributes to the public realm.

b. OV-HSV S8/10: Setback District 8-10

In order to encourage a well defined public realm and to provide a buffer for pedestrians between the curb line and the sidewalk zone of not less than 8 feet, the follow standards apply in the OV-HSV S8/10 Setback District:

1. No structure, including appurtenant parts of a structure, except for balconies and Juliet balconies, shall be placed within eight feet the property line fronting Huger Street, and no structure shall be place more than ten feet from the property line fronting Huger Street.

2. Minimum front yards shall be used for wider sidewalks, trees, and other amenities coordinating with urban design standards of the district.

Article 4: Use Regulations

Sec. 17-4.1 Organization of this Article 4-1

Sec. 17-4.2 Principal Uses 4-1

(a) General 4-1

(b) Principal Use Table 4-1

(c) Standards for Specific Principal Uses 4-13

Sec. 17-4.3 Accessory Uses and Structures 4-49

(a) General 4-49

(b) Accessory Use/Structure Table 4-49

(c) General Standards for All Accessory Uses and Structures 4-51

(d) Standards for Specific Accessory Uses and Structures 4-52

Sec. 17-4.4 Temporary Uses and Structures 4-58

(a) General 4-58

(b) General Standards for all Temporary Uses and Structures 4-58

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ARTICLE 4: USE REGULATIONS

Sec. 17-4.1 Organization of this Article

Article 4, Use Regulations, is organized into three sections.

(a) Sec. 17-4.2, Principal Uses, sets out which land uses are allowed as principal uses of a parcel, where they are allowed, what type of permit or review is required to establish them, and any special standards applicable to particular principal uses.

(b) Sec. 17-4.3, Accessory Uses and Structures, identifies a number of land uses and structures commonly allowed as accessory to principal uses and sets out where they are allowed, what type of permit or review is required to establish them, general standards applicable to all accessory uses and structures, and any special standards applicable to particular accessory uses and structures.

(c) Sec. 17-4.4, Temporary Uses and Structures, sets out which land uses or structures are allowed on a temporary basis, whether a Temporary Use Permit is required to establish them, general standards applicable to all temporary uses and structures, and any special standards applicable to particular temporary uses and structures.

Sec. 17-4.2 Principal Uses

(a) General

(1) Organization of this Section

The use table in Sec. 17-4.2(b), Principal Use Table, list principal uses and indicates whether they are allowed by right, allowed subject to use-specific standards, allowed as a special exception, or prohibited within each base district. The use table includes a reference to any use-specific standards applicable to the specific use, which are found in Sec. 17-4.2(c), Standards for Specific Principal Uses. Uses that are permitted or prohibited in planned development districts or specific overlay districts are identified in Article 3: Zoning Districts.

(b) Principal Use Table

(1) Organization of Principal Uses

The principal use table organizes allowable uses by use classifications, use categories, and use types. The use table and Sec. 17-9.3, Use Classification and Interpretation, together provide a systematic basis for identifying and consolidating uses, for distinguishing unidentified uses to determine whether a particular use is allowable in a particular zoning district, and in addressing future use additions to the use table.

a. Use Classifications

The use classifications identify broad general classifications of land use and include residential uses; public, civic, and institutional uses; commercial uses; agricultural uses; and industrial uses. Use classifications are further

broken down into a series of general "use categories" and specific "use types."

b. Use Categories

The use categories describe the major sub-groups of the respective use classifications, and are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. For example, the Residential Use Classification is divided into the Household Living and Group Living use categories. Use categories are further broken down into a series of individual use types.

c. Use Types

The specific use types are included in the respective use category. They identify the specific principal uses that are considered to fall within characteristics identified in the use category. For example, live-work dwellings, single-family detached dwellings, townhouse dwellings; two-family dwellings; multifamily dwellings; mixed-use dwellings; and mobile home parks are use types in the Household Living use category.

(2) Abbreviations in Use Table Cells

a. Permitted Uses

A "P" in a cell of the principal use table indicates that the corresponding use category or use type is allowed by right in the corresponding base zoning district. Permitted uses are subject to all other applicable regulations of this Ordinance, including, but not limited to, those set forth in Article 3: Zoning Districts, Article 5: Development Standards, and Article 6: Land Development (Subdivision) Standards.

b. Conditional Uses

A "C" in a cell of the principal use table indicates that the corresponding use category or use type is allowed in the corresponding base zoning district on the condition that it complies with the use-specific standards referenced in the final column of the use table. References in the last column of the use table titled "Standards for Specific Principal Uses" refer to Sec. 17-4.2(c), Standards for Specific Principal Uses.

c. Special Exception Uses

An "S" in a cell of the principal use table indicates that the corresponding use category or use type is allowed in the corresponding base zoning district only upon approval of a Special Exception Permit in accordance with Sec. 17-2.5(e), Special Exception Permit, and subject to any use-specific standards referenced in the final column of the use table. Uses requiring a Special Exception Permit are subject to all other applicable regulations of this Ordinance, including, but not limited to, those set forth in Article 3: Zoning

Districts, Article 5: Development Standards, and Article 6: Land Development (Subdivision) Standards.

d. Prohibited Uses

A blank cell in the principal use table indicates that the use type is prohibited in the corresponding zoning district.

(3) Unlisted Uses

The Zoning Administrator shall determine whether or not an unlisted use is part of an existing use category or use type as defined in Sec. 17-9.3, Use Classification and Interpretation, or is substantially similar to an already defined use type, using the standards in Sec. 17-9.3(b), Interpretation of Unlisted Uses.

(4) Principal Use Table for Base Zoning Districts

TABLE 17-4.2(B)(4): PRINCIPAL USE TABLE FOR BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED CONDITIONAL S = ALLOWED AS SPECIAL EXCEPTION BLANK CELL = PROHIBITED

Principal Use Category	Principal Use Type	Residential Districts									Mixed-Use, Activity Center, and Corridor Districts									Institutional and Campus Districts				Industrial Districts			Use-Specific Standards
		T/C	LL-R	RSF-1	RSF-2	RSF-3	RD	RD-MV	RM-1	RM-2	MU-1	MU-2	NAC	CAC	RAC	O-I	DAC	GC	MC	INS-GEN	INS-U/M	INS-ZOO	INS-T/U	LI	HI	EC	
RESIDENTIAL USES																											
Household Living Uses	Cottage neighborhood development				P	P	P	P	P	P	P	P															Sec. 17-4.2(c)(1)a.1
	Dwelling, live-work								C	C	C	C	C	C	C	C	C		C							P	Sec. 17-4.2(c)(1)a.2
	Dwelling, mixed-use										P	P	P	P	P	S	P	S	P							P	
	Dwelling, multifamily								P	P	P	P	P	P	P	S	P	S	P							P	
	Dwelling, single-family detached	P	P	P	P	P	P	P	P	P	P	P	P			P		S									
	Dwelling, townhouse								P	P	P	P	P			S	P		P							P	
	Dwelling, two-family						P	P	P	P	P	P	P			P		S	P								
	Mobile home park																										
Group Living Uses	Continuing care retirement community (CCRC)										S	S		C	C		C	C								C	Sec. 17-4.2(c)(1)b.1
	Dormitory, private																C/S		C/S		C/S						Sec. 17-4.2(c)(1)b.2
	Dormitory, public													P	P	S	P		P	S	P						

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Principal Use Category	Principal Use Type	Residential Districts									Mixed-Use, Activity Center, and Corridor Districts									Institutional and Campus Districts				Industrial Districts			Use-Specific Standards
		T/C	LL-R	RSF-1	RSF-2	RSF-3	RD	RD-MV	RM-1	RM-2	MU-1	MU-2	NAC	CAC	RAC	O-I	DAC	GC	MC	INS-GEN	INS-U/M	INS-ZOO	INS-T/U	LI	HI	EC	
	Fraternity or sorority house										S	S		S			S		S		S						
	Residential care facility										S	S	S	S	S	S	S	S	S							S	Sec. 17-4.2(c)(1)b.3
	Rooming house or boardinghouse											S		S		S	S				S						Sec. 17-4.2(c)(1)b.4
PUBLIC, CIVIC, AND INSTITUTIONAL USES																											
Communication Uses	Broadcasting studio													P	P		P	P	P		P			P	P	P	
	Newspaper or periodical publishing establishment													P	P		P	P	P		P			P	P	P	
	Wireless communication facility[1]																										Sec. 17-4.2(c)(2)a.1
Community Service Uses	Community recreation center			P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	P		P					P	
	Correctional facility																							S	S		
	Cultural facility		S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P			S		P	
	Day care facility		S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	C					P	Sec.17-4.2(c)(2)b.1
	Government office										P	P	P	P	P	P	P	P	P	P	P		P	P		P	
	Library			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				P		P	
	Membership organization facility												P	P	P	P	P	P	P	S	P			P		P	
	Place of worship		S	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C			C		C	Sec.17-4.2(c)(2)b.2
	Public safety facility		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Social services facility										P	P	P	P	P	P	P	P	P	P				P		P	

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Principal Use Category	Principal Use Type	Residential Districts									Mixed-Use, Activity Center, and Corridor Districts									Institutional and Campus Districts				Industrial Districts			Use-Specific Standards
		T/C	LL-R	RSF-1	RSF-2	RSF-3	RD	RD-MV	RM-1	RM-2	MU-1	MU-2	NAC	CAC	RAC	O-I	DAC	GC	MC	INS-GEN	INS-U/M	INS-ZOO	INS-T/U	LI	HI	EC	
	Zoo																					P					
Education Uses	College or university													P	P	P	P	P	P	P	P	P				P	
	Elementary, middle, or high school		S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P		P				P	
	School, business or trade											S	P	P	P	P	P	P	P	P	P			P		P	
Health Care Uses	Hospital												P	P	P	P	P	P	P	P	P					P	
	Laboratory, medical or dental											P	P	P	P	P	P	P	P	P	P			P		P	
	Medical or dental clinic/office										P	P	P	P	P	P	P	P	P	P	P			P		P	
	Nursing care facility										P	S	P	P	P	P	P	P	P	P	P					P	
Parks and Open Space	Arboretum or botanical garden		S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P		P			
	Cemetery		S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P		P				P			
	Park or greenway	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 17-4.2(c)(2)c
Transportation Uses	Airport																						P	P	P		
	Park and ride											P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Parking lot										C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 17-4.2(c)(2)d.1
	Parking structure											S	C	C	C	S	C	S	C	C	C	C	C	C	C	C	Sec. 17-4.2(c)(2)d.2
	Passenger terminal, surface transportation												S	P	P	S	P	P	P	P	P	P	P	P	P	P	
	Railroad facility												S		S		P						P		P		
Utility Uses	Solar energy conversion system (large scale)		C																	C	C	C	C	C	C		Sec. 17-4.2(c)(2)e.1
	Utility facility, major		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	S	

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Principal Use Category	Principal Use Type	Residential Districts									Mixed-Use, Activity Center, and Corridor Districts									Institutional and Campus Districts				Industrial Districts			Use-Specific Standards
		T/C	LL-R	RSF-1	RSF-2	RSF-3	RD	RD-MV	RM-1	RM-2	MU-1	MU-2	NAC	CAC	RAC	O-I	DAC	GC	MC	INS-GEN	INS-U/M	INS-ZOO	INS-T/U	LI	HI	EC	
	Utility facility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
COMMERCIAL USES																											
Animal Care Uses	Animal shelter														S			S						P	P	P	
	Kennel													C	C	C	C	C	C					C	C	C	Sec. 17-4.2(c)(3)a.1
	Veterinary hospital or clinic										C	C	C	C	C	C	C	C	C					C	C	C	Sec. 17-4.2(c)(3)a.2
Commercial Services Uses	Equipment rental														C			P	C		C			P	P		Sec. 17-4.2(c)(3)b.1
	Laboratory, testing or research														P		P	P	P		P			P	P	P	
	Lawn, tree, or pest control services																	P			P			P	P		
	Linen or uniform supply														P			P			P			P	P	P	
	Self-service storage													C	C		C	C	C					C	C	C	Sec. 17-4.2(c)(3)b.2
	Sign fabricating establishment																				P			P	P	P	
Eating and Drinking Establishment Uses	Eating establishment only										C	C	C	C	C	C	C	C	C	C	C	C		C		C	Sec. 17-4.2(c)(3)c.1
	Eating and drinking establishment, Type 1										C	C	C	C	C	C	C	C	C	C	C	C		C		C	Sec. 17-4.2(c)(3)c.2
	Eating and drinking establishment, Type 2										S	S	S	S	S	S	S	S	S	S	S	S		S		S	Sec. 17-4.2(c)(3)c.3
Funeral and Mortuary Services Uses	Crematory																							P	P		
	Funeral home or mortuary											P	P	P	P	P	P	P	P							P	

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Office Uses	Business/Professional office										P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	
	Contractor's office													P	P	P	P	P	P					P	P	P	
Personal Services Uses	Bank, retail											P	P	P	P	P	P	P	P							P	
	Beauty salon or barbershop										P	P	P	P	P	P	P	P	P		P					P	
	Body piercing or tattoo establishment											C	C	C	C			C	C					C		C	Sec. 17-4.2(c)(3)d.1
	Dry cleaning pick-up								C	C	C	C	C	C	C		C	C	C	S	C			C	C	C	Sec. 17-4.2(c)(3)d.2
	Laundry, coin-operated										P	P	P	P	P		P	P	P		P			P	P	P	
	Nail salon										P	P	P	P	P		P	P	P		P					P	
	Non-depository personal credit institution														C		C	C	C					C	C		Sec. 17-4.2(c)(3)d.3
	Repair of personal goods											P	P	P	P		P	P	P		P			P		P	
	Car wash											P		P	P			P						P	P	P	
Recreation/ Entertainment Uses	Amusement park														P			P						P			
	Arena, stadium, or outdoor theater														P		P	P	P	P	P			P			
	Banquet hall												P	P	P		P	P	P		P					P	
	Performing arts center												P	P	P	S	P	P	P	P	P	P					
	Recreation facility, indoor, not elsewhere listed											C	C	C	C		C	C	C		S	C		C		P	Sec. 17-4.2(c)(3)d.4
	Recreation facility, outdoor, not elsewhere listed										P	P	S	P	P		P	P	P		S	P				P	
	Sexually-oriented business																							S	S		Sec. 17-4.2(c)(3)d.5

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Principal Use Category	Principal Use Type	Residential Districts									Mixed-Use, Activity Center, and Corridor Districts									Institutional and Campus Districts				Industrial Districts			Use-Specific Standards
		T/C	LL-R	RSF-1	RSF-2	RSF-3	RD	RD-MV	RM-1	RM-2	MU-1	MU-2	NAC	CAC	RAC	O-I	DAC	GC	MC	INS-GEN	INS-U/M	INS-ZOO	INS-T/U	LI	HI	EC	
Retail Sales Uses	Building supplies and equipment store												C/S		P			S	S					P		P	Sec. 17-4.2(c)(3)e.1
	Consumer goods store										P	P	C/S	P	P		C	P	C	P	P	P		P		P	Sec. 17-4.2(c)(3)e.1
	Convenience store												S	S	S		S	S	S		S			S		S	Sec. 17-4.2(c)(3)e.1; Sec. 17-4.2(c)(3)e.2
	Farmers' market	P	P								P	P	C/S	P	P	P	C	P	C	P	P	P	P	P		P	Sec. 17-4.2(c)(3)e.1
	Fuel sales (bulk)																	S						P	P		Sec. 17-4.2(c)(3)e.1
	Grocery store or food market								S	S	P	P	C	P	P		P	C	P		P					P	Sec. 17-4.2(c)(3)e.1
	Liquor store												S	S	S		S	S	S					S		S	Sec. 17-4.2(c)(3)e.1
	Pawn shop												S	S	S		S	S	S								Sec. 17-4.2(c)(3)e.1
	Smoke or vape shop												C	C	C		C	C	C					C			Sec. 17-4.2(c)(3)e.3
Vehicle Sales and Services Uses	Commercial fuel depot																						P	P	P		
	Commercial vehicle repair and maintenance																			P			P	P	P		
	Commercial vehicle sales and rentals																	C						C			Sec. 17-4.2(c)(3)f.1
	Gasoline sales and service station												C	C	C		C	C	C					C	C	C	Sec.17-4.2(c)(3)f.2
	Personal vehicle repair and maintenance													C	C		S	C						C	C	C	Sec. 17-4.2(c)(3)f.3

TABLE 17-4.2(B)(4): PRINCIPAL USE TABLE FOR BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED CONDITIONAL S = ALLOWED AS SPECIAL EXCEPTION BLANK CELL = PROHIBITED

Principal Use Category	Principal Use Type	Residential Districts									Mixed-Use, Activity Center, and Corridor Districts									Institutional and Campus Districts				Industrial Districts			Use-Specific Standards
		T/C	LL-R	RSF-1	RSF-2	RSF-3	RD	RD-MV	RM-1	RM-2	MU-1	MU-2	NAC	CAC	RAC	O-I	DAC	GC	MC	INS-GEN	INS-U/M	INS-ZOO	INS-T/U	LI	HI	EC	
	Personal vehicle sales and rentals														C		C	C	C					C		C	Sec. 17-4.2(c)(3)f.1
	Vehicle equipment supplies sales and rentals												P	P	P		P	P	P					P			
	Vehicle paint and finishing shop																							P	P	P	
	Vehicle towing and wrecker service																							C	C		Sec. 17-4.2(c)(3)f.5
Visitor Accommodations Uses	Bed and breakfast										P	P	P	P	P	P	P	P	P								
	Campground	S	S																								
	Hotel or motel													P	P	P	P	P	P							P	
AGRICULTURAL USES																											
Agriculture and Forestry Uses	Agriculture and forestry uses, not elsewhere listed	P	P																					P	P	P	
	Community garden	C	C	C	C	C	C	C	C	C	C	C	C	C	C	S	C	S	C	C	C	C	C	C		C	Sec. 17-4.2(c)(4)a.1
	Crop production and processing	P	P	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Forestry	P	P																								
INDUSTRIAL USES																											
Freight Movement, Warehousing, and Wholesale Uses	Contractor's yard																							P	P		
	Motor freight facility																							P	P		
	Petroleum bulk station or terminal																								P		
	Warehouse distribution and storage																	S						P	P	P	
	Wholesale sales, not elsewhere listed																	S						P	P	P	

TABLE 17-4.2(B)(4): PRINCIPAL USE TABLE FOR BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED CONDITIONAL S = ALLOWED AS SPECIAL EXCEPTION BLANK CELL = PROHIBITED

Principal Use Category	Principal Use Type	Residential Districts									Mixed-Use, Activity Center, and Corridor Districts									Institutional and Campus Districts				Industrial Districts			Use-Specific Standards
		T/C	LL-R	RSF-1	RSF-2	RSF-3	RD	RD-MV	RM-1	RM-2	MU-1	MU-2	NAC	CAC	RAC	O-I	DAC	GC	MC	INS-GEN	INS-U/M	INS-ZOO	INS-T/U	LI	HI	EC	
Manufacturing uses	Manufacturing, assembly, or fabrication, light										P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Manufacturing, assembly, or fabrication, medium																		P					P	P	P	
	Manufacturing, assembly, or fabrication, heavy																								P		
Resource Extraction Uses	Mining																								S		
Waste-Related Uses	Composting facility																							S	P		
	Junk, salvage, scrap, or wrecking yard																							S	S		
	Recycling center																							S	S		Sec. 17-4.2(c)(5)a.1
	Refuse processing facility																							S	C		Sec. 17-4.2(c)(5)b.2
	Refuse disposal																								P		

NOTES:

[1] Whether a wireless communication facility is permitted, prohibited, or requires a Special Exception Permit in a particular zoning district depends on the type of tower and its height (see Sec. 17-4.2(c)(2)a.1, Wireless Communication Facilities (Cell Tower)).

(c) Standards for Specific Principal Uses

This Subsection sets forth and includes the standards for all principal uses for which a reference to this Subsection is provided in the "Standards for Specific Principal Uses" column of the principal use table in Sec. 17-4.2(b), Principal Use Table. The standards set forth in this Subsection for a specific principal use shall apply to the particular individual principal use, regardless of the review procedure by which it is approved, in the zoning districts indicated with a "C" or an "S" in Sec. 17-4.2(b), Principal Use Table, unless otherwise specified in this Ordinance.

(1) Residential Uses

a. Household Living Uses

1. Cottage Neighborhood Development

A cottage neighborhood development shall comply with the following standards.

(i) Minimum Development Size

(a) A cottage neighborhood development shall be located on a site having a minimum area of 0.5 acres.

(b) A cottage neighborhood development shall include at least four dwellings.

(ii) Maximum Development Density

The density of development in a cottage neighborhood shall not exceed the maximum density allowed in the zoning district in which it is located.

(iii) Dimensional Requirements for Individual Lots

Individual lots within a cottage neighborhood development shall comply with the standards in Table 17-4.2(c)(1)a.2: Dimensional Standards for Individual Lots in a Cottage Neighborhood Development.

TABLE 17-4.2(C)(1)A.2: DIMENSIONAL STANDARDS FOR INDIVIDUAL LOTS IN A COTTAGE NEIGHBORHOOD DEVELOPMENT		
STANDARD		**ALL USES**
Lot Area, min. (sf.)	Lot fronting street on the perimeter of the cottage neighborhood development	75 percent of the minimum lot area in the zoning district where the lot is located, as modified by any overlay district
	All other lots	N/A
Lot Coverage, max. (% of site area)		100
Lot Width, min. (ft.)		20
Front Yard Setback, min. (ft.)	From common open space	10
	From street	100 percent of the minimum front yard setback in the zoning district where the lot is located, as modified by any overlay district
Side Yard Setback, min. (ft.)		15 one side, 0 other side
Rear Yard Setback, min. (ft.)	Lot that includes a driveway	20
	All other lots	N/A
Building Height, max. (ft.)		24 feet or one and one-half stories, whichever is less

(iv) Minimum Percentage of Dwellings Fronting Open Space

At least 60 percent of the dwellings in a cottage neighborhood development shall front common open space.

(v) Common Open Space

(a) A cottage neighborhood development shall include common open space that comprises at least 30 percent of the total site. The common open space shall include a central green or lawn area fronting some or all of the dwellings, one or more shared surface off-street parking area(s) located away from the dwellings and common area, and a perimeter buffer area that incorporates landscaping materials, existing vegetation, or other features to buffer the cottage neighborhood development from adjacent development.

(b) The central green or lawn area shall include at least 375 square feet of area for each dwelling in the cottage neighborhood development.

(c) A common building located within the common open space area may be included as an accessory use, but in no instance shall the common building be larger than 1,500 square feet or serve as a permanent dwelling unit.

(d) Open space areas shall include improved pedestrian walkways that provide pedestrian access to each dwelling, shared parking areas, any common buildings, and the public sidewalk network.

(e) Ownership of the open space shall remain either with the developer or be conveyed to a homeowners' association or comparable legal entity under the laws of South Carolina.

(f) Maintenance of the land as permanent open space shall be ensured via the recordation of covenants or similar documents with the Register of Deeds and noted (or referenced) on the site plan or final plat. This documentation shall also prescribe the nature and extent of continuing maintenance to the open space designed to preclude the creation of any nuisances.

(vi) Transitional Buffer Yard

A cottage neighborhood development shall incorporate a Type B transitional buffer yard along all lot lines shared with existing single-family detached dwellings.

(vii) Internal Streets

Vehicular entryways into a cottage neighborhood development and internal streets serving the development shall be configured as private drives with a maximum pavement width of 22 feet.

(viii) Surface Parking

(a) A cottage neighborhood development shall include at least one shared parking area that accommodates resident or guest parking.

(b) Surface parking areas shall include at least one parking space for each dwelling unit plus one designated guest parking space for every four dwelling units.

(c) Provision of resident parking spaces within a shared parking area is not required in cases where resident parking is provided through individual driveways, garages, or by parking spaces along internal streets or alleys.

(d) A surface parking area shall not be located more than 300 linear feet from the dwelling it serves.

(e) A surface parking area shall be visible from at least one dwelling unit window in the development.

(ix) Detached Shared Garages

Detached garages serving more than one dwelling shall not exceed five car bays or include individual garage doors wider than 12 feet each.

(x) Storage Space

Each dwelling shall be provided with at least 40 square feet of covered storage space outside the heated floor area. Storage

space may be located on an individual lot or on common land adjacent to a common building.

(xi) Individual Lot Configuration

Development on individual lots within a cottage neighborhood development shall comply with the following standards.

(a) Dwelling Size

A dwelling shall be at least 600 gross square feet in size, but not more than 2,400 gross square feet in size, excluding garages.

(b) Dwelling Orientation

A dwelling that fronts an internal or perimeter street shall be oriented so that the front door of the dwelling faces the street.

(c) Front Porch

A dwelling shall incorporate a covered front porch having a minimum width of ten feet and a minimum depth of six feet between the front facade of the dwelling and the street.

(d) Windows

(a) The front facade shall incorporate a sufficient amount of windows to facilitate observation of the common area from within the dwelling.

(b) Windows on the side of the dwelling facing a side yard subject to a no-build easement held by an adjoining land owner shall remain opaque or be located above eye level to ensure privacy in the side yard of the abutting dwelling unit.

(c) A window placement on an exterior wall shall not be configured in a manner that allows direct sight into the interior of another dwelling located within 30 feet of the window.

(e) Street-Facing Garage

A street facing garage, if provided, shall be located at least ten feet behind the front facade plane of the dwelling, including porches, and shall include at least two of the following features:

(a) A garage door configured to appear as carriage house doors that open to the sides;

(b) Arbor or trellis with a minimum depth of three feet over the garage door;

(c) A roof overhang of at least two feet over garage door with columns, corbels, or another support structure;

(d) An arch or arches over the garage door;

(e) Window dormers or a shed dormer;

(f) An entry door with a minimum width of 30 inches;

(g) A garage door and door trim of natural wood or material configured to appear as unpainted wood;

(h) Windows within or above the garage door; or

(i) Eaves with exposed rafters, dentil moulding, or other detail appropriate to the architectural style of the structure.

(f) Fences

(a) Fences within front yards or side yards forward of the front facade plane shall not exceed 36 inches in height.

(b) Fences in rear yards or side yards behind the front facade plane shall not exceed 72 inches in height.

(c) In no instance shall a fence be placed within a no-build easement.

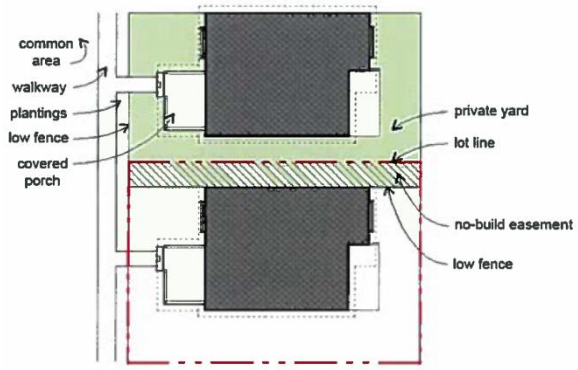
(g) Refuse Collection Containers

Each dwelling shall maintain individual refuse collection containers, which shall be screened from view and located to the side or rear of the dwelling.

(h) No-Build Easement

Any lot abutting another lot used for residential purposes in a cottage residential development shall include a no-build easement on one side that extends from the lot line to the exterior wall of the dwelling (see Figure 17-4.2(c)(1)a.2.xi(h)). The purpose for the use easement is to ensure that the adjoining property owner can use the entire side yard as private outdoor space.

Figure 17-4.2(c)(1)a.2.xi(h): No-Build Easement in Side Yard



(xii) Homeowner's Association

Each cottage neighborhood development shall include a homeowner's or property owner's association, or comparable legal entity under the laws of South Carolina, that maintains control of common areas and takes responsibility for maintenance of common features in the development, in the event the developer has transferred ownership of the common areas. Homeowner's association documents shall be submitted to and reviewed by the City prior to approval of a subdivision of land for a cottage neighborhood development.

2. Dwelling, Live-work

A live-work dwelling shall comply with the following standards:

(i) The residential portion of the building shall occupy over 50 percent of the gross floor area.

(ii) The nonresidential portion of the building shall comply with all applicable nonresidential building code requirements.

(iii) Employees shall be limited to occupants of the residential portion of the building plus up to two persons not residing in the residential portion.

(iv) Drive-through facilities are prohibited.

b. Group Living Uses

1. Continuing Care Retirement Community (CCRC)

A continuing care retirement community (CCRC) shall comply with the following standards:

(i) The number of nursing care beds shall not exceed 50 percent of the total number of permitted dwelling units.

(ii) The CCRC may include retail commercial uses as ancillary to the principal residential and healthcare uses.

(iii) A minimum of ten percent of the CCRC's land area shall be devoted to outdoor open space, indoor or outdoor recreation facilities, and indoor or outdoor social-oriented amenities, including community centers. Such areas shall be located so as to be safely and conveniently accessible to CCRC residents.

(iv) Each outdoor area intended for active recreation shall have a minimum area of 5,000 square feet and minimum dimension of 50 feet.

(v) Each of the major component parts of the CCRC shall comply with the standards applicable to the principal use most closely representing component part, i.e. nursing care facility standards for the skilled nursing services components, residential care facility standards for residential care component, and single-family, two-family, and/or multifamily dwelling standards, as appropriate, for the independent living component.

2. Private Dormitory

(i) Private dormitories shall comply with the following standards:

(a) Not be located within 600 feet of:

(a) A RSF-1, RSF-2, RSF-3, RD, RD-MV, MU-1, RM-2, or MU-2 district; or

(b) A Planned Development district where the majority of the dwelling units are detached single- or two-family dwellings.

(b) Have a maximum density of 150 bedrooms per acre; however the Board of Zoning Appeals may grant a Special Exception Permit in accordance with Sec. 17-2.5(e), Special Exception Permit, to exceed this density. The Board of Zoning Appeals shall not grant such a Special Exception Permit if the application does not include an operation and management plan that describes, at a minimum, the following:

(a) Uses and activities that will occur in conjunction with the dormitory use;

(b) Hours and operation of non-residential services;

(c) Security plan including provisions for common and parking areas;

(d) Noise control;

(e) Provisions for transportation including location for loading/unloading of shuttles or buses, if applicable;

(f) Location of entrances and exits;

(g) Location and management of parking for residents and visitors;

(h) Location of amenities and their relationship and compatibility with adjacent uses.

(c) There shall not be more than one person occupying a bedroom;

(d) A minimum of 75 percent of required bicycle parking in all districts shall be located in an enclosed and secured area.

(e) Sidewalks that are a minimum of five feet in width shall be provided along all streets;

(f) An on-site manager shall be on the premises 24 hours a day, seven days a week.

(g) Comply with any designated historic or design overlay district design guidelines.

(h) A private dormitory within the DAC or MC district shall not have more than 60 percent of the total number of dwelling units designed for occupancy by more than three unrelated adults.

(ii) A variance from any of the provisions of this section is prohibited;

(iii) Private dormitories are not allowed within Planned Development (PD) districts, except for parcels located within the Bull Street Planned Unit Development, which are subject only to sections (i)(a)(a), (i)(c), and (i)(f) above.

3. Residential Care Facility

If a residential care facility is proposed to be located in a new building or in an existing building that has not been used as a residential care facility within the previous 12 consecutive months, or if an expansion of an existing residential care facility is proposed, the residential care facility or expansion is only allowed as a special exception in accordance with Sec. 17-2.5(e), Special Exception Permit, and upon a finding that the following conditions have been met and made part of the special exception conditions of approval, in addition to the standards for special exceptions set forth in Sec. 17-2.5(e)(4), Special Exception Permit Decision Standards:

(i) Licensing

The owner, operator, or manager shall verify that proper DHEC licensing requirements will be met prior to start of operation.

(ii) Loitering Control Program

The owner, operator, or manager shall verify that a loitering control program will be enforced.

(iii) Neighborhood Communication Program

The owner, operator, or manager shall provide written verification they provided local contact information to the adjoining neighborhood associations or businesses for the documentation of any problems they may have with current business practices that impact adjacent neighborhoods or businesses.

(iv) Business Plan

The owner, operator, or manager shall provide a written business plan that describes, at a minimum, the following:

(a) Number of residents;

(b) Uses and activities that will occur in conjunction with the use;

(c) Security plan;

(d) Provisions for transportation of residents to and from the facility; and

(e) Staffing information.

4. Rooming House or Boardinghouse

A rooming house or boardinghouse shall comply with the following standards:

(i) Rooms for living and sleeping shall:

(a) Not include individual kitchen facilities; and

(b) Be accessed by a common room or hallway, and shall not have individual access to the outside (except for emergency exits).

(2) Public, Civic, and Institutional Uses

a. Communication Uses

1. Wireless Communication Facilities (Cell Tower)

(i) Purpose

The purpose of this section is to ensure that residents, public safety operations, and businesses in the City have reliable access to wireless telecommunications networks and state-of-the-art communications services while also ensuring that the placement of these facilities preserves the intrinsic aesthetic character of the community and is accomplished in accordance with the standards of this section, this Ordinance, and all other applicable provisions of the Code of Ordinances. Any person or company, including those holding franchises granted by the City, must comply with this section when erecting new wireless-communication facilities or adding on to existing facilities. This section applies to towers, and all other wireless communication facilities, and applies to facilities that are or will be located on the public streets, public property,

right-of-ways, or on private property. This Section is meant to be consistent with Section 704 of the Telecommunications Act of 1996, Section 6409(a) of the Spectrum Act, and the FCC's interpretations of those Acts.

(ii) Applicability

Any person or company, including those holding franchises granted by the City, must receive approval in accordance with this standards and procedures of this section and Article 2: Administration, before constructing a wireless communication facility (WCF), adding on to existing structures, or otherwise modifying an existing wireless tower or base station.

(iii) Staff Review

(a) Generally

(a) Prior to any construction, addition, or modification requiring "Zoning Administrator" review in accordance with Table 17-4.2(c)(2)a.1: Permissibility of and Bulk Requirements for Wireless Communication Facilities According to Support Structure, a Zoning Permit in accordance with Sec. 17-2.5(q), Zoning Permit, is required.

(b) The Zoning Administrator shall review and make decisions on zoning permit applications for antennas, collocations, certain WCFs, minor modifications to existing structures, and applications for carriers on wheels (COWs) not to last more than 120 days, in accordance with Table 17-4.2(c)(2)a.1: Permissibility of and Bulk Requirements for Wireless Communication Facilities According to Support Structure. Except for eligible facilities requests, which shall be approved by the Zoning Administrator in accordance with Sec. 17-4.2(c)(2)a.1(iii)(b), Eligible Facilities Request, the Zoning Administrator's decision shall be in accordance Sec. 17-4.2(c)(2)a.1(v), Standards for Approval by Zoning Administrator.

(c) If a special exception is required in accordance with Table 17-4.2(c)(2)a.1: Permissibility of and Bulk Requirements for Wireless Communication Facilities According to Support Structure, or if the Zoning Administrator determines that the character or size of proposed antennas, collocations, certain WCFs, or minor modifications should require further approval, the Zoning Administrator shall forward the application to the Board of Zoning Appeals. The Board of Zoning Appeals shall review and make a decision on the application in

accordance with Sec. 17-2.5(e), Special Exception Permit, and Sec. 17-4.2(c)(2)a.1(vi), Standards for Approval by Board of Zoning Appeals.

(b) Eligible Facilities Request

The Zoning Administrator shall approve any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station, in accordance with Sec. 17-2.5(q), Zoning Permit.

(a) For purposes of this Subsection, a "substantial change" is a modification that substantially changes the physical dimensions of a tower or base station and that meets any of the following criteria:

I. For towers outside of public rights-of-way, an increase in the height of the tower by more than 10 percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater. For those towers in the rights-of-way and for all base stations, an increase in the height of the tower or base station by more than 10 percent or 10 feet, whichever is greater;

II. For towers outside of public rights-of-way, a modification that protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater. For those towers in the rights-of-way and for all base stations, a modification that protrudes from the edge of the structure more than six feet;

III. A modification that involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;

IV. A modification that entails any excavation or deployment outside the current site of the tower or base station;

V. A modification that would defeat the existing concealment elements of the tower or base station; or

VI. A modification that does not comply with conditions associated with the prior approval of construction or modification of the tower or base station unless

the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds identified above.

(b) For purposes of evaluating whether a modification is a "substantial change," the changes in height resulting from a modification should be measured from the original support structure in cases where the deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act on February 22, 2012.

(c) If the Zoning Administrator determines that the application presents a substantial change or is otherwise not covered by Section 6409(a) of the Spectrum Act, the application shall be reviewed and decided as an application that is not an eligible facilities request in accordance with Sec. 17-4.2(c)(2)a.1(iii)(a), above.

(d) Notwithstanding the provisions of this section, the City may continue to enforce and condition approval on compliance with generally applicable building, structural, electrical, and other applicable safety codes, and with other laws codifying objective standards reasonably related to health and safety.

(iv) General Wireless Communication Facility (WCF) Standards

(a) WCFs may be located in accordance with, and built to a height outlined in Table 17-4.2(c)(2)a.1: Permissibility of and Bulk Requirements for Wireless Communication Facilities According to Support Structure, and any other applicable subsection.

TABLE 17-4.2(C)(2)A.1: PERMISSIBILITY OF BULK REQUIREMENT FOR WIRELESS COMMUNICATION FACILITIES ACCORDING TO SUPPORT STRUCTURE

Support Structure	Zoning Districts	Permitted/Type of Review	Maximum Height (in feet)	Minimum Setback from Residential Districts [1] (in feet)	Minimum Setback from Public ROW [2] (in feet)
1. New guy-wire communication	LL-R, RSF-1, RSF-2, RSF-3, RD, RD-MV, RM-1	Not permitted	N/A		

TABLE 17-4.2(C)(2)A.1: PERMISSIBILITY OF BULK REQUIREMENT FOR WIRELESS COMMUNICATION FACILITIES ACCORDING TO SUPPORT STRUCTURE

SUPPORT STRUCTURE	ZONING DISTRICTS	PERMITTED/TYPE OF REVIEW	MAXIMUM HEIGHT (IN FEET)	MINIMUM SETBACK FROM RESIDENTIAL DISTRICTS [1] (IN FEET)	MINIMUM SETBACK FROM PUBLIC ROW [2] (IN FEET)
tower or new lattice communication tower	MU-1, RM-2, MU-2				
	O-I, GC, RAC				
	DAC, MC, NAC, CAC				
	LI, HI, INS-GEN, INS-U/M, INS-ZOO, INS-T/U, EC	Zoning Administrator	225' [3]	500'	1' for every 1' of structure height
	OV-CC, OV-ID, OV-5P, OV-NMC, OV-HP	Not permitted	N/A		
2. New Monopole Communication Tower	LL-R, RSF-1, RSF-2, RSF-3, RD, RD-MV, RM-1	Not permitted	N/A		
	MU-1, RM-2, MU-2	Not permitted	N/A		
	O-I, GC, RAC	Special exception	180'	300'	50'
	DAC, MC, NAC, CAC	Zoning Administrator	225'	300'	0'
	LI, HI, INS-GEN, INS-U/M, INS-ZOO, INS-T/U, EC	Zoning Administrator	225'	300'	0'
	OV-CC, OV-ID, OV-5P, OV-NMC, OV-HP	Not permitted	N/A		
3. New LOW-PROFILE stealth wireless communication facility (aka cell tower)	LL-R, RSF-1, RSF-2, RSF-3, RD, RD-MV, RM-1	Special exception [4]	60'	District minimum yard setback [6]	District minimum yard setback [6]
	MU-1, RM-2, MU-2	Special exception [4]	80'		
	O-I, GC, RAC	Special exception [4]	100' [5]		
	DAC, MC, NAC, CAC				
	LI, HI, INS-GEN, INS-U/M, INS-ZOO, INS-T/U, EC				
	OV-CC, OV-ID, OV-5P, OV-NMC, OV-HP	As permitted above with staff review subject all requirements of this Section.			
4. New HIGH-PROFILE stealth wireless communication facility (aka cell tower)	LL-R, RSF-1, RSF-2, RSF-3, RD, RD-MV, RM-1	Not permitted	N/A		
	MU-1, RM-2, MU-2	Special exception [4]	180'	300'	District minimum yard setback [6]
	O-I, GC, RAC	Special exception [4]		150' [7]	
	DAC, MC, NAC, CAC			150'	
	LI, HI, INS-GEN, INS-U/M, INS-ZOO, INS-T/U, EC			150'	
	OV-CC, OV-ID, OV-5P, OV-NMC, OV-HP	As permitted above with staff review subject all requirements of this Section.			
5. Existing structure	LL-R, RSF-1, RSF-2, RSF-3, RD, RD-MV, RM-1	Zoning Administrator	Support structure	N/A	0'

TABLE 17-4.2(C)(2)A.1: PERMISSIBILITY OF BULK REQUIREMENT FOR WIRELESS COMMUNICATION FACILITIES ACCORDING TO SUPPORT STRUCTURE

Support Structure	Zoning Districts	Permitted/Type of Review	Maximum Height (in feet)	Minimum Setback from Residential Districts [1] (in feet)	Minimum Setback from Public ROW [2] (in feet)
< 40' high and increase or add height < 10'	MU-1, RM-2, MU-2	Zoning Administrator	< 10' above height of existing structure		
	O-I, GC, RAC	Zoning Administrator			
	DAC, MC, NAC, CAC				
	LI, HI, INS-GEN, INS-U/M, INS-ZOO, INS-T/U, EC				
	OV-CC, OV-ID, OV-5P, OV-NMC, OV-HP	As permitted above with staff review subject all requirements of this Section.			
6. Existing structure > 40' high and increase or add height < 10'	LL-R, RSF-1, RSF-2, RSF-3, RD, RD-MV, RM-1	Zoning Administrator	Support structure < 10' above height of existing structure	N/A	0'
	MU-1, RM-2, MU-2				
	O-I, GC, RAC	Zoning Administrator			
	DAC, MC, NAC, CAC				
	LI, HI, INS-GEN, INS-U/M, INS-ZOO, INS-T/U, EC				
	OV-CC, OV-ID, OV-5P, OV-NMC, OV-HP	As permitted above with staff review subject all requirements of this Section.			
7. Existing structure < 40' High and Increase or Add Height > 10' and < 20'	LL-R, RSF-1, RSF-2, RSF-3, RD, RD-MV, RM-1	Not permitted	N/A		
	MU-1, RM-2, MU-2	Zoning Administrator	Support structure < 20' above height of existing structure	N/A	0'
	O-I, GC, RAC	Zoning Administrator			
	DAC, MC, NAC, CAC				
	LI, HI, INS-GEN, INS-U/M, INS-ZOO, INS-T/U, EC				
	OV-CC, OV-ID, OV-5P, OV-NMC, OV-HP	As permitted above with staff review subject all requirements of this Section.			
8. Existing structure > 40' high and increase or add height > 10' and < 20'	LL-R, RSF-1, RSF-2, RSF-3, RD, RD-MV, RM-1	Zoning Administrator	Support structure < 20' above height of existing structure	N/A	0'
	MU-1, RM-2, MU-2	Zoning Administrator			
	O-I, GC, RAC	Zoning Administrator			
	DAC, MC, NAC, CAC				
	LI, HI, INS-GEN, INS-U/M, INS-ZOO, INS-T/U, EC				
	OV-CC, OV-ID, OV-5P, OV-NMC, OV-HP	As permitted above with staff review subject all requirements of this Section.			
9. Existing structure	LL-R, RSF-1, RSF-2, RSF-3, RD, RD-MV, RM-1	Not permitted	N/A		
	MU-1, RM-2, MU-2				

TABLE 17-4.2(C)(2)A.1: PERMISSIBILITY OF BULK REQUIREMENT FOR WIRELESS COMMUNICATION FACILITIES ACCORDING TO SUPPORT STRUCTURE

Support Structure	Zoning Districts	Permitted/Type of Review	Maximum Height (in feet)	Minimum Setback from Residential Districts [1] (in feet)	Minimum Setback from Public ROW [2] (in feet)
< 40' high and increase or add height > 20'	O-I, GC, RAC	Zoning Administrator	Support structure < 1 times the height of existing structure	N/A	0'
	DAC, MC, NAC, CAC				
	LI, HI, INS-GEN, INS-U/M, INS-ZOO, INS-T/U, EC				
	OV-CC, OV-ID, OV-5P, OV-NMC, OV-HP	As permitted above with staff review subject all requirements of this Section.			
10. Existing structure > 40' High and Increase or Add Height > 20'	LL-R, RSF-1, RSF-2, RSF-3, RD, RD-MV, RM-1	Not permitted	N/A		
	MU-1, RM-2, MU-2	Zoning Administrator	Support structure < 40' above height of existing structure	N/A	0'
	O-I, GC, RAC	Zoning Administrator			
	DAC, MC, NAC, CAC				
	LI, HI, INS-GEN, INS-U/M, INS-ZOO, INS-T/U, EC				
	OV-CC, OV-ID, OV-5P, OV-NMC, OV-HP	As permitted above with staff review subject all requirements of this Section.			

NOTES:
[1] Includes the LL-R, RSF-1, RSF-2, RSF-3, RD, RD-MV, RM-1, RM-2, MU-1, and MU-2 districts, PUDs that are principally residential, and property zoned similarly within Richland or Lexington Counties.
[2] A letter from a registered professional structural engineer may be required in accordance with Sec. 17-4.2(c)(2)a.1(iv)(i) below.
[3] A new guy-wire communication tower or new lattice communication tower having a height of between 225 feet and 300 feet may be only be approved as a special exception.
[4] Subject to Sec. 17-4.2(c)(2)a.1(vi)(e) below.
[5] Height may be increased by 30 feet only where the applicant demonstrates to the Board of Zoning Appeals that the additional height is necessary to accommodate the collocation and that the structure is designated and engineered to accommodate additional WCFs.
[6] See Article 3: Zoning Districts.
[7] A 300' minimum setback is required from the RSF-1, RSF-2, RSF-3, RD, RD-MV, and RM-1 districts.

(b) Where a new communication tower or a new stealth WCF would be "visible" from property listed within the National Register of Historic Places, the South Carolina State Historic Preservation Officer shall issue a letter stating that the design would have no adverse effect before the Zoning Administrator shall issue a Zoning Permit. Where a new communication tower or a new stealth WCF would be "visible" from property listed within a locally designated architectural conservation district, historic commercial

district, a local individual landmark, or landmark district, staff must review and approve the design of the structure. To determine whether or not a proposed WCF would be "visible" as the term is used above, a line of site six feet above grade from the property line of any property that would be within a 1,000-foot radius from the proposed WCF shall be applied. Stealth WCFs are considered visible in totality even though the associated wireless communication antenna and/or equipment building or cabinet may not be easily discernible.

(c) Eight-foot-high fencing shall be provided around any communication tower and associated equipment building or cabinet. Concertina wire, barbed wire, or other similar security devices are expressly prohibited unless the devices are screened entirely with year-round landscaping that achieves the required screening at the time the landscaping is installed.

(d) Around the base of any communication tower, outside the fencing, at least one row of evergreen shrubs forming a continuous hedge at least five feet in height shall be provided, with individual plantings spaced not more than five feet apart. Additional landscaping, including that associated with off-street parking, is to be provided as required by all other relevant provisions of this article.

(e) WCFs shall be illuminated only to the extent required by applicable State or federal law or regulation.

(f) No signage is permitted, except:

(a) As required by applicable State or federal law or regulation; or

(b) As required by standard industry practice for the purpose of identification, warning, emergency function or contact; and

(c) Stealth WCFs that serve as or provide a public amenity may have up to six square feet of signage.

(g) WCF and equipment that is no longer used for communication purposes shall be removed within 120 days of the date it is taken out of service.

(h) New communication towers shall be light gray, except as otherwise required by applicable State or federal law or regulation.

(i) A new communication tower, a new stealth communication WCF, or the support structure necessary to increase the height of an existing structure by more than 20 feet shall be

designed such that, in the event the WCF fails structurally, it would not fall within a public right of way. The Zoning Administrator shall not issue a Zoning Permit for the support structures listed within this subsection until such time the applicant provides a signed letter from a registered professional structural engineer certifying that the proposed WCF is designed to comply with the standards of this subsection.

(j) Any WCF permitted in the public right-of-way shall be relocated at the expense of the WCF's owner in the event relocation is required due to roadway or utility improvements.

(k) Nothing in this section abrogates the City's discretion to deny the use of City property or right-of-ways. The City, in its proprietary capacity, retains the discretion to reject or allow such use.

(l) Notwithstanding Article 7: Nonconformities, a WCF proposed upon an existing structure permitted in accordance with Table 17-4.2(c)(2)a.1 shall not be construed to expand or otherwise exacerbate an existing nonconformity.

(m) No variance to the requirements of this section shall be granted by Board of Zoning Appeals.

(n) An existing utility pole located in the right-of-way may be replaced with a new pole of substantially similar height and placement if it provides better structural support or furthers the specific design and/or esthetic efforts of the City.

(v) Standards for Approval by Zoning Administrator

The Zoning Administrator shall approve a proposed WCF on finding all of the following:

(a) The proposed WCF complies with the standards in Sec. 17-4.2(c)(2)a.1(iv), General Wireless Communication Facility (WCF) Standards; and

(b) The proposed WCF:

(a) Emulates an architectural or landscape feature typical of, or appropriate to, the surrounding area;

(b) Respects and, to the extent possible, compliments the style, height, bulk mass, material, and color of existing buildings, structures, vegetation, or uses within the surrounding area;

(c) Preserves existing vegetation;

(d) Preserves scenic view sheds;

(e) Respects existing topography, including minimizing the extent to which the proposed WCF would be a dominant feature upon a hill, crest, ridgeline or other topographical high point;

(f) Conceals conduit internally and streamlines antenna and equipment;

(g) Matches the color of the antenna and equipment with existing poles, buildings, and background; and

(h) Uses decorative metal or fiberglass supports consistent with the redevelopment or aesthetics effort of the area.

(vi) Standards for Approval by Board of Zoning Appeals

In addition to finding the proposed WCF complies with the standards in Sec. 17-2.5(e)(4), Special Exception Permit Decision Standards, the Board of Zoning Appeals shall approve a proposed WCF that requires a special exception upon finding it also complies with the following:

(a) The standards in Sec. 17-4.2(c)(2)a.1(iv), General Wireless Communication Facility (WCF) Standards; and

(b) The proposed WCF would not:

(a) Endanger the safety of residents, employees, or travelers;

(b) Likely result in structural failure;

(c) Be located where it would substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties; and

(d) Be located within 1,000 feet of another communication tower;

(c) The proposed user has attempted to co-locate upon existing WCFs;

(d) The proposed user will allow other users to co-locate upon the WCF in the future subject to the engineering capabilities of the structure; and

(e) If the proposed WCF is a stealth WCF or an existing WCF upon an existing structure identified in Table 17-4.2(c)(2)a.1 as being subject to this Subsection:

(a) The proposed WCF would emulate an architectural or landscape feature typical of, or appropriate to, the surrounding area;

(b) The proposed WCF would respect, and to the extent possible compliment, the style, height, bulk, mass, materials, and color of existing buildings, structures, vegetation or uses within the surrounding area;

(c) The proposed WCF would preserve existing vegetation;

(d) The proposed WCF would preserve scenic view sheds; and

(e) The proposed WCF would respect existing topography, including minimizing the extent to which the proposed WCF would be a dominant feature upon a hill, crest, ridgeline or other topographical high point.

b. Community Service Uses

1. Day Care Facility

Day care facilities shall comply with the following standards:

(i) Day Care facilities permitted as a principal use shall comply with the South Carolina Department of Social Services Regulations for the licensing of Child Care Centers.

(ii) Locate outdoor play equipment no closer than 20 feet to any residential lot line.

2. Place of Worship

The City Council may grant modifications of the standards applicable to a place of worship on finding that the modification is necessary to eliminate a substantial burden on religious practice, as guaranteed by the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000 (42 U.S.C. § 2000 et seq.). In doing so, the Council may impose conditions consistent with RLUIPA that will substantially secure the objectives of the modified standard and substantially mitigate any potential adverse impact on the environment or adjacent development.

c. Parks and Open Space

1. Park or Greenway

A park or greenway shall comply with the following standards:

(i) All structures and activity areas, including but not limited to outdoor amphitheaters, ball fields, basketball and tennis courts, swimming pools, play grounds, and parking or unloading areas, shall be located a minimum of 50 feet from any residential structure;

(ii) Height of all structures, including lights, shall not exceed the height limit of the zoning district in which the park or greenway is located; and

(iii) Service of food and beverages is permitted but shall be limited to service that is incidental to the primary activity of the facility.

d. Transportation Uses

1. Parking Lot (as a principal use)

(i) The parking of motor vehicles shall be the primary use of the parcel. Except as otherwise expressly provided in this Ordinance, no other business shall be conducted in the parking lot—including, but not limited to, repair, servicing, washing, or display of vehicles, storage of goods, or business conducted by temporary vendors.

(ii) Commercial parking lots shall not be located contiguous to the RSF-1, RSF-2, RSF-3, RD, RD-MV, or RM zoning district.

2. Parking Structure (as a principal use)

(i) The parking of motor vehicles shall be the primary use of the structure. Except as otherwise expressly provided in this Ordinance, no other business shall be conducted in the parking structure—including, but not limited to, repair, servicing, washing, or display of vehicles, or storage of goods.

(ii) In the CAC, RAC, DAC, and MC districts, parking structures shall have commercial or office ground floor uses.

e. Utility Uses

1. Solar Energy Conversion System (Large Scale)

A large scale solar energy conversion system shall comply with the following standards:

(i) The lot on which the system is located shall have an area of at least one acre.

(ii) Maximum lot coverage of the system and any associated equipment shall not exceed 65 percent.

(iii) Adequate access for maintenance of the system shall be provided.

(iv) The system shall not exceed a height of 20 feet.

(v) The system shall not create glare or shadows on adjacent land.

(vi) The property owner shall be responsible for establishing any solar easements from property owners in the vicinity.

(3) Commercial Uses

a. Animal Care Uses

1. Kennel

A kennel shall comply with the following standards:

(i) Areas in which animals are boarded shall be fully enclosed within a structure and sufficiently insulated so no unreasonable noise or odor can be detected off the premises. All boarded animals shall be kept within such a boarding area between the hours of 10:00 p.m. and 8:00 a.m.

(ii) Runs or areas for the training or periodic exercise of animals may be located outside, if they are located at least 35 feet from any lot line and screened from view from the street and from adjoining development.

(iii) Accessory uses may include retail sales and grooming services, as long as the accessory uses occupy no more than 25 percent of the total gross floor area.

(iv) All animal refuse shall be kept in airtight containers and disposed of on a regular basis.

(v) No crematory facilities are allowed.

2. Veterinary Hospital or Clinic

Veterinary hospitals and clinics shall comply with the following standards:

(i) Areas in which animals are boarded shall be fully enclosed within a structure and sufficiently insulated so no unreasonable noise or odor can be detected off the premises. All boarded animals shall be kept within such a boarding area between the hours of 10:00 p.m. and 8:00 a.m.;

(ii) Where the lot is adjacent to a residential zoning district or residential use, a side yard of not less than 30 feet and a rear yard of not less than 40 feet shall be provided;

(iii) Runs or areas for the training or periodic exercise of animals may be located outside, if they are located at least 35 feet from any lot line and screened from view from the street and from adjoining development;

(iv) All animal refuse shall be kept in airtight containers and disposed of on a regular basis.

b. Commercial Services Uses

1. Equipment Rental

In districts other than the GC, LI and HI districts, no merchandise or equipment shall be displayed or stored outside the store.

2. Self-Service Storage Facility

A self-service storage facility shall comply with the following standards.

(i) Multiple Buildings or Direct Exterior Access to Storage Units

(a) A self-service storage facility in the CAC, RAC, or MC district shall not include more than one building or provide direct access to individual storage units from the exterior of the building.

(ii) Additional Standards if Direct Exterior Access to Storage Units Provided

If the facility includes a building providing direct access to individual storage units from the exterior of the building, the following standards apply:

(a) The minimum lot area shall be one acre.

(b) If the facility includes multiple buildings, there shall be a minimum separation of ten feet between buildings.

(c) Any side of a building that has doorways providing direct access to a storage unit or area shall be set back from the property line not less than 25 feet.

(d) On-site driveways serving storage units designed to be accessed directly from the exterior of a building shall have the following minimum widths:

(a) All one-way driveways shall provide for one ten-foot parking lane and one 15-foot travel lane.

(b) All two-way driveways shall provide for one ten-foot parking lane and two 12-foot travel lanes.

(e) The one- or two-way traffic flow patterns in travel lanes and the location of parking lanes shall be designated, at a minimum, by painted lane markings, including arrows for travel lanes, and standard directional signage.

(f) Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aisleways.

(g) All accessways shall be paved with asphalt, concrete, or comparable paving materials.

(h) Doors on the exterior of a building providing direct access to individual storage units shall be oriented or screened so as to not be visible from adjacent streets.

(i) Perimeter or exterior walls visible from an arterial street or residential use shall not include metal as a primary material.

(iii) Operation

(a) The only commercial uses permitted on-site shall be the rental of storage units or areas and the pickup and deposit of

goods or property in dead storage. Storage units or areas shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.

(b) Open storage of recreational vehicles (RVs) and pleasure boats of the type customarily maintained by persons for their personal use is allowed within a self-service storage facility use provided that the following standards are met:

(a) The minimum lot area shall be one acre.

(b) The storage shall occur only within a clearly delineated and designated area located to the rear of the principal structure and screened so as to not be visible from adjacent streets.

(c) The storage shall not occur within a required yard.

(c) Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address.

(d) No more than one security or caretaker quarters may be developed on the site.

(e) Except as otherwise authorized in this subsection, all property stored on the site shall be enclosed entirely within enclosed buildings.

(f) Hours of public access to a self-service storage facility abutting a residential zoning district or residential use shall be restricted to the hours between 6:00 A.M. and 10:00 P.M.

c. Eating and Drinking Establishment Uses

1. Eating Establishment Only

An eating establishment that does not serve alcohol on the premises shall comply with the following standards:

(i) Size

In the NAC District, establishments under 5,000 square feet are allowed as a permitted use, and establishments in excess of 5,000 square feet may be allowed as a special exception.

2. Eating and Drinking Establishment, Type 1

A Type 1 eating and drinking establishment shall comply with the following standards:

(i) Location

If alcohol is sold on the premises, the establishment shall be located at least the minimum distance established in state law from any place of worship, school, or playground.

(ii) Size

In the NAC District, establishments under 5,000 square feet are allowed as a permitted use, and establishments in excess of 5,000 square feet may be allowed as a special exception.

(iii) Hours of Operation

The establishment shall operate no later than 12:00 AM.

(iv) On-site Brewing

A Type 1 eating and drinking establishment that produces ales, beers, meads, and similar beverages for sale on the premises shall comply with the following standards.

(a) The establishment shall produce no more than 15,000 barrels or 475,000 gallons per year of ales, beers, meads, and similar beverages.

(b) The minimum area of the eating, drinking, and entertainment area of the establishment shall be 45 percent of the total square footage of the establishment, or 1,500 square feet, whichever is greater.

(c) Outdoor storage is prohibited. This prohibition includes the use of portable storage units, cargo containers, and tractor trailers.

(d) Access and loading areas facing any street, adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies, and finished products into and out of the building.

(e) Crushing and fermentation operations shall be managed in such a way that byproducts are contained and disposed of in a way that does not result in spill-over impacts on adjacent property, public spaces, or public rights-of-way.

3. Eating and Drinking Establishment, Type 2

A Type 2 eating and drinking establishment shall comply with the following standards:

(i) Location

If alcohol is sold on the premises, the establishment shall be located at least the minimum distance established in state law from any place of worship, school, or playground.

(ii) Special Exception

If a Type 2 eating and drinking establishment is proposed to be located in a new building or in an existing building that has not been used as a Type 2 eating and drinking establishment within the previous 12 consecutive months, or if an expansion of an existing Type 2 eating and drinking establishment is proposed, the Type 2 eating and drinking establishment shall only be permitted as a special exception in accordance with Sec. 17-2.5(e), Special Exception Permit. In addition to the requirements for the special exception, the applicant shall provide the following information and the Board shall make it a part of the conditions of approval of the special exception permit:

(a) Days and hours of operation

(b) Staffing schedule

(c) Menu and hours of food service

(d) Parking for customers and employees

(e) Type of entertainment and duration

(f) Seating Plan, drawn to scale that demonstrates proposed occupancy and seating layout.

(iii) Administrative Review for Existing Business at Time of Adoption

Any Type 2 eating and drinking establishment that was in operation prior to August 30, 2021 is permitted to continue operation as originally permitted until such time there is a change of ownership that requires zoning compliance review of the business license for the same use. Upon application for the change of ownership for the same use, the applicant shall provide the information required in part 2 (ii) of this section to the Zoning Administrator prior to any business license approvals.

(iv) On-site Brewing

A Type 2 eating and drinking establishment that produces ales, beers, meads, and similar beverages for sale on the premises shall comply with the following standards.

(a) The establishment shall produce no more than 15,000 barrels or 475,000 gallons per year of ales, beers, meads, and similar beverages.

(b) The minimum area of the eating, drinking, and entertainment area of the establishment shall be 45 percent of the total square footage of the establishment, or 1,500 square feet, whichever is greater.

(c) Outdoor storage is prohibited. This prohibition includes the use of portable storage units, cargo containers, and tractor trailers.

(d) Access and loading areas facing any street, adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies, and finished products into and out of the building.

(e) Crushing and fermentation operations shall be managed in such a way that byproducts are contained and disposed of in a way that does not result in spill-over impacts on adjacent property, public spaces, or public rights-of-way.

d. Personal Services Uses

1. Body Piercing or Tattoo Establishment

A body piercing or tattoo establishment shall be located at least 100 feet from Residential zoning districts, and at least 1,000 feet from any other body piercing or tattoo establishment.

2. Dry Cleaning Pick Up

Any on-site cleaning shall:

(i) Be limited to work brought in over the counter or by normal customer service delivery truck; and

(ii) Be housed within an enclosed building.

3. Non-depository Personal Credit Institution

(i) Non-depository personal credit institutions (payday loan and/or title loan establishments) shall comply with the following standards:

(a) A non-depository personal credit institution shall be at least 3,000 feet from any lot containing another non-depository personal credit institution.

(b) A non-depository personal credit institution shall be located in a building with at least 12,000 square feet of gross floor area.

(ii) A variance from any of the provisions of this section, and the provisions of this subsection is prohibited.

4. Recreation Facility, Indoor, Not Elsewhere Listed

(i) Health clubs or gyms that incorporate outdoor fitness and/or permit the dropping or slamming of weights shall be prohibited within 150 feet of residential zoning districts.

5. Sexually-Oriented Businesses

(i) Purpose

The purpose of this section is to regulate sexually-oriented businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually-oriented businesses. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually-oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.

(ii) Findings and Rationale

(a) The findings in Sec. 17-4.2(c)(3)d.5(ii)(b) below are based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, including the following, and on findings, interpretations, and narrowing constructions incorporated in the following:

(a) The cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and,

(b) The cases of *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *D.G. Restaurant, Inc. v. City of Myrtle Beach*, 953 F.2d 140 (4th Cir. 1991); *Giovani Carandola, Ltd. v. Fox*, 470 F.3d 1074 (4th Cir. 2006); *Independence News, Inc. v. City of Charlotte*, 568 F.3d 148 (4th Cir. 2009); *Steakhouse, Inc. v. City of Raleigh*, 166 F.3d 634 (4th Cir. 1999); *Hart Bookstores, Inc. v. Edmisten*, 612

F.2d 821 (4th Cir. 1979); *Wall Distributors, Inc. v. City of Newport News*, 782 F.2d 1165 (4th Cir. 1986); *Restaurant Row Associates v. Horry County*, 516 S.E.2d 442 (1999); *Condor, Inc. v. Board of Zoning Appeals*, 493 S.E.2d 342 (1997); *Rothschild v. Richland County Bd. of Adjustment*, 420 S.E.2d 853 (1992); *Centaur, Inc. v. Richland County*, 392 S.E.2d 165 (1990); and

(c) The cases of *Ocello v. Koster*, 354 S.W.3d 187, 2011 WL 5547027 (Mo. Nov. 15, 2011); *84 Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May

26, 2005); *Hart Book Stores, Inc. v. Edmisten*, 612 F.2d 821 (4th Cir. 1979); and

(d) Reports concerning secondary effects occurring in and around sexually-oriented businesses, including, but not limited to, Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983, 1997; Phoenix, Arizona - 1979, 1995-98; Tucson, Arizona - 1990; Chattanooga, Tennessee - 1999-2003; Los Angeles, California - 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Littleton, Colorado - 2004; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Ft. Worth, Texas - 2004; Kennedale, Texas - 2005; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; Jackson County, Missouri - 2008; Louisville, Kentucky - 2004; New York, New York Times Square - 1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually-oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas - 2007; "Rural Hotspots: The Case of Adult Businesses," 19 Criminal Justice Policy Review 153 (2008); and "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," Journal of Urban Health (2011).

(b) The City Council finds:

(a) Sexually-oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.

(b) Sexually-oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually-oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually-oriented businesses in one area.

(c) Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial

government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the City's rationale for this division, exists independent of any comparative analysis between sexually-oriented and non-sexually-oriented businesses. Additionally, the city's interest in regulating sexually-oriented businesses extends to preventing future secondary effects of either current or future sexually-oriented businesses that may locate in the City. The City finds that the cases and documentation relied on in these regulations are reasonably believed to be relevant to secondary effects.

(c) The City hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually-oriented businesses, including the judicial opinions and reports related to such secondary effects.

(iii) Location

(a) A variance from any of the provisions of this section is prohibited. A special exception regarding any of the requirements of this section is prohibited.

(b) A person commits a misdemeanor if that person operates or causes to be operated a sexually-oriented business outside of a designated LI or HI district. A sexually-oriented business shall be located within an LI or HI district; however no sexually-oriented business shall be permitted to operate within an LI or HI district that includes any of the following zoning districts:

(a) The OV-CC district;

(b) The OV-5P district;

(c) The OV-ID district;

(d) The OV-HP district;

(e) The OV-NMC district; and

(f) Any PD district.

(c) A person commits a misdemeanor if that person operates or causes to be operated a sexually-oriented business within 900 feet of:

(a) A place of worship;

(b) A boundary of any residential district;

(c) Any outdoor recreational facility at which minors are likely to congregate;

(d) A lot devoted to residential use;

(e) A day care facility; or

(f) A cemetery.

(d) A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually-oriented business within 1,250 feet of a public or private elementary or secondary school.

(e) A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually-oriented business within 1,000 feet of another sexually-oriented business.

(f) A person commits a misdemeanor if that person causes or permits the operation, establishment or maintenance of more than one sexually-oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually-oriented business in any building, structure, or portion thereof containing another sexually-oriented business.

(g) For purposes of subsections (c) and (d) above, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure where a sexually-oriented business is conducted, to the nearest boundary of a residential district, or to the nearest property line of the premises of a place of worship, day care facility, cemetery, or outdoor recreational facility at which minors are likely to congregate, a lot devoted to a residential use, or a public or private elementary or secondary school.

(h) For purposes of subsection (e) above, the distance between any two sexually-oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(i) A sexually-oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually-oriented business license, of a land use within the distances set forth in subsection (c), (d), or (e) above. This provision

applies only to the renewal of a valid license, and does not apply when a completed application for a license is filed after a license has expired or has been revoked.

(iv) Adult Motels

(a) Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this section.

(b) For purposes of subsection 4.(a) above, the term "rent" means the act of permitting a room to be occupied for any form of consideration.

e. Retail Sales Uses

1. General

All use types in the Retail Sales Uses category shall comply with the following standards:

(i) In the NAC district, a retail sales use occupying more than 10,000 square feet may be permitted as a special exception, in accordance with Sec. 17-2.5(e), Special Exception Permit.

(ii) In the MC and DAC districts, any single freestanding retail sales use shall not occupy a building footprint greater than 30,000 square feet in gross floor area.

2. Convenience Store

(i) The standards in Sec. 17-4.2(c)(3)e, Retail Sales Uses, apply to convenience stores.

(ii) If a convenience store is proposed to be located in a new building or in an existing building that has not been used as a convenience store within the previous 12 consecutive months, or if a building expansion of an existing convenience store is proposed, the convenience store or expansion is only allowed as a special exception in accordance with Sec. 17-2.5(e), Special Exception Permit, and upon a finding that the following conditions have been met and made part of the special exception conditions of approval, in addition to the standards for special exceptions set forth in Sec. 17-2.5(e)(4), Special Exception Permit Decision Standards:

(a) Loitering Control Program

The owner, operator, manager, or local representative of the parent company which operates the convenience store verifies that a loitering control program will be enforced.

(b) Litter Control Program

At least two trash receptacles are provided onsite for customer use and written verification is provided that the owner, operator, manager, or a local representative of the parent company will conduct, at a minimum, daily onsite litter pickup as well as litter pick-up along sidewalks adjacent to the site.

(c) Sign Pledge Program

The owner, operator, manager, or a local representative of the parent company provides written verification they will comply with the standards in Sec. 17-5.10, Signs.

(d) Crime Prevention and Awareness Program

The owner, operator, manager, or a local representative of the parent company provides written verification they have contacted the City of Columbia Police Department regarding participation in a crime prevention/awareness program.

(e) Neighborhood Communication Program

The owner, operator, manager, or a local representative of the parent company has provided written verification they will provide local contact information to the adjoining neighborhood associations or business for the documentation of any problems they may have with current business practices that impact adjacent neighborhoods or businesses.

3. Smoke or Vape Shop

(i) All smoke or vape shops wishing to operate within the zoning districts NAC, CAC, RAC, DAC, GC, MC, and LI must meet the following conditions:

(a) Smoke or vape shops shall not be located within 1,000 feet from a public or private K-12 school, child day care facility, youth center, recreational facility, park, church or religious institution, or community center.

(b) Smoke or vape shops shall not be located within 1,000 feet from another smoke or vape shop.

f. Vehicle Sales and Services Uses

1. Commercial Vehicle Sales and Rentals and Personal Vehicle Sales and Rentals

(i) Except for personal vehicle rentals, in the DAC and MC zoning districts, no merchandise or equipment shall be displayed or stored outside the store.

(ii) No vehicles or other similar items shall be displayed on the top of a building.

(iii) No materials for sale or rent other than vehicles shall be displayed between the principal structure and the adjoining street.

2. Gasoline Sales and Service Station

A gasoline sales and service station shall comply with the following standards:

(i) Gasoline pumps, canopies, and associated service areas are prohibited in any established front yard in the NAC, CAC, and RAC districts.

(ii) If located on a corner lot, the lot shall have an area of at least 30,000 square feet and a frontage of at least 200 feet on each street side. In all other cases, the lot shall have an area of at least 15,000 square feet and a lot width of at least 150 feet.

3. Personal Vehicle Repair and Maintenance

A personal vehicle repair and maintenance establishment shall comply with the following standards:

(i) Must provide adequate screening, to include a privacy fence or wall, if adjacent to a residential zoning district.

(ii) All sales and installation operations shall be conducted in an enclosed building with no outdoor storage.

(iii) Service activity on any motor vehicle shall be completed within a 14 day period and the vehicle shall not be stored on the site for longer than this same period.

(iv) The demolition or junking of motor vehicles is prohibited.

(v) Vehicles shall not be parked or stored as a source of parts or for the purpose of sale or lease/rent.

(vi) Wrecked or inoperative vehicles shall not be stored on the site without valid work or repairs orders.

(vii) A safety curb shall be installed around the perimeter of all paved areas.

(viii) The operation of the site (e.g., parking, vehicle queuing) shall not block the sidewalk, street, or any portion of the public right-of-way, or impede a pedestrian or bicycle pathway.

4. Vehicle Paint and Finishing Shop

The storage of paint and vehicles on-site shall be completely screened from the view of pedestrians and motorists in the right-of-way by a wooden fence or masonry wall.

5. Vehicle Towing and Wrecker Service

Vehicle storage areas for vehicle towing and wrecker service shall comply with the following standards:

(i) A vehicle storage area shall not be located closer than 500 feet from any residential district, school, or day care facility.

(ii) The number of vehicles stored on-site shall be limited to 20 vehicles.

(iii) Vehicles shall not be stored for more than 90 days.

(iv) Vehicles shall be stored to the rear of the principal structure, behind a wooden fence or masonry wall that is at least 8 feet in height.

(4) Agricultural Uses

a. Agriculture and Forestry Uses

1. Community Garden

Community gardens shall comply with the following standards:

(i) Accessory buildings shall be limited to sheds for the storage of tools, greenhouses, and seasonal farm stands. The combined area of all buildings and other structures, excluding greenhouses, shall not exceed 15 percent of the area of the parcel. Greenhouses may not exceed 75 percent of the area of the parcel.

(ii) Areas used for communal composting shall be limited to 20 percent of the area of the parcel.

(iii) Perimeter fences, including trellises, are allowed in community gardens, subject to the standards in Sec. 17-5.8, Fences and Walls.

(iv) Before issuance of a permit for a community garden, it shall have an established set of operating rules addressing the governance structure of the garden, hours of operation, assignment of garden plots, and maintenance and security requirements and responsibilities.

(5) Industrial Uses

a. Waste-Related Uses

1. Recycling Center

A recycling center shall comply with the following standards:

(i) Stocks and supplies shall be either stored inside enclosed buildings or screened by solid walls, opaque fences, dense evergreen shrubbery or the like, so that they are not visible from any public street or from the ground level of adjacent property used for residential or office purposes.

(ii) Any required front yard shall not be used for storage.

(iii) The side yard setback for storage areas and buildings adjacent to residential or office uses shall be at least 25 feet.

(iv) Adequate ingress and egress shall be provided.

(v) Adequate off-street parking and storage shall be provided to accommodate vehicles serving or being served by the recycling center.

2. Refuse Processing Facility

A refuse processing facility shall comply with the following standards:

(i) All separation and processing operations, including storage of solid waste, shall be confined to the interior of a wholly enclosed building.

(ii) The facility shall have all applicable State permits approved.

(iii) Processing of solid waste must begin within 24 hours of it reaching the site.

Sec. 17-4.3 Accessory Uses and Structures

(a) General

(1) Purpose and Intent

The purpose of this section is to authorize the establishment and continuation of accessory uses and structures, which are land uses and structures that are incidental and customarily subordinate to principal uses. This section is intended to allow a broad range of accessory uses and structures, so long as they comply with the standards set forth in this section to reduce potentially adverse impacts on surrounding lands.

(2) Organization of this Section

The table in Sec. 17-4.3(b), Accessory Use/Structure Table, identifies the zoning districts in which specific accessory uses and structures are allowed. Sec. 17-4.3(c), General Standards for All Accessory Uses and Structures, sets out general standards applicable to all accessory uses and structures. Sec. 17-4.3(d), Standards for Specific Accessory Uses and Structures, sets out any special standards applicable to particular accessory uses and structures.

(b) Accessory Use/Structure Table

(1) Organization of Accessory Uses and Structures

The Accessory Use/Structure Table in this subsection lists accessory uses and structures alphabetically.

(2) Abbreviations in Use Table Cells

a. Permitted Uses and Structures

A "C" in a cell of the accessory use/structure table indicates that the use or structure is allowed as an accessory use or structure in the corresponding base zoning district on the condition that it complies with the use-specific standards as referenced in the final column of the table. Permitted accessory uses and structures are subject to all other applicable regulations of this Ordinance, including but not limited to those set forth in Article 3: Zoning Districts, Article 5: Development Standards, and Article 6: Land Development (Subdivision) Standards. References refer to 17-4.3(d), Standards for Specific Accessory Uses and Structures. These standards shall apply to a particular use or structure regardless of the base zoning district where it is proposed, unless otherwise specified.

b. Special Exception Uses and Structures

An "S" in a cell of the accessory use/structure table indicates that the use or structure is allowed in the corresponding base zoning district as an accessory use or structure only upon approval of a Special Exception Permit in accordance with Sec. 17-2.5(e), Special Exception Permit, and any use-specific standards referenced in the final column of the table. Accessory uses

and structures subject to a Special Exception Permit are subject to all other applicable regulations of this Ordinance, including, but not limited to, those set forth in Article 3: Zoning Districts, Article 5: Development Standards, and Article 6: Land Development (Subdivision) Standards.

c. Prohibited Uses and Structures

A blank cell in an accessory use/structure table indicates that the use or structure is prohibited in the corresponding zoning district.

(3) Unlisted Uses

The Zoning Administrator shall evaluate potential accessory uses or structures that are not identified in Sec. 17-4.3(b), Accessory Use/Structure Table, on a case-by-case basis, as an Interpretation (see Sec. 17-2.5(w), Interpretation – Zoning). In making the interpretation, the Zoning Administrator shall consider the following:

a. Accessory uses identified in Sec. 17-9.3(a), Principal Use Classification System;

b. The definition of "accessory use" (see Sec. 17-9.4, Definitions), and the general accessory use standards established in Sec. 17-4.3(c), General Standards for All Accessory Uses and Structures;

c. The additional regulations for specific accessory uses established in Sec. 17-4.3(d), Standards for Specific Accessory Uses and Structures;

d. The purpose and intent of the zoning district in which the accessory use or structure is located (see Article 3: Zoning Districts);

e. Any potential adverse impacts the accessory use or structure may have on other lands in the area, compared with other accessory uses permitted in the zoning district; and

f. The compatibility of the accessory use or structure, including the structure in which it is housed, with other principal and accessory uses permitted in the zoning district.

(4) Accessory Use/Structure Table for Base Zoning Districts

TABLE 17-4.3(B)(5): ACCESSORY USE/STRUCTURE TABLE FOR BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT S = ALLOWED AS SPECIAL EXCEPTION BLANK CELL = PROHIBITED

Accessory Use/Structure	Residential Districts									Mixed-Use, Activity Center, and Corridor Districts									Institutional and Campus				Industrial Districts			Use-Specific Standards
	T/C	LL-R	RSF-1	RSF-2	RSF-3	RD	RD-MV	RM-1	RM-2	MU-1	MU-2	NAC	CAC	RAC	OI	DAC	GC	MC	INS-GEN	INS-U/M	INS-ZOO	INS-T/U	LI	HI	EC	
Accessory dwelling unit	C	C	C	C	C	C	C	C	C	C	C															Sec. 17-4.3(d)(1)
Automated teller machine (ATM)		C								C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 17-4.3(d)(2)
Community garden	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 17-4.3(d)(3)
Drive-through facility – Personal Service/Retail Sales											C	C	C	C	C	C	C									Sec. 17-4.3(d)(4)
Drive-through facility – Other											S			S	C		C				C	C	C	C	C	Sec. 17-4.3(d)(4)
Family child care home (as accessory to a single-family dwelling)			C	C	C	C	C	C	C	C																Sec. 17-4.3(d)(5)
Home occupation	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C					C	Sec. 17-4.3(d)(6)
Outdoor display of merchandise (as accessory to a retail sales use or wholesale sales)								C	C	C	C	C	C	C	C	C	C	C			C		C	C	C	Sec. 17-4.3(d)(7)
Solar energy conversion system (small-scale)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 17-4.3(d)(8)
Storage, outdoor	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 17-4.3(d)(9)
Swimming pool	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 17-4.3(d)(10)

(c) General Standards for All Accessory Uses and Structures

All accessory uses and accessory structures shall:

(1) Directly serve the principal use or structure;

(2) Be customarily accessory and clearly incidental and subordinate to the principal use and structure;

(3) Be subordinate in area, extent, and purpose to the principal use or structure;

(4) Be owned or operated by the same person as the principal use or structure;

(5) Be located on the same lot as the principal use or structure;

(6) Together with the principal use or structure, not violate any standards of this Ordinance;

(7) Not be erected closer than three feet to any side or rear property line;

(8) Not be erected within five feet of any main building unless proposed structure open on all sides;

(9) Not be erected within a required front yard;

(10) Not be constructed or established prior to the time the principal use or structure is constructed or established; and

(11) Not constitute a combination use, which is the combination of two principal uses (combination uses will not meet the above standards in terms of being subordinate or providing service to the principal use).

(d) Standards for Specific Accessory Uses and Structures

The standards set forth in this subsection for a specific accessory use or structure shall apply to the particular individual accessory use or structure, regardless of the zoning district in which it is located or the review procedure by which it is approved, unless otherwise specified in this Ordinance. This subsection is intended to set forth and consolidate the standards for all accessory uses or structures for which a reference to this subsection is provided in the "Standards for Specific Accessory Uses and Structures" column of the accessory use/structure table in Sec. 17-4.3(b), Accessory Use/Structure Table. These standards may be modified by other applicable standards or requirements in this Ordinance.

(1) Accessory Dwelling Unit

An accessory dwelling unit is allowed only as accessory to, and on the same lot as, a single-family detached dwelling unit, subject to the following standards:

a. There shall be no more than one accessory dwelling unit on a lot.

b. Either the principal dwelling unit or the accessory dwelling unit must be the permanent, full-time residence of the owner of the lot.

c. An accessory dwelling unit may be within or attached to the principal structure (e.g., a downstairs or upstairs apartment), or exist within or as a detached structure (e.g., an apartment above a detached garage or a guesthouse).

1. If attached, the accessory dwelling unit must be attached to the principal structure and have an operative interconnecting door with the principal structure.

2. If detached:

(i) A distance of at least ten feet shall separate the accessory dwelling unit from the principal structure; and

(ii) The accessory dwelling unit must be located in the same base zoning district as the principal structure.

d. A manufactured home or recreational vehicle, travel trailer, camper, or similar vehicle shall not be used as an accessory dwelling unit.

e. The floor area of an accessory dwelling unit shall be no more than the lesser of 1,000 square feet or 50 percent of the floor area of the principal dwelling unit (excluding carports, garages, and unfinished basements).

f. An accessory dwelling unit shall:

1. Have the same street address and mailbox as the principal dwelling

2. Not be subdivided or otherwise segregated in ownership from the principal single-family dwelling unit.

3. Use the same water, sanitary sewer, gas, and electric utilities as the principal dwelling.

4. Use the same driveway as the principal dwelling, unless it is accessed from a right-of-way not used by the principal use (e.g., a rear alley or separate street access on a corner or through lot).

5. Maintain the architectural design, style, appearance and character of the principal dwelling by incorporating design elements of the principal residence like compatible materials, similar façade treatment, colors, window style/treatment and roof design and pitch.

g. Only one kitchen is allowed per accessory dwelling unit.

h. At least one off-street parking space shall be provided in addition to those required for the primary dwelling.

i. An accessory dwelling unit shall not be leased or rented for tenancies of less than 30 days.

j. Accessory dwelling units shall not count toward the maximum density standards.

k. Home occupations are not allowed in accessory dwelling units.

(2) Automated Teller Machine (ATM)

a. An ATM designed for walk-up use and located in the exterior wall of a building or within a parking area shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and building entrances, or vehicular movement in front of buildings or through parking areas.

b. If an ATM is designed for use by customers in their vehicles, it shall comply with the accessory use standards (including zones where permitted) in Sec. 17-4.3(d)(4), Drive-through Facility.

(3) Community Garden

A community garden as an accessory use shall comply with the standards in Sec. 17-4.2(c)(4)a.1, Community Garden.

(4) Drive-through Facility

A drive-through facility shall comply with the following standards:

a. Canopies or other features installed over a drive through window shall maintain common roof lines and materials with the principal structure.

b. Vehicular access to drive-through windows or service areas shall be provided from an arterial or collector street.

c. The driveway providing access to the drive-through facility shall be at least 25 feet from any other driveway.

d. Internal traffic circulation patterns on the site shall not cause vehicles to impede vehicular movement external to the site or block access to any required parking spaces located on the site.

e. Drive-through facilities shall not be located on the front façade of the building they serve.

f. Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.

g. No portion of a drive-through facility shall be located within 50 feet of a Residential zoning district or a lot containing a residential use.

(5) Family Child Care Home (as accessory to single-family dwelling)

A family child care home is permitted as an accessory use to a single-family dwelling, , provided the family child care home shall:

a. Not provide care for more than six children;

b. Be licensed by the State as a Licensed Family Child Care Home;

c. Comply with standards in Sec. 17-4.3(d)(6), Home Occupation;

d. Designate an area adjacent to the family child care home and outside the public right-of-way for the loading and unloading of children using the facility, arranged so that children do not have to cross vehicular travel ways to enter and exit the day care facility;

e. Include a fenced outdoor play area of not less than 500 square feet that is:

1. Located to the side or rear of buildings;

2. Completely enclosed by a fence that is at least four feet in height;

3. Safely segregated from parking, loading, or service areas; and

4. Not operated for outdoor play activities after 8:00 P.M.;

f. Screen any outdoor play areas adjacent to a residential lot line by a six-foot solid fence or wall; and

g. Locate outdoor play equipment not closer than 20 feet from any residential lot line.

(6) Home Occupation

Home occupations are permitted as an accessory use to a dwelling unit, subject to the following standards:

a. Beauty salons and barbershops as home occupations require a Special Exception Permit, in accordance with Sec. 17-2.5(e), Special Exception Permit.

b. The principal person conducting the home occupation shall be a full-time resident of the dwelling unit, and the occupation shall employ not more than two people on the premises who are not full-time residents of the dwelling unit.

c. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

d. Not more than 25 percent of the floor area of the dwelling unit or 1,000 square feet, whichever is less, shall be used in the conduct of the home occupation.

e. There shall be no sign or change in the residential character or external appearance of the dwelling unit, its associated structures, or its principal residential use.

f. The home occupation shall be conducted entirely within the principal structure or within a fully enclosed, lawfully approved structure which is accessory to the residential use, provided:

1. A home occupation is not allowed in an accessory dwelling unit;

2. Any portion of an accessory structure that is used to provide a required parking space shall not be used for a home occupation; and

3. Where a lot is nonconforming as to the number of required parking spaces, an accessory structure or a portion thereof, shall not be used as a home occupation where that accessory structure or portion thereof, could be used to provide the required number of parking spaces.

g. Goods shall not be offered for purchase on the premises, except those goods incidental to the provision of a service in connection with the home occupation (e.g., a hairdresser may sell shampoo).

h. Any vehicle used to conduct the home occupation shall be of a size that does not disrupt the quiet nature and visual quality of the neighborhood. A maximum of two vehicles used to conduct the home occupation may be stored on the premises or on a public street within 1,200 feet of the premises. Any need for additional parking generated by the conduct of the home occupation shall be met off the street and other than in a required

front yard, in accordance with Sec. 17-5.2, Off-Street Parking, Bicycle Parking.

i. The home occupation shall not involve significantly greater volumes or frequencies of deliveries or shipments, vehicular traffic, or pedestrian traffic than normally expected in a residential neighborhood.

j. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical or communications interference, including visual or audible interference with radio or television reception, that can be detected by the normal senses off the lot if the occupation is conducted in a single-family detached residence, or outside the dwelling unit if conducted in other than a single-family detached residence.

k. No outdoor storage or display of goods shall be allowed in connection with any home occupation.

l. The manufacture, maintenance, or repair of any type of motorized vehicle shall not be permitted as a home occupation.

(7) Outdoor Display of Merchandise (as accessory to a retail sales use or wholesale sales)

Outdoor display of merchandise is allowed as an accessory use to any retail sales use, commercial services use, or wholesale sales use that is conducted within a building located on the same lot, subject to the following standards:

a. Merchandise displayed shall be limited to that sold or rented by the principal use;

b. Merchandise displayed shall not include hazardous and flammable materials, such as gasoline, oil, antifreeze, kerosene, poisons, pesticides and similar items;

c. All outdoor display of goods shall be located immediately adjacent to the front or side of the principal building, and not in drive aisles, loading zones, fire lanes, or parking lots;

d. Outdoor display areas shall be located to maintain a clearance area in front of primary building entrances for at least ten feet directly outward from the entrance width; and

e. An obstruction-free area at least five feet wide shall be maintained through the entire length of the display area or between it and adjacent parking areas so as to allow pedestrians and handicapped persons to safely and conveniently travel between parking areas or drive aisles to the building and along the front and side of the building, without having to detour around the display area.

(8) Solar Energy Conversion System (small scale)

Small-scale solar energy conversion systems are permitted as an accessory use, subject to the following standards:

a. Solar energy equipment may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground in accordance with Sec. 17-4.3(c), General Standards for All Accessory Uses and Structures. Building-integrated photovoltaic systems are permitted in all districts subject to all necessary permit and Building Code requirements.

b. Solar collectors may extend up to 18 inches above the maximum building height permitted in the zoning district or the existing roof surface, whichever is higher.

c. The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the system, and for recording any such solar easement with the Register of Deeds.

d. Solar energy equipment shall not produce unreasonable glare on neighboring properties.

(9) Storage, Outdoor

a. In residential zoning districts, the following uses are prohibited:

1. Storage in connection with a trade;

2. Storage or long term parking of commercial vehicles or industrial storage in excess of one day; and

3. Storage of building materials except in connection with active construction.

b. Outdoor storage areas shall be located to the side or rear of the principal structure(s).

c. Where an outdoor storage area stores goods intended for sale or resale, such goods shall be limited to those sold on the premise in conjunction with the principal use of the lot.

d. No materials shall be stored in areas intended for vehicular or pedestrian circulation.

(10) Swimming Pool

Swimming pools are allowed as an accessory use, subject to the following standards:

a. The swimming pool shall be located to the side or rear of the principal structure.

Sec. 17-4.4 Temporary Uses and Structures

(a) General

(1) Purpose

The purpose of this section is to authorize the establishment of certain temporary uses and structures, which are uses (including special events) and structures of a limited duration. This section sets out general standards applicable to all temporary uses and structures, and sets out any special standards applicable to particular temporary uses and structures. This section is intended to ensure that such uses or structures do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

(2) Temporary Use Permit

a. A Temporary Use Permit approved in accordance with Sec. 17-2.5(p), Temporary Use Permit, is required prior to the establishment or commencement of a temporary use or structure for which standards are established in Sec. 17-4.4(c), Standards for Specific Temporary Uses and Structures.

b. A Temporary Use Permit may be issued by the Zoning Administrator for nonconforming buildings, structures or uses in accordance with Sec. 17-7.2(e), Temporary Nonconforming Uses.

(b) General Standards for all Temporary Uses and Structures

Unless otherwise specified in this Ordinance, all temporary uses and structures shall:

(1) Obtain any other applicable City, State, or federal permits;

(2) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;

(3) Be compatible with the principal uses taking place on the site;

(4) Not have adverse health, safety, noise, or nuisance impacts on any adjoining permanent uses or nearby residential neighborhoods;

(5) Comply with temporary signage standards in Sec. 17-5.10, Signs;

(6) Not maintain temporary signs associated with the temporary use or structure after the activity ends;

(7) Not violate the applicable conditions of approval that apply to a site or a use on the site;

(8) Not interfere with the normal operations of any permanent use located on the property; and

(9) Be located on a site containing sufficient land area to allow the temporary use, structure, or special event to occur and accommodate associated pedestrian,

parking, and traffic movement without disturbing environmentally sensitive lands.

(c) Standards for Specific Temporary Uses and Structures

The standards set forth in this subsection for a specific temporary use or structure shall apply to the particular individual temporary use or structure, regardless of the zoning district in which it is located or the review procedure by which it is approved, unless otherwise specified in this Ordinance. These standards may be modified by other applicable standards or requirements in this Ordinance.

(1) Storage in Portable Shipping Container

Temporary storage in portable shipping containers shall comply with the following standards:

a. Storage containers shall not exceed 160 square feet in floor area or be taller than eight feet.

b. Containers shall be located within a driveway, parking, or loading area. In cases where the driveway, parking, or loading area extends behind the front façade of a building, the container shall be placed behind the front façade.

c. In cases where improved driveways, parking, or loading areas are not present, containers shall be located so as to minimize their visibility from streets or adjacent residential areas, to the extent practicable.

d. Nothing in these standards shall limit the placement of more than one container on a lot or site, provided compliance with all other applicable standards is maintained.

e. Except for storage containers located on construction sites, storage containers shall not be located on an individual parcel or site for more than 30 consecutive days per site per occurrence. This time period may be extended for a maximum period of 30 days if a written request for an extension is submitted to the Zoning Administrator prior to the expiration of the initial 30 days.

f. Storage containers may be placed on a residential site a maximum of two occurrences per year.

g. A minimum period of six months is required between the removal of a storage container from a nonresidential site and the subsequent placement of a storage container on the site.

(2) Storage

In residential zoning districts, the following uses are prohibited:

a. Storage in connection with a trade;

b. Storage or long term parking of commercial vehicles or industrial storage in excess of one day; and

c. Storage of building materials except in connection with active construction.

(3) Vendor, Temporary

Temporary vendors are prohibited, except where the vendor is:

a. A person located upon land owned or otherwise controlled by the City of Columbia, including private property and right-of-way, if the person is operating with the written permission of the Parks and Recreation Department, City Manager, or City Council.

b. A sidewalk vendor for which the City Council has approved an ordinance granting a franchise.

c. A person who collects fees for permitted parking.

d. A corporation, foundation, fund, association, or club that is formally organized and operated exclusively as a not-for-profit or for religious, charitable, scientific, literary, artistic, or educational purposes.

e. A person participating in a fair, festival, exhibition, bazaar, show, or other like infrequent event sponsored by a corporation, foundation, fund, association, or club that is formally organized and operated exclusively in a not-for-profit manner or for religious, charitable, scientific, literary, artistic, or educational purposes.

f. A person participating in a fair, festival, exhibition, bazaar, show, or other like event at and approved by the South Carolina State Fair.

g. A concessionaire operating with the authority of the sponsor of the event for which concessions are to be provided.

h. A person participating in a garage sale.

i. A person selling only seasonal merchandise, such as fireworks, pumpkin stands, and Christmas trees, but not including food, produce (except pumpkins), flowers, balloons, and general retail items detailed with holiday accents, decorations, or other accessories, if that the person:

1. Locates within a zoning district which would otherwise permit the business;

2. Receives a temporary use permit prior to operating, the application for which shall include (a) a site plan showing that the person would not be located within a setback or within a required parking space, and (b) the written permission from the private property owner or authorized lease holder of the private property;

3. Conspicuously posts the temporary use permit during all hours of operation at a location visible from the right-of-way and in a manner protected from the elements; and

4. Operates only within 45 days of the associated holiday and for a total period of no more than 45 days.

j. A person operating a food truck on private property provided that the person:

1. Locates within a zoning district which would otherwise permit the business;

2. Locates at least 100 feet from the door of a lawfully established eating place unless the owner of the eating place provides a letter of consent, a copy of which shall be kept within the food truck;

3. Maintains within the food truck proof of written permission from the private property owner or authorized lease holder of the private property of each vending location;

4. Receives annually a temporary use permit to operate a food truck, a copy of which shall remain in the food truck during operation;

5. Operates for no more than ten consecutive hours within a calendar day and at all other times removes from the parcel all materials associated with the business. No temporary vendor shall operate between the hours of 9:00 p.m. and 9:00 a.m. if the parcel upon which the vendor is located is within 400 feet of a parcel zoned residentially.

k. Any other person upon private property provided that the person:

1. Locates within a zoning district which would otherwise permit the business;

2. Receives a temporary use permit for each location prior to operating, the application for which shall include (a) a site plan showing that the person would not be located within a setback or within a required parking space, and (b) the written permission from the private property owner or the authorized lease holder of the private property authorizing the temporary vendor;

3. Conspicuously posts the temporary use permit during all hours of operation at a location visible from the right-of-way and in a manner protected from the elements; and

4. Operates for no more than ten consecutive hours within a calendar day and at all other times removes from the parcel all materials associated with the business. The zoning administrator shall approve the hours of operation, which shall be posted on the zoning permit. No temporary vendor shall operate between the hours of 9:00 p.m. and 9:00 a.m. if the parcel upon which the vendor is located is within 400 feet of a parcel zoned residentially.

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ARTICLE 5: DEVELOPMENT STANDARDS

Sec. 17-5.1 Access, Mobility, and Circulation

(a) Purpose

The purpose of this Section is to ensure that developments are served by a coordinated multimodal transportation system that permits the safe and efficient movement of motor vehicles, emergency vehicles, transit, bicyclists, and pedestrians within the development and between the development and external transportation systems, neighboring development, and local destination points such as places of employment, schools, parks, and shopping areas. Such a multimodal transportation system is intended to:

(1) Provide transportation options;

(2) Increase the effectiveness of local service delivery;

(3) Reduce emergency response times;

(4) Promote healthy walking and bicycling;

(5) Facilitate use of public transportation;

(6) Contribute to the attractiveness of the development and community;

(7) Connect neighborhoods and increase opportunities for interaction between neighbors;

(8) Reduce vehicle miles of travel and travel times;

(9) Reduce greenhouse gas emissions;

(10) Improve air quality;

(11) Minimize congestion and traffic conflicts; and

(12) Preserve the safety and capacity of the City's transportation systems.

(b) Applicability

(1) General

The standards in this section apply to all new development in the City, and, to the extent practical, to the following:

a. Any new vehicular surface area (parking lot);

b. Any new, additional, or expanded portion of an existing vehicular surface area; and

c. Any existing vehicular surface area that is used to satisfy the off-street parking requirements for a new building or the expansion of an existing building.

(2) Timing of Review

Review for compliance with the standards in this Section shall occur during review of a development application for a planned development (Sec. 17-2.5(d)), site plan (major or minor) (Sec. 17-2.5(i)), subdivision (major or minor)(Sec. 17-2.5(j)), or zoning permit (Sec. 17-2.5(q)), as appropriate.

(3) Developer Responsible for Access and Circulation Improvements

The developer shall provide road, street, bikeway, sidewalk, and other access and circulation improvements in accordance with the standards for design and construction in Article 6: Land Development (Subdivision) Standards, and the Specifications for Roadway Design, and shall dedicate any required rights-of-way or easements.

(c) Access, Mobility, and Circulation Standards

Development subject to the requirements of this Section shall comply with the following standards.

(1) Multimodal Access and Circulation System

All new developments shall be served by a system of sidewalks, paths, roadways, accessways, and other facilities designed to provide for multiple travel modes (vehicular, transit, bicycle, and pedestrian), as appropriate to the development's size, character, and relationship to surrounding development and development patterns and existing and planned community transportation systems. Vehicular, transit, bicycle, and pedestrian access and circulation systems shall be coordinated and integrated so as to provide transportation choices within and to and from the proposed development, as appropriate.

(2) Cross Access Between Adjoining Developments

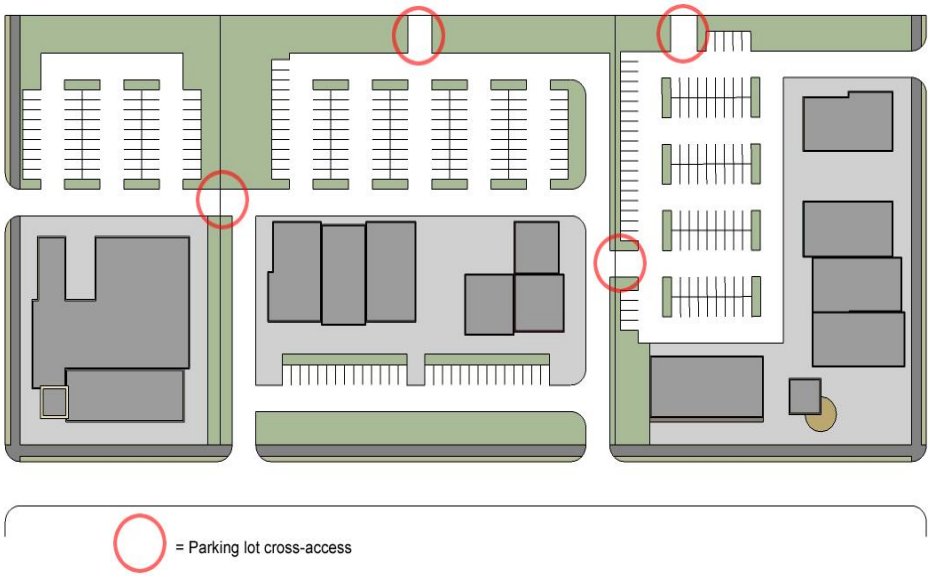
a. Parking Lots

1. An internal vehicular circulation system in new nonresidential and mixed-use development shall be designed and constructed to provide vehicular cross-access between any parking lots within the development and any parking lots on adjoining parcels containing nonresidential or mixed-use development, and to the boundary of adjoining vacant land if it is in a Mixed-Use, Activity Center, and Corridor base zoning district (see Figure 17-5.1(c)(2)a: Example of Parking Lot Cross-Access). The cross-access shall consist of a driveway or drive aisle that is at least 22 feet wide or two one-way driveways or aisles that are each at least 14 feet wide.

2. Easements allowing cross-access to and from lands served by a vehicular cross-access in accordance with 1 above, along with agreements defining maintenance responsibilities of land owners pertaining to the vehicular cross-access, shall be recorded with the Register of Deeds.

3. The Land Development Administrator or Zoning Administrator, as appropriate, may waive or modify the requirement for vehicular cross-access established in 1 above on determining that such cross–access is impractical or undesirable due to the presence of topographic conditions, natural features, or vehicular safety factors.

Figure 17-5.1(c)(2)a: Example of Parking Lot Cross-Access



b. Pedestrian Cross-Access

1. An internal pedestrian circulation system in new multifamily, nonresidential, or mixed use development shall be designed to allow for pedestrian walkway cross access between the development's buildings and parking areas and those on adjoining lots containing multifamily, nonresidental, or mixed-use development, and to vacant lands.

2. Easements allowing cross-access to and from properties served by a pedestrian cross-access in accordance with 1 above, along with agreements defining maintenance responsibilities of land owners, shall be recorded with the Register of Deeds.

3. The Land Development Administrator or Zoning Administrator, as appropriate, may waive or modify the requirement for pedestrian cross-access established in 1 above on determining that such cross–access is impractical or infeasible due to the presence of topographic conditions or natural features.

c. Bicycle Cross-Access

1. An internal bicycle circulation system in the MU-1, MU-2, DAC, NAC, CAC, RAC, or MC district or on the site of an elementary, middle, or high school located in any other district, shall be designed and constructed

to provide bicycle cross-access between it and any internal bicycle circulation system on adjoining parcels containing a multifamily, nonresidential, or mixed-use development, and to vacant lands in the MU-1, MU-2, DAC, NAC, CAC, RAC, or MC district.

2. Easements allowing cross-access to and from properties served by a bicycle cross-access in accordance with 1 above, along with agreements defining maintenance responsibilities of land owners, shall be recorded with the Register of Deeds.

3. The Land Development Administrator or Zoning Administrator, as appropriate, may waive or modify the requirement for bicycle cross-access established in 1 above on determining that such cross–access is impractical or undesirable for typical bicyclists' use due to the presence of topographic conditions, natural features, or safety factors. Undesirable conditions shall be defined as those limiting mobility for bicycles as a form of transportation, such as steep grades, narrow connections bounded on both sides by walls or embankments, or limited visibility when straight-line connections are not achievable.

(3) Sidewalks Required

a. In all districts except the LI and HI districts, sidewalks that comply with the Specifications for Roadway Design are required on both sides of all streets within a new development and along the entire frontage of the development with an existing street (unless an existing sidewalk that complies with the Specifications for Roadway Design is already in place).

b. In the LI and HI districts, sidewalks are required on one side of all streets within a new development and along the entire frontage of the development with an existing street (unless an existing sidewalk that complies with the Specifications for Roadway Design is already in place). The sidewalks shall comply with the Specifications for Roadway Design and shall have a minimum width of eight feet.

c. Where a new development fronts an existing street with insufficient right-of-way width to accommodate installation of a required sidewalk along the frontage, the developer shall install a sidewalk on the development site within a dedicated public easement running parallel and adjacent to the public street.

d. The Land Development Administrator or Zoning Administrator, as appropriate, may waive or modify the requirement for sidewalks on determining that such sidewalks are impractical or infeasible due to the presence of topographic conditions or natural features, such as steep grades that do not allow connections to be made without stairs.

(4) Bicycle Facilities

New development shall include bike lanes, bike paths, or other bicycle facilities sufficient to allow safe and efficient bicycle access and circulation within the development when the development includes vehicular surface area that is new, where the vehicular surface area is expanded greater than 50 percent, or where greater than 50 percent of existing vehicular surface area is modified.

The Land Development Administrator or Zoning Administrator, as appropriate, may waive or modify the requirement for bicycle facilities in LI, HI, GC, and EC districts upon determining that the development is not now or in the foreseeable future served by adequate facilities to safely accommodate bicycles.

Sec. 17-5.2 Off-Street Parking, Bicycle Parking, and Loading

(a) Purpose and Intent

The purpose of this Section is to ensure provision of off-street parking and loading facilities in proportion to the generalized parking and loading demand of the different zoning districts and different uses allowed by this Ordinance. The standards in this Section are intended to provide for adequate off-street parking and loading while supporting walkable urbanism in appropriate locations, and allowing the flexibility needed to accommodate alternative parking solutions. The standards are also intended to achieve City policies of supporting redevelopment of commercial corridors, accommodating appropriate infill development, and avoiding excessive paved surface areas.

(b) Applicability

(1) New Development

All new development shall provide off-street parking and loading areas in accordance with the standards of this Section.

(2) Existing Development

a. Change in Use

Except as provided in subsection c below, any change in use of existing development shall be accompanied by provision of any additional off-street parking and loading spaces required for the change in use by this Section, provided, additional off-street parking is not required for a change in use in the DAC, NAC, CAC or RAC zoning districts, where the change in use would increase the amount of required off-street parking by not more than 10 percent of that required prior to the change in use.

b. Expansion

If an existing structure or use is expanded or enlarged (in terms of the number of dwelling units, floor area, number of employees, or seating capacity), any additional off-street parking and loading spaces that may be required shall be provided in accordance with the requirements of this

Section as applied only to the expanded or enlarged part of the structure or use.

c. Upgrading of Nonconforming Parking

Nonconforming parking facilities on the site of an enlarged or expanded structure or use area shall comply with the requirements of this Section in accordance with the standards of Sec. 17-7.6, Nonconforming Site Features.

(3) Timing of Review

Review for compliance with the standards of this Section shall occur during review of a development application for a planned development (Sec. 17-2.5(d)), site plan (major or minor) (Sec. 17-2.5(i)) or zoning permit (Sec. 17-2.5(q)), as appropriate.

(4) Parking Plan Required

All development applications subject to review for compliance with the standards of this Section which propose more than ten off-street parking spaces shall include a parking plan. The parking plan shall accurately designate the number and location of required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the development they are designed to serve, including how the parking facilities coordinate with the vehicular, pedestrian, bicycle, and transit circulation systems for the development.

(5) Additional Standards in Historic Preservation Overlay District or on Site of Designated Landmark

Within the OV-HP District or on the site of a designated landmark, the construction or alteration of a driveway or other vehicular parking area that is located within a base residential zoning district along the primary frontage or the secondary frontage of a lot shall comply with the standards in Sec. 17-2.5(g)(6)e, Standards for Driveway and Vehicular Parking Area Design.

(c) General Standards for Off-Street Parking and Loading Areas

(1) Use of Parking and Loading Areas

a. General

Off-street parking areas required by this Section shall be used solely for the parking of licensed motorized vehicles in operating condition. Required parking spaces and loading berths may not be used for the display of goods for sale (except that farmers' markets and food trucks permitted under this chapter may be permitted to operate within parking areas), or the sale, lease, storage, dismantling, or service of any vehicles, boats, motor homes, campers, mobile homes, building materials, equipment, or supplies.

b. Identified as to Purpose and Location

Off-street parking areas of three or more spaces and all off-street loading areas shall include painted lines, wheel stops, or other methods of

identifying individual parking spaces and loading berths and distinguishing such spaces or berths from aisles. Specific dimensional and marking standards are defined in Sec. 17-5.2(c)(4), Markings.

(2) Surfacing

a. General

Except as provided for in subsection b, c, or d below, all off-street parking and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, and bonded surface material. Use of surfacing that includes recycled materials (e.g., glass, rubber, used asphalt, brick, block, and concrete) is encouraged. These surfaces shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition.

b. Special Exception for Alternative Surface

Within all zoning districts except the DAC District, the Board of Zoning Appeals may, as a special exception, permit an alternative surface for parking areas.

c. Pervious or Semi-pervious Surfacing

The use of pervious or semi-pervious parking lot surfacing materials—including, but not limited to—pervious asphalt and concrete, open joint pavers, and reinforced grass/gravel/shell grids may be approved for off-street parking and loading areas, provided such surfacing is subject to an on-going maintenance program (e.g., sweeping, annual vacuuming). Any pervious or semi-pervious surfacing used for aisles within or driveways to parking and loading areas shall be certified as capable of accommodating anticipated traffic loading stresses and maintenance impacts.

Figure 17-5.2(c)(2): Use of Pervious Materials in a Parking Lot



d. Certain Residential Uses

Off-street parking spaces and driveways for single-family detached, two-family, and townhouse dwellings may, in-lieu of surfacing in accordance with a or c above,

1. Be covered with pervious material such as crushed stone, gravel, or mulch, if such material is:

(i) Confined to the parking space and/or driveway with a device expressly designed for such purposes including but not limited to bricks, railroad ties, and plastic/PVC landscaping boarders; and

(ii) Renewed or replaced as reasonably necessary to maintain a neat and orderly appearance; or

2. Include surfacing in two strips ("tire ribbons") of a material specified in a or c above, designed to provide a driving surface for the wheels of an automobile along the length of the parking space and/or driveway, provided the overall parking space meets the minimum dimensional requirements in this Section.

(3) Location and Arrangement

a. Safe and Convenient Access

1. Except for off-street parking areas serving single-family detached or two-family dwellings, off-street parking areas shall be arranged so no parking or maneuvering incidental to parking shall occur on a public street or sidewalk.

2. Except for off-street parking areas serving single-family detached, two-family, and townhouse dwellings, off-street parking areas shall be arranged so an automobile may be parked or un-parked without moving another automobile, unless within an automated or mechanical parking deck or garage or part of valet or tandem parking in accordance with Sec. 17-5.2(f), Off-Street Parking Alternatives.

3. Off-street loading areas shall be arranged so no loading berth extends into the required aisle of a parking lot.

4. An entrance or exit to an off-street parking area shall not be located within 25 feet of a Residential district.

b. Backing onto Streets Prohibited

Except for parking areas serving single-family detached or two-family dwellings, all off-street parking and loading areas shall be arranged so that no vehicle is required to back out from such areas directly onto a street.

c. Parking in Front of Residential Structure

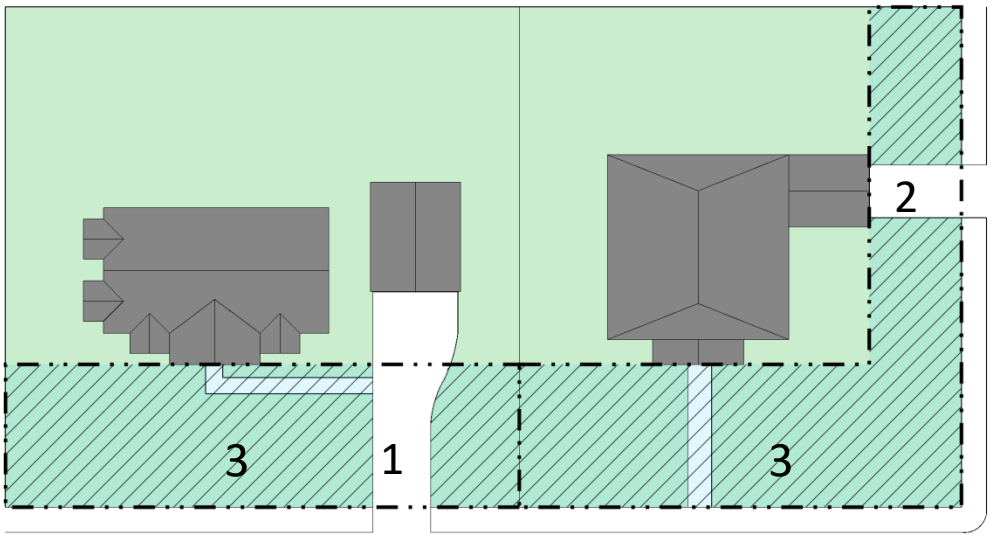
On a parcel where a use in the Residential Uses classification other than a mixed-use dwelling, is located, in any area between a street-facing façade (see Sec. 17-9.4, Definitions) of a principal building, the corresponding lot line abutting a street, and either both side lot lines (for interior lots and through lots) or a side lot line and another lot line abutting a street (for corner lots):

1. The parking of any vehicle, including but not limited to an automobile, truck, van, bus, motorcycle, all-terrain or similar off-road vehicle, recreational vehicle, motor home, camper or camping trailer, trailer, boat, or jet ski, outside of a parking space is prohibited;

2. Not more than 40 percent of such area or 500 square feet within such area, whichever is greater, shall be occupied by vehicular surface area; and

3. If more than one street abuts the parcel (e.g. corner lot or through lot), parking spaces and driveway shall not be located in more than one such area.

Figure 17-5.2(c)(3)c: Parking in Front of Residential Structure



1 Parking allowed, limited to 40 percent of defined area bounded by dashed line or 500 square feet, whichever is greater

2 Parking allowed, limited to one street frontage, limited to 40 percent of defined area bounded by dashed line or 500 square feet, whichever is greater

3 Parking not allowed within defined area bounded by dashed line outside of a parking space

(4) Markings

a. Except for parking areas serving single-family detached or two-family dwellings, each required off-street parking area and space, and each off-street loading area and berth, shall be identified by surface markings that are arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Such markings—including striping, directional arrows, lettering on signs and in handicapped-designated areas, and labeling of the pavement—shall be maintained so as to be readily visible at all times.

b. One-way and two-way accesses into required parking facilities shall be identified by directional arrows. Any two-way access located at any angle other than 90 degrees to a street shall be marked with a traffic separation stripe running the length of the access. This requirement does not apply to parking lot drive aisles.

(5) Exterior Lighting

Lighted off-street parking and loading areas shall comply with Sec. 17-5.9, Exterior Lighting.

(6) Landscaping

a. Vehicular surface areas (parking lots) shall comply with Sec. 17-5.3, Landscaping.

b. Wheel stops, when used, shall be made of concrete, wood, metal, rubber, or other material of comparable durability, and shall be at least six feet long and at least six inches high.

c. A rail, fence, curb or other continuous barricade sufficient to retain the parked vehicles completely within the parking area shall be provided, except at exit and access driveways.

d. Curbing shall be installed between all parking spaces bordering the street right-of-way and the street right-of-way.

(7) Maintained In Good Repair at All Times

All off-street parking and loading areas shall be maintained in safe condition and good repair at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land.

(8) Large Vehicular Surface Areas (400 or More Spaces)

Vehicular surface areas containing 400 or more parking spaces shall be configured in accordance with the following standards:

a. Primary Drive Aisle

Primary drive aisles within vehicular surface areas shall be designed to appear as an extension of the public street network extending from the public right-of-way along the full length of the primary facades of structures being served by the drive. The primary drive aisle(s) shall comply with the following standards (see Figure 17-5.2(c)(11)a: Location of Primary Drive Aisle):

1. Have a minimum cross section width between curbs to serve two travel lanes;

2. Include a sidewalk or curb-delineated pedestrian passageway along the front façade of a building when the drive aisle is aligned parallel to that building façade; and

3. Provide street trees along both sides of the primary drive aisle with a maximum spacing of 40 feet on-center. Small-maturing trees may be used adjacent to the building façade within 40 feet of building entrances.

Figure 17-5.2(c)(11)a: Location of Primary Drive Aisle



b. Pedestrian Pathways

The vehicular surface area shall provide fully-separated, improved pedestrian pathways that (see Figure 17-5.2(c)(11)b: Example of Pedestrian Pathways):

1. Are provided, at a minimum, every six parallel parking rows (every three double-row parking bays) or every 200 feet, whichever is the lesser dimension;
2. Are enhanced with planted landscaping strips;
3. Include, to the maximum extent practicable, a pathway aligned with and perpendicular to the primary entrance into the building served by the vehicular surface area (parking lot);
4. Are paved with asphalt, cement, or other comparable material;
5. Are of contrasting color or materials when crossing drive aisles;
6. Are in compliance with applicable State and Federal requirements while at a minimum are at least four feet wide when located within planting strips, and ten feet wide when crossing drive aisles;
7. Connect to all existing or planned adjacent transit and pedestrian facilities; and
8. Provide safe and efficient pedestrian access to the use they serve.

Figure 17-5.2(c)(11)b: Examples of Pedestrian Pathways



(9) Completion

All off-street parking and loading areas shall be completed prior to the issuance of a certificate of occupancy for the development they serve. In the case of phased development, off-street parking and loading areas may only be provided for the phase being developed.

(d) Off-Street Parking Space Standards

(1) Minimum Number of Off-Street Parking Spaces

Except as otherwise provided for mixed-use developments (see Sec. 17-5.2(d)(3)) or for existing conditions (see Sec. 17-5.2(d)(4)), new development or a change in use or expansion shall provide the minimum number of off-street parking spaces in accordance with Table 17-5.2(d)(1): Minimum Number of Off-Street Parking Spaces, based on the principal use(s) involved and the extent of development. Interpretation of the off-street parking space standards for principal uses with variable parking demands or unlisted principal uses shall be in accordance with Sec. 17-5.2(d)(2), Unlisted Uses.

TABLE 17-5.2(D)(1): MINIMUM NUMBER OF OFF-STREET PARKING SPACES

PRINCIPAL USE CATEGORY	PRINCIPAL USE TYPE	Minimum Number of Parking Spaces [1] [2] [3]	
		DAC, MC, NAC, CAC, RAC, MU-1, MU-2	Base Zoning Districts not Elsewhere Listed
RESIDENTIAL USES			
Household Living Uses	Dwelling, live-work	No minimum	2/du
	Dwelling, mixed-use	No minimum	In accordance with an approved alternative parking plan
	Dwelling, multifamily	No minimum	1.75/du

TABLE 17-5.2(D)(1): MINIMUM NUMBER OF OFF-STREET PARKING SPACES

PRINCIPAL USE CATEGORY	PRINCIPAL USE TYPE	Minimum Number of Parking Spaces [1] [2] [3]	
		DAC, MC, NAC, CAC, RAC, MU-1, MU-2	Base Zoning Districts not Elsewhere Listed
	Dwelling, single-family detached	No minimum	2/du
	Dwelling, townhouse	No minimum	2/du
	Dwelling, two-family	No minimum	2/du
	Mobile home park	No minimum	2/du
Group Living Uses	Continuing care retirement community (CCRC)	No minimum	1 for every 4 residents
	Dormitory, private	No minimum	0.5/bedroom
	Dormitory, public	No minimum	0. 5/bedroom
	Fraternity or sorority house	No minimum	0.75/bedroom
	Residential care facility	No minimum	1 for every 4 residents
	Rooming house or boardinghouse	No minimum	1/bedroom
PUBLIC, CIVIC, AND INSTITUTIONAL USES			
Communication Uses	Broadcasting studio	No minimum	1/200 sf
	Newspaper or periodical publishing establishment	No minimum	1.7/1,000 sf
	Wireless communication facility	No minimum	N/A
Community Service Uses	Community recreation center	No minimum	3/1,000 sf
	Correctional facility	No minimum	1 for every 6 inmates
	Cultural facility	No minimum	3/1,000 sf
	Day care facility	No minimum	1 for every 10 children
	Government office	No minimum	3/1,000 sf
	Library	No minimum	3/1,000 sf
	Membership organization facility	No minimum	1/500 sf
	Place of worship	No minimum	1 for every 5 seats
	Public safety facility	No minimum	In accordance with an approved alternative parking plan
	Social services facility	No minimum	3/1,000 sf
	Zoo	No minimum	No minimum
Education Uses	College or university	No minimum	1 for every 2 faculty/FTE plus 1/500 sf classroom and research space
	Elementary, middle, or high school	No minimum	1 for every 6 students (design capacity) under 10th grade; 1 for every 2 students 10th grade and above
	School, business or trade	No minimum	1 for every 3 persons

TABLE 17-5.2(D)(1): MINIMUM NUMBER OF OFF-STREET PARKING SPACES			
PRINCIPAL USE CATEGORY	**PRINCIPAL USE TYPE**	**Minimum Number of Parking Spaces [1] [2] [3]**	
		DAC, MC, NAC, CAC, RAC, MU-1, MU-2	**Base Zoning Districts not Elsewhere Listed**
Health Care Uses	Hospital	No minimum	1/300 sf
	Laboratory, medical or dental	No minimum	1.7/1,000 sf
	Medical or dental clinic/office	No minimum	1/250 sf
	Nursing care facility	No minimum	1 for every 6 beds
Parks and Open Space	Arboretum or botanical garden	No minimum	No minimum
	Cemetery	No minimum	No minimum
	Park or greenway	No minimum	No minimum
Transportation Uses	Airport	No minimum	No minimum
	Park and ride	No minimum	No minimum
	Parking lot	No minimum	No minimum
	Parking structure	No minimum	No minimum
	Passenger terminal, surface transportation	No minimum	1/500 sf office facilities
	Railroad facility	No minimum	1/500 sf office facilities
Utility Uses	Solar energy conversion system (large scale)	No minimum	1/500 sf office facilities
	Utility facility, major	No minimum	1/500 sf office facilities
	Utility facility, minor	No minimum	1/500 sf office facilities
COMMERCIAL USES			
Animal Care Uses	Animal shelter	No minimum	1/500 sf
	Kennel	No minimum	1/250 sf
	Veterinary hospital or clinic	No minimum	3/1,000 sf
Commercial Services Uses	Equipment rental	No minimum	3/1,000 sf
	Laboratory, photofinishing	No minimum	1.7/1,000 sf
	Laboratory, testing or research	No minimum	3/1,000 sf
	Lawn, tree, or pest control services	No minimum	3/1,000 sf
	Linen or uniform supply	No minimum	1.7/1,000 sf
	Self-service storage	No minimum	1/2,000 sf rentable storage area
	Sign fabrication establishment	No minimum	1/1,000 sf
Eating and Drinking	Eating establishment only	No minimum	8/1,000 sf seating area
	Eating and drinking establishment, Type 1	No minimum	8/1,000 sf seating area

TABLE 17-5.2(D)(1): MINIMUM NUMBER OF OFF-STREET PARKING SPACES

PRINCIPAL USE CATEGORY	PRINCIPAL USE TYPE	Minimum Number of Parking Spaces [1] [2] [3]	
		DAC, MC, NAC, CAC, RAC, MU-1, MU-2	Base Zoning Districts not Elsewhere Listed
Establishment Uses	Eating and drinking establishment, Type 2	No minimum	8/1,000 sf seating area
Funeral and Mortuary Services Uses	Crematory	No minimum	No minimum
	Funeral home or mortuary	No minimum	1/150 sf assembly area
Office Uses	Business/Professional office	No minimum	1/500 sf
	Contractor's office	No minimum	3/1,000 sf
Personal Services Uses	Bank, retail	No minimum	3/1,000 sf
	Beauty salon or barbershop	No minimum	2.5/1,000 sf
	Body piercing facilities or tattoo establishment	No minimum	2.5/1,000 sf
	Dry cleaning pick-up	No minimum	1.7/1,000 sf
	Laundry, coin-operated	No minimum	2.5/1,000 sf
	Nail salon	No minimum	2.5/1,000 sf
	Non-depository personal credit institution	No minimum	3/1,000 sf
	Repair of personal goods	No minimum	2.5/1,000 sf
Recreation/ Entertainment Uses	Amusement park	No minimum	In accordance with an approved alternative parking plan
	Arena, stadium, or outdoor theater	No minimum	1 for every 5 seats
	Banquet hall	No minimum	5/1,000 sf
	Performing arts center	No minimum	1 for every 5 seats
	Recreation facility, indoor, not elsewhere listed	No minimum	5/1,000 sf
	Recreation facility, outdoor, not elsewhere listed	No minimum	1 for every 5 seats
	Sexually-oriented business	No minimum	1/300 sf
Retail Sales Uses	Building supplies and equipment store	No minimum	1.7/1,000 sf
	Consumer goods establishment	No minimum	3.5/1,000 sf
	Convenience store	No minimum	3.5/1,000 sf
	Farmers' market	No minimum	1/1,000 sf of vending area
	Fuel sales (bulk)	No minimum	1.7/1,000 sf
	Grocery store or food market	No minimum	3.5/1,000
	Liquor store	No minimum	3.5/1,000 sf
	Pawn shop	No minimum	3.5/1,000 sf
	Commercial fuel depot	No minimum	1 for each employee

TABLE 17-5.2(D)(1): MINIMUM NUMBER OF OFF-STREET PARKING SPACES

PRINCIPAL USE CATEGORY	PRINCIPAL USE TYPE	Minimum Number of Parking Spaces [1] [2] [3]	
		DAC, MC, NAC, CAC, RAC, MU-1, MU-2	Base Zoning Districts not Elsewhere Listed
Vehicle Sales and Services Uses	Commercial vehicle repair and maintenance	No minimum	3 for each bay
	Commercial vehicle sales and rentals	No minimum	2/1,000 sf
	Gasoline sales and service station	No minimum	1/300 sf
	Personal vehicle repair and maintenance	No minimum	3 for each bay
	Personal vehicle sales and rentals	No minimum	4/1,000 sf plus 3 for each bay
	Vehicle equipment supplies sales and rentals	No minimum	3/1,000 sf
	Vehicle paint and finishing shop	No minimum	4/1,000 sf
	Vehicle towing and wrecker service	No minimum	1/500 sf
Visitor Accommodations Uses	Bed and breakfast	No minimum	1 for each bedroom
	Campground	No minimum	1 for each campsite
	Hotel or motel	No minimum	1 for each guest room plus 1/200 sf of restaurant space or meeting area
AGRICULTURAL USES			
Agriculture and Forestry Uses	Agriculture and forestry uses, not elsewhere listed	No minimum	No minimum
	Community garden	No minimum	No minimum
	Crop production	No minimum	No minimum
	Forestry	No minimum	No minimum
INDUSTRIAL USES			
Freight Movement, Warehousing, and Wholesale Uses	Contractor's yard	No minimum	3/1,000 sf
	Motor freight facility	No minimum	1.5/1,000 sf
	Petroleum bulk station or terminal	No minimum	1.5/1,000 sf
	Warehouse distribution and storage	No minimum	0.5/1,000 sf
	Wholesale sales, not elsewhere listed	No minimum	1.5/1,000 sf
Manufacturing uses	Manufacturing, assembly, or fabrication, light	No minimum	0.5/1,000 sf
	Manufacturing, assembly, or fabrication, medium	No minimum	0.5/1,000 sf
	Manufacturing, assembly, or fabrication, heavy	No minimum	0.5/1,000 sf

TABLE 17-5.2(D)(1): MINIMUM NUMBER OF OFF-STREET PARKING SPACES			
PRINCIPAL USE CATEGORY	**PRINCIPAL USE TYPE**	**Minimum Number of Parking Spaces [1] [2] [3]**	
		DAC, MC, NAC, CAC, RAC, MU-1, MU-2	**Base Zoning Districts not Elsewhere Listed**
Resource Extraction Uses	Mining	No minimum	No minimum
Waste-Related Uses	Composting facility	No minimum	2/1,000 sf office facilities
	Junk, salvage, scrap, or wrecking yard	No minimum	1.5/1,000 sf
	Recycling center	No minimum	3/1,000 sf
	Refuse processing facility	No minimum	1/1,200 sf
	Refuse disposal	No minimum	1.5/1,000 sf
NOTES: [1] "/" is an abbreviation of "for each," and "sf" is an abbreviation of "square feet of gross floor area." [2] "N/A" in the "Current" column indicates a new use. [3] Non-residential uses occupying new or existing structures of 7,500 square feet or less are exempt from a minimum parking requirement.			

(2) Unlisted Uses

An applicant proposing to develop a principal use that is unlisted in Table 17-5.2(d)(1): Minimum Number of Off-Street Parking Spaces, shall propose the amount of required parking by one of the three methods outlined in this Subsection. On receiving the application proposing to develop a principal use not expressly listed in Table 17-5.2(d)(1), with the proposed amount of parking, the Zoning Administrator shall:

a. Apply the minimum off-street parking space requirement specified in Table 17-5.2(d)(1) for the listed use that is deemed most similar to the proposed use; or

b. Establish the minimum off-street parking space requirement by reference to standard parking resources published by the Institute for Transportation Engineers (ITE), Urban Land Institute (ULI), National Parking Association, or the American Planning Association; or

c. Require the applicant to conduct a parking demand study to demonstrate the appropriate minimum off-street parking space requirement. The study shall estimate parking demand based on the recommendations of the ITE, ULI or another acceptable source of parking demand data. This demand study shall include relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

(3) Mixed-Use Development

a. Unless an alternative parking plan is approved in accordance with b below, development containing more than one use shall provide parking spaces in an amount equal to the total of the standards for all individual uses.

b. An applicant for a development containing more than one use may submit an alternative parking plan (see Sec. 17-5.2(f), Off-Street Parking Alternatives) that proposes a reduction in the minimum number of required off-street parking spaces for the development based on a comprehensive analysis of parking demand for each use by time of day, in addition to any other reduction for off-street parking alternatives (see Sec. 17-5.2(f), Off-Street Parking Alternatives).

(4) Reduction for Existing Conditions

Where a property does not have the area available to provide off-street parking spaces because of existing conditions that were lawful at the time of establishment (e.g. an existing building covers the entire parcel), the following uses shall only be required to provide as many off-street parking spaces as will physically fit upon the property:

a. Any nonresidential use that has a minimum parking requirement of three or fewer parking spaces for each 1,000 square feet of gross floor area in accordance with Table 17-5.2(d)(1): Minimum Number of Off-Street Parking Spaces; and

b. Retail sales uses.

(5) Maximum Number of Off-Street Parking Spaces

For any use in the Retail Sales Uses category, the maximum number of off-street parking spaces shall not exceed 125 percent of the minimum number of off-street parking spaces required for that use in Table 17-5.2(d)(1): Minimum Number of Off-Street Parking Spaces, except as may be allowed through approval of an alternative parking plan in accordance with Sec. 17-5.2(f)(2), Provision over Maximum Allowed. If there is no requirement for a minimum number of off-street parking spaces for the use in Table 17-5.2(d)(1): Minimum Number of Off-Street Parking Spaces, the maximum number of off-street parking spaces shall not exceed 120 percent of the minimum number of off-street parking spaces required for that use in the GC district, except as may be allowed through approval of an alternative parking plan in accordance with Sec. 17-5.2(f)(2), Provision over Maximum Allowed.

(e) Dimensional Standards for Parking Spaces and Aisles

(1) General

Except as otherwise provided in (2) below, standard vehicle parking spaces and aisles shall comply with the minimum dimensional standards established in Table 17-5.2(e)(1)a: Dimensional Standards for Parking Spaces and Aisles. See Figure 17-5.2(e)(1)b: Measurement of Parking Space and Aisle Dimension.

TABLE 17-5.2(E)(1)A: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES [1][2]

Parking Angle (degrees)	Stall Width (ft)	Stall Depth Perpendicular to Curb (ft)	Aisle Width (ft) [2]	Stall Length along Curb (ft)	Double Row + Aisle, Curb to Curb (ft)
A	B	C	D	E	F
Residential, Public, Civic, and Institutional, and Commercial Uses ONLY					
0	8	8	11	22	27
45	9	19	12	13	50
60	9	20	15	10.5	55
90	9	18	22	9	58

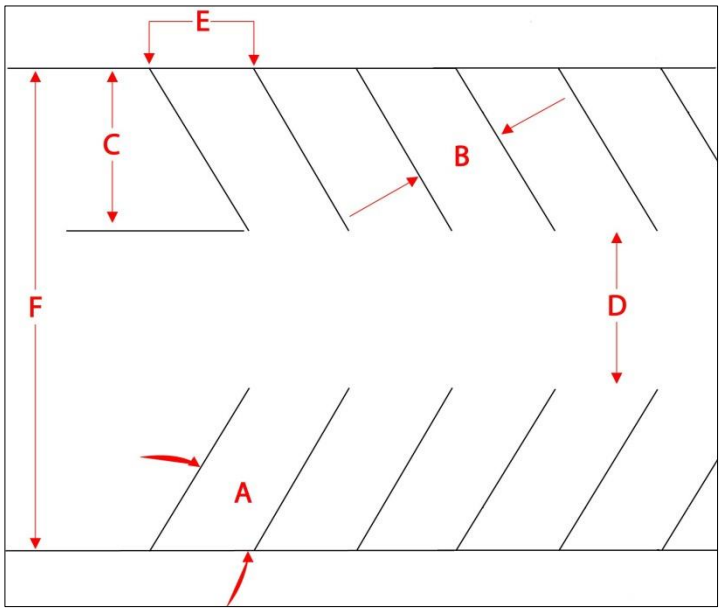
NOTES:

[1] Refer to Figure 17-5.2(e)(1)b, below, for illustrations showing how dimensions for parking spaces and aisles in various configurations (A-F) are measured.

[2] Dimensional standards may be modified by the Zoning Administrator for ramped parking structures to ensure adequate room is provided.

[2] For one-way traffic. Aisles for two-way traffic shall be at least 22 feet wide (for all parking angles). The Zoning Administrator may approve an aisle width less than the minimum upon determining that the aisle is sufficiently wide to allow vehicles to conveniently maneuver through the parking area and access each parking space without driving through any other parking space.

Figure 17-5.2(e)(1)b: Measurement of Parking Space and Aisle Dimensions



(2) Smaller Parking Spaces for Compact Cars, Tandem Parking, and Certain Uses

a. Up to 25 percent of required off-street parking spaces may be designated for use by compact cars. The dimensions of such designated off-street parking stalls may be reduced to a width of eight feet and a depth/length of 16 feet per vehicle.

b. The dimensions of off-street parking stalls may be reduced to a width of eight feet and a depth/length of 18 feet per vehicle where the parking stalls are:

1. Used for tandem parking (see Sec. 17-5.2(f)(7), Valet and Tandem Parking); or

2. Located within a development containing industrial services uses, manufacturing and production uses, or warehouse and freight movement uses.

c. The dimensions of off-street parking spaces for single-family detached and two-family dwellings may be reduced to a width of eight feet and a depth/length of 16 feet per vehicle.

(3) Vertical Clearance

All off-street parking spaces shall have a minimum overhead clearance of seven feet for vehicle parking, and 8.2 feet for van-accessible parking.

(4) Setback from Right-of-Way

Except for off-street parking areas serving single-family detached or two-family dwellings, parking spaces and access aisles shall be set back a minimum of ten feet from the street right-of-way.

(f) Off-Street Parking Alternatives

(1) Alternative Parking Plan

The Zoning Administrator is authorized to approve an alternative parking plan that proposes alternatives to providing the off-street parking spaces required by Table 17-5.2(d)(1): Minimum Number of Off-Street Parking Spaces, in accordance with the following standards. The alternative parking plan shall be submitted with a development application for a planned development (Sec. 17-2.5(d)), site plan (major or minor) (Sec. 17-2.5(i)) or zoning permit (Sec. 17-2.5(q)), as appropriate.

(2) Provision over Maximum Allowed

a. General

An alternative parking plan prepared specifically for the proposed plan for development may propose to exceed the maximum number of off-street parking spaces allowed in Sec. 17-5.2(d)(5), Maximum Number of Off-Street Parking Spaces.

b. Parking Demand Study

The alternative parking plan shall include a parking demand study demonstrating how the maximum number of parking spaces allowed by Sec. 17-5.2(d)(5), Maximum Number of Off-Street Parking Spaces, is insufficient for the proposed development.

(3) Shared Parking for Single-Use Developments

An applicant for a single-use development may use an alternative parking plan to meet a portion of the minimum number of off-street parking spaces required in Sec. 17-5.2(d)(1), Minimum Number of Off-Street Parking Spaces, for that use through sharing parking with other existing uses. Such use of shared parking shall be allowed in accordance with the following standards:

a. Maximum Shared Spaces

Up to 50 percent of the number of parking spaces required for the use may be shared with other uses, provided that parking demands do not overlap.

b. Location

1. Shared parking spaces shall be located within a maximum walking distance of the primary pedestrian entrances to the uses served by the parking, in accordance with Table 17-5.2(f)(3)b: Allowed Distances for Shared Parking.

TABLE 17-5.2(F)(3)B: ALLOWED DISTANCES FOR SHARED PARKING	
PRIMARY USE	**MAXIMUM ALLOWED DISTANCE (FEET)[1]**
Residential Uses (including mixed-use dwelling)	660
All Other Uses	800
NOTES: [1] Distance shall be measured by the actual distance of the pedestrian walkway from the shared parking area to the primary pedestrian entrance(s), not a straight-line, point-to-point distance.	

2. Shared parking spaces shall not be separated from the use they serve by an arterial street unless pedestrian access across the arterial street is provided by appropriate traffic controls (e.g., signalized crosswalk), or a pedestrian walkway (such as a bridge or tunnel).

c. Pedestrian Access

Adequate and safe pedestrian access by a walkway protected by landscape buffer or a curb separation and elevation from the street grade shall be provided between the shared parking areas and the primary pedestrian entrances to the uses served by the parking.

d. Signage Directing Public to Parking Spaces

Signage complying with the standards in Sec. 17-5.10, Signs, shall be provided to direct the public to the shared parking spaces.

e. Justification

The alternative parking plan shall include justification of the feasibility of shared parking among the proposed uses. Such justification shall address, at a minimum, the size and type of the uses proposed to share off-street parking spaces, the composition of their tenants, the types and hours of their operations, the anticipated peak parking and traffic demands they generate, and the anticipated rate of turnover in parking space use.

f. Shared Parking Agreement

1. An approved shared parking arrangement shall be enforced through written agreement among all the owners or long-term lessees of lands containing the uses proposed to share off-street parking spaces.

2. The agreement shall provide all parties the right to joint use of the shared parking area and shall ensure that as long as the off-site parking is needed to comply with this Ordinance, land containing either the off-site parking area or the served use will not be transferred except in conjunction with the transfer of land containing the other.

3. The agreement shall state that no party can cancel the agreement without first sending notice via certified mail to the Zoning Administrator, c/o the Zoning Division of the City of Columbia, at least 30 days prior to the termination of the agreement.

4. The agreement shall be submitted to the Zoning Administrator for review and approval before execution.

5. An attested copy of an approved and executed agreement shall be recorded with the Register of Deeds before issuance of a building permit for any use to be served by the shared parking area.

6. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner. A violation of the agreement shall constitute a violation of the Ordinance, which may be enforced in accordance with Article 8: Enforcement.

7. No use served by the shared parking arrangement may be continued if the shared parking becomes unavailable to the use, unless substitute off-street parking spaces are provided in accordance with this Section.

(4) Off-Site Parking

An alternative parking plan may be proposed to meet a portion of the minimum number of off-street parking spaces required for a use with off-site parking—i.e., off-street parking spaces located on a parcel or lot separate from the parcel or lot containing the use—in accordance with the following standards.

a. Zoning District Classification

The zoning district classification of the off-site parking shall be one that allows the use served by off-site parking (and thus off-street parking accessory to such use), or that allows the parking as a principal use.

b. Location

1. Off-site parking spaces shall be located within a walking distance of the primary pedestrian entrances to the uses served by the parking, in accordance with Table 17-5.2(f)(4)b: Allowed Distances for Off-site Parking.

TABLE 17-5.2(F)(4)B: ALLOWED DISTANCES FOR OFF-SITE PARKING

PRIMARY USE	MAXIMUM ALLOWED DISTANCE (FEET)[1]
Residential Uses (including mixed-use dwelling)	660
All Other Uses	800

NOTES:

[1] Distance shall be measured by the actual distance of the pedestrian walkway from the shared parking area to the primary pedestrian entrance(s), not a straight-line, point-to-point distance.

2. Off-site parking spaces shall not be separated from the use they serve by an arterial street unless safe pedestrian access across the street is provided by appropriate traffic controls (e.g., signalized crosswalk), or a grade-separated pedestrian walkway.

c. Space Clearly Marked

Each parking space shall be clearly marked with signage that:

1. Indicates that the space is reserved for the exclusive use of the use being served, and that the user may cause violators to be towed;

2. Does not exceed two square feet in sign area; and

3. Does not include any commercial message.

d. Pedestrian Access

Adequate, safe, and well-lit pedestrian access shall be provided between the off-site parking area and the primary pedestrian entrances to the use served by the off-site parking.

e. Off-Site Parking Agreement

If land containing the off-site parking area is not under the same ownership as land containing the principal use served, or if both lands are under the same ownership at the time the off-site parking area is established and ownership of one is subsequently transferred independent of the other, the off-site parking arrangement shall be established in a written agreement between the owners of land containing the off-site parking area and land containing the served use the complies with the following requirements:

1. The agreement shall provide the owner of the served use the right to use the off-site parking area and shall specify that the parking spaces are for the exclusive use of the served use, including any customers and employees;

2. The agreement shall state that no party can cancel the agreement without first sending notice via certified mail to the Zoning Administrator, c/o the Zoning Division of the City of Columbia, at least 30 days prior to the termination of the agreement;

3. The agreement shall be submitted to the Zoning Administrator, for review and approval before execution;

4. An attested copy of an approved and executed agreement shall be recorded with the Register of Deeds before issuance of a building permit for any use to be served by the off-site parking area;

5. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner;

6. A violation of the agreement shall constitute a violation of the Ordinance, which may be enforced in accordance with Article 8: Enforcement; and

7. No use served by the off-site parking may be continued if the off-site parking becomes unavailable, unless substitute off-street parking spaces are provided in accordance with this Section.

(5) On-Street Parking

In the NAC, CAC, RAC, and MC districts, an alternative parking plan may propose to provide 15 percent or 6 spaces, whichever is less, of the minimum number of off-street parking spaces required through on-street parking along streets that are adjacent to the development.

(6) Deferred Parking

An alternative parking plan may propose to defer construction of up to 25 percent of the number of off-street parking spaces required by Table 17-5.2(d)(1): Minimum Number of Off-Street Parking Spaces, in accordance with the following standards:

a. Justification

The alternative parking plan shall include a study demonstrating that because of the location, nature, or mix of uses, there is a reasonable probability the number of parking spaces actually needed to serve the development is less than the minimum required by Table 17-5.2(d)(1): Minimum Number of Off-Street Parking Spaces.

b. Reserve Parking Plan

The alternative parking plan shall include a reserve parking plan identifying: (a) the amount of off-street parking being deferred, and (b) the location of the area to be reserved for future parking, if future parking is needed.

c. Parking Demand Study

1. The alternative parking plan shall provide assurance that within 24 months after the initial certificate of occupancy is issued for the proposed development, an off-street parking demand study evaluating the adequacy of the existing parking spaces in meeting the off-street parking demand generated by the development will be submitted to the Zoning Administrator.

2. If the Zoning Administrator determines that the study demonstrates the existing parking is adequate, then construction of the remaining number of parking spaces shall not be required. If the Zoning Administrator determines the study indicates additional parking is needed, such parking shall be provided consistent with the reserve parking plan and the standards of this Section.

d. Limitations on Reserve Areas

Areas reserved for future parking shall not be used for buildings, storage, loading, or other purposes. Such area may be used for temporary overflow parking, provided such use is sufficiently infrequent to ensure maintenance of its ground cover in a healthy condition.

e. Landscaping of Reserve Areas Required

Areas reserved for future off-street parking shall be landscaped with an appropriate ground cover, and if ultimately developed for off-street parking, shall be landscaped in accordance with Sec. 17-5.3, Landscaping.

(7) Valet and Tandem Parking

An alternative parking plan may propose to use valet and tandem parking to meet a portion of the minimum number of off-street parking spaces required for commercial uses in accordance with the following standards:

a. Number of Valet or Tandem Spaces

No more than 35 percent of the total number of parking spaces provided shall be designated for valet or tandem spaces except for restaurants, where up to 50 percent of spaces may be designated for valet parking, and hotels, where up to 60 percent of parking spaces may be designated for valet parking.

b. Drop-Off and Pick-Up Areas

The development shall provide a designated drop-off and pick-up area. The drop-off and pick-up area may be located adjacent to the building served, but may not be located in a fire lane or where its use would impede vehicular and/or pedestrian circulation, cause queuing in a public street, or impede an internal drive aisle serving the development. Drop-off and pick-up areas shall not be allowed to use sidewalks for any stationing of vehicles.

c. Valet or Tandem Parking Agreement

1. Valet or tandem parking may be established and managed only in accordance with a valet or tandem parking agreement. The agreement shall be for a minimum of 10 years, and include provisions ensuring that a valet parking attendant will be on duty during hours of operation of the uses served by the valet parking.
2. The agreement shall be submitted to the Zoning Administrator, for review and approval before execution.
3. An attested copy of an approved and executed agreement shall be recorded with the Register of Deeds before issuance of a building permit for any use to be served by the valet or tandem parking.
4. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner. A violation of the agreement shall constitute a violation of the

Ordinance, which may be enforced in accordance with Article 8: Enforcement.

5. No use served by valet or tandem parking may be continued if the valet or tandem service becomes unavailable, unless substitute off-street parking spaces are provided in accordance with this Section.

(g) Reduced Parking Standards for Parking Demand Reduction Strategies

Use of alternative transportation and transportation demand reduction strategies allows development to reduce the amount of parking provided below the requirements of Table 17-5.2(d)(1): Minimum Number of Off-Street Parking Spaces. All reductions shall be taken as cumulative and not exclusive.

(1) Transit Accessibility

A five percent reduction in the minimum number of off-street parking spaces required by Table 17-5.2(d)(1): Minimum Number of Off-Street Parking Spaces, is allowed for uses located within one-quarter mile (1,320 feet) of any station, bus stop or other transit facility served by scheduled transit on weekday peak-level frequencies of 15 minutes or less and weekday off-peak frequencies of 20 minutes or less.

(2) Transportation Demand Management

The Zoning Administrator may, through approval of a Transportation Demand Management (TDM) plan, authorize up to a 30 percent reduction in the minimum number of off-street parking spaces required by Table 17-5.2(d)(1): Minimum Number of Off-Street Parking Spaces, for nonresidential or mixed-use developments having a floor area of at least 25,000 square feet, in accordance with the following standards.

a. TDM Plan Requirements

The TDM plan shall include facts, projections, an analysis (e.g., type of development, proximity to transit and/or other multi-modal systems, anticipated number of employees and/or patrons, minimum parking requirements) and indicate the types of transportation demand management activities that will be instituted to reduce single-occupant vehicle use and reduce traffic congestion. The plan shall identify the amount by which parking requirements have been reduced from the amounts otherwise required by this Section.

b. Transportation Demand Management Activities

The TDM plan shall be required to provide the following transportation demand management activities:

1. A Guaranteed Ride Home program that offers emergency ride services to each employee with an allowance of no fewer than four rides per year, which an applicant may establish to serve the development or in partnership with other developments or uses.

2. Written disclosure of transportation information and educational materials to all employees, that makes transportation and ride-sharing information available to employees. (This does not need to be a unique role and may be met by human resources officers or other administrators of an organization.)

3. Formation of transportation demand reduction programs such as carpooling, vanpooling, ridesharing, subsidy of employee bus passes, teleworking, and shuttle service programs.

c. Two Transportation Demand Management Options Required

The plan will also require two of the following transportation demand management strategies.

1. Establishment of a development-specific website that provides multi-modal transportation information such as real-time travel/traffic information, bus schedules and maps, and logging of alternative commutes (e.g., bicycle, pedestrian, carpool, and vanpool). Specific information will vary depending on the specific services and transportation infrastructure available in the vicinity of the development, but in general will allow tenants or customers to compare travel modes available.

2. In-lieu of the website described in 1 above, installation of a real-time visual display screen or other display device of this type that provides multi-modal transportation information.

3. A parking cash-out or transportation stipend, or provision of a cash incentive to employees not to use parking spaces otherwise available to tenants of a development.

4. Unbundling of parking from leases, or issuing tenant leases that do not include parking as an integral part of a floor-area space lease and require parking to be leased, purchased, or otherwise accessed through separate payment.

5. Creation of a Preferential Parking Management Plan that specifically marks spaces for registered carpool and/or vanpool vehicles that are located near building entrances or in other preferential locations.

6. Institution of off-peak work schedules that allow employees to arrive and depart at times other than the peak morning commute period (defined as 7:00 a.m. to 9:00 a.m.) and peak evening commute period (defined as 5:00 p.m. to 7:00 p.m.).

7. Any other transportation demand management activity as may be approved by the Zoning Administrator as a means of complying with the parking reduction provisions of this Subsection.

d. Recording of TDM Plan

A copy of the approved TDM plan shall be recorded with the Register of Deeds before issuance of a building permit for the development to be served by the plan. The TDM plan shall be recorded against the land, and the applicant and/or successors in interest in the land shall be responsible for implementing the plan in perpetuity.

e. TDM Program Coordinator

1. The applicant shall appoint a TDM program coordinator to oversee transportation demand management activities.

2. The TDM program coordinator shall be a licensed engineer, certified planner, or a traffic consultant that is also a qualified or trained TDM professional.

3. The TDM program coordinator shall be appointed prior to issuance of a building permit for the buildings to be served by the transportation demand management program.

f. TDM Report

1. The TDM program coordinator shall submit to the Zoning Administrator a report on a biennial basis that details implementation of the approved TDM plan and the extent to which it has achieved the target reduction in drive-alone trips that justified the original reduction in parking. The report shall include, but is not limited to, the following:

(i) A description of transportation demand management activities undertaken;

(ii) An analysis of parking demand reductions based on employee and/or resident use of ridership programs or alternative transportation options;

(iii) Changes to the TDM plan to increase bus ridership, bicycle ridership, and other commuting alternatives, as defined in g below; and

(iv) The results of an employee transportation survey.

g. Amendments

The Zoning Administrator may approve amendments to an approved TDM plan in accordance with the procedures and standards for its original approval. Changes in transportation options subsequent to the approval of the original plan that allow a development to meet the reduction targets identified in the original plan, such as introduction of new transit service to a development area, shall not require amendments to the plan as long as annual reports can demonstrate that these services are contributing to the plan's intent.

h. Parking Required if TDM Terminated

If the applicant or successors in interest in the development subject to a TDM plan stop implementing the plan or fail to submit a TDM report within one year of the regularly scheduled date the biennial report is due, the TDM plan shall be terminated and become null and void. Any such termination of the TDM plan does not negate the parties' obligations to comply with parking requirements of this Section and this Ordinance, and thus shall constitute a violation of this Ordinance. No use served by the TDM plan may be continued unless another TDM plan is approved or all required off-street parking spaces are provided in accordance with this Section and this Ordinance, within 120 days of termination of the TDM plan.

(3) Special Facilities for Bicycle Commuters

A five percent reduction in the minimum number of off-street parking spaces required by Table 17-5.2(d)(1): Minimum Number of Off-Street Parking Spaces, is allowed for developments that comply with the bicycle parking standards in Sec. 17-5.2(i), Bicycle Parking Standards, and provide both of the following:

a. Additional enclosed (indoor or locker) and secure bicycle parking spaces equal to at least five percent of the number of vehicle parking spaces provided; and

b. Shower and dressing areas for employees.

(4) Other Eligible Alternatives

The Zoning Administrator may authorize up to a 10 percent reduction in the minimum number of off-street parking spaces required by Table 17-5.2(d)(1): Minimum Number of Off-Street Parking Spaces, if an applicant submits an alternative parking plan that demonstrates the applicant will effectively reduce parking demand on the site of the subject development, provided the applicant also demonstrates that the proposed development plan will do at least as good a job in protecting surrounding neighborhoods, maintaining traffic-circulation patterns, and promoting quality urban design as would strict compliance with the otherwise applicable off-street parking standards.

(h) Vehicle Stacking Spaces and Lanes

(1) Drive-Through and Similar Facilities

a. Required Number of Stacking Spaces

In addition to meeting the off-street parking standards in Table 17-5.2(d)(1): Minimum Number of Off-Street Parking Spaces, uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service facility shall provide at least the minimum number of stacking spaces established in Table 17-5.2(h)(1)a: Minimum Stacking Spaces for Drive-Through and Similar Facilities.

TABLE 17-5.2(H)(1)A: MINIMUM STACKING SPACES FOR DRIVE-THROUGH AND SIMILAR FACILITIES

USE OR ACTIVITY [1]	MINIMUM NUMBER OF STACKING SPACES	MEASURED FROM
Bank or financial Institution, with drive-through facility or with automated teller machine (ATM) as an accessory use	3 per lane	Teller window or teller machine
Consumer goods store, with drive-through facility	4 per lane	Agent window
Day care facility	4 spaces	Primary location for child pick-up/drop-off
Elementary, middle, or high school	6 spaces	Primary Building entrance, if this is the primary location for student pick-up/drop-off
	8 spaces	Designated student waiting area, if this is the primary location for student pick-up/drop-off
Gasoline service station	1	Each end of the outermost gas pump island
Gated driveway (for any principal use)	3	Gate
Nursing care facility	3	Building entrance
All Personal Services uses with drive-through service	4 per lane	Agent window
Personal Vehicle Repair and Maintenance, specifically with car wash and auto detailing, automatic	4 per bay	Bay entrance
Personal Vehicle Repair and Maintenance, specifically with car wash and auto detailing, self-service	2 per bay	Bay entrance
Personal Vehicle Repair and Maintenance, specifically with oil change/lubrication shop	3 per bay	Bay entrance
Recycling center	3 per bay	Bay entrance
Restaurant, fast food, with drive-through facility[2]	4	Order box
Other	Uses not specifically listed are determined by the Zoning Administrator based on standards for comparable uses, or alternatively based on a parking demand study	

NOTES:
[1] See Article 4: Use Regulations.
[2] Restaurants with drive-through facilities shall provide at least four additional stacking spaces between the order box and the pick-up window.

b. Stacking Space Standards

Required stacking spaces shall:

1. Be a minimum of 10 feet wide and 20 feet long;
2. Be contiguous;
3. Not impede onsite or offsite vehicular traffic movements or movements into or out of off-street parking spaces;
4. Not impede onsite or offsite bicycle or pedestrian traffic movements; and
5. Be separated from access aisles and other vehicular surface areas by raised medians if necessary for traffic movement and safety.

(2) Vehicular Surface Area Entrance Driveways

Mixed-use dwellings and Public, Civic, and Institutional; Commercial; and Industrial uses shall provide stacking lanes between the edge of the street right-of-way and entrances into off-street parking areas in accordance with the minimum stacking lane distance established in Table 17-5.2(h)(2)a: Minimum Stacking Lane Distance for Vehicular Surface Area Entrance Driveway (see Figure 17-5.2(h)(2)b: Measurement of Stacking Lane Distance for Vehicular Parking Area Entrance Driveway).

TABLE 17-5.2(H)(2)A: MINIMUM STACKING LANE DISTANCE FOR VEHICULAR SURFACE AREA ENTRANCE DRIVEWAY

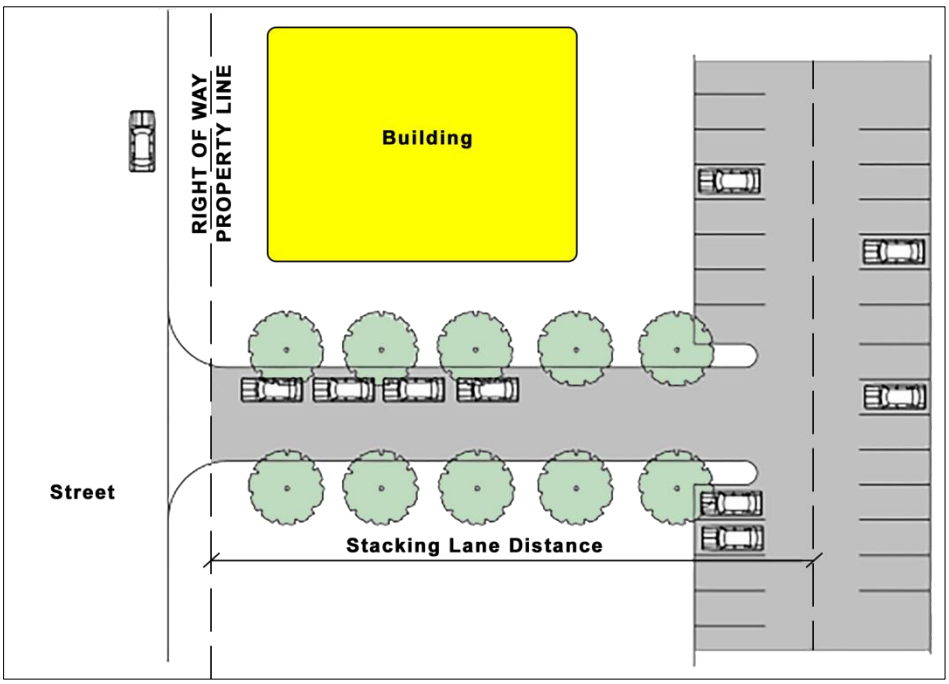
NUMBER OF OFF-STREET PARKING SPACES [1]	MINIMUM STACKING LANE DISTANCE (FT) [2]
1 - 49	25
50 – 249	50
250 – 499	100
500 or more	100 + 15 ft for every additional 50 spaces beyond 500

NOTES:

[1] Entrances into parking structures may be credited towards the stacking lane distance standard provided the parking structure entrance is accessed from a development driveway and not a primary drive aisle.

[2] Stacking lane distance is measured from the intersection of the driveway with the street right-of-way, along the centerline of the stacking lane, to its intersection with the centerline of the first entrance into a parking area or other internal intersecting driveway.

Figure 17-5.2(h)(2)b: Measurement of Stacking Lane Distance for Vehicular Surface Area Entrance Driveway



(i) Bicycle Parking Standards

(1) Minimum Bicycle Parking Required

Short-term and long-term bicycle parking spaces shall be provided based upon principle use type in accordance with Table 17-5.2(i)(1)b: Bicycle Parking Standards.

a. All new development; and

b. Any individual expansion or alteration of a building existing prior to August 30, 2021 if the expansion increases the building's gross floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's gross floor area (including interior alterations), provided no long-term bicycle parking is required if the building has a gross floor area of less than 2,500 square feet after the expansion or alteration.

TABLE 17-5.2(I)(1)B: BICYCLE PARKING STANDARDS IN THE MU-1, MU-2, DAC, NAC, CAC, RAC, AND MC DISTRICTS		
PRINCIPAL USE TYPE	**REQUIRED BICYCLE PARKING SPACES [3][4]**	
	SHORT-TERM [1] [2]	**LONG-TERM [2]**
Residential Uses		
Dwelling, Multifamily	1 for every 20 dwelling units	1 for every 4 dwelling units
Dormitory, private	1 for every 16 bedrooms	1 for every 4 bedrooms
Fraternity or sorority house	1 for every 16 bedrooms	1 for every 4 bedrooms
Rooming house or boardinghouse	No minimum	1 for every 10 required automobile parking spaces
Use type in the Residential Uses classification not elsewhere listed	No minimum	No minimum
Public, Civic, and Institutional Uses		
Correctional facility	No Minimum	No Minimum
Place of worship	1 for every 1,500 gsf of assembly area	No Minimum
Use type in the Community Service Uses category not elsewhere listed	1 for every 2,000 gsf	1 for every 6,000 gsf
Elementary, middle, or high school	1 for every 2 classrooms	1 for every 10 employees additionally for high schools, 1 for every 50 students of planned capacity, with a maximum of 20 required spaces
Parking lot (as a principal use)	50% of automobile parking spaces	1 for every 20 automobile parking spaces, with a minimum of 4 and a maximum of 20 required spaces
Parking structure (as a principal use)	2	1 for every 20 automobile parking spaces, with a minimum of 6 and a maximum of 40
Passenger terminal, surface transportation	1 for every 50 projected a.m. peak period daily riders	1 for every 10 projected a.m. peak period daily riders
Airport	No minimum	No minimum
Railroad facility	No minimum	No minimum
Utility facility, minor	No minimum	No minimum
Use type in the Public, Civic, and Institutional Uses classification not elsewhere listed	1 for every 10,000 gsf	1 for every 20,000 gsf
Commercial Uses		
Use type in the Animal Care Uses category	2	No Minimum
Bank	2	1 for every 20,000 gsf
Use type in the Eating or Drinking Establishment Uses category	1 for every 2,000 gsf	1 for every 10,000 gsf
Amusement park	8 for every acre	2 for every per acre
Arena, stadium, or outdoor theater	1 for every 40 seats plus 1 for every 3,000 gsf of non-seated assembly area	1 for every 10,000 gsf, maximum of 10
Performing arts center	1 for every 100 seats, maximum of 10	1 for every 10,000 gsf, maximum of 10

TABLE 17-5.2(I)(1)B: BICYCLE PARKING STANDARDS IN THE MU-1, MU-2, DAC, NAC, CAC, RAC, AND MC DISTRICTS

PRINCIPAL USE TYPE	REQUIRED BICYCLE PARKING SPACES [3][4]	
	SHORT-TERM [1] [2]	LONG-TERM [2]
Recreation facility, indoor, not elsewhere listed	1 for every 3,000 gsf, maximum of 10	1 for every 10,000 gsf
Recreation facility, outdoor, not elsewhere listed	1 for every 40 seats plus 1 for every 3,000 gsf of non-seated assembly area	1 for every 10,000 gsf of assembly area
Use type in the Retail Sales Uses category	1 for every 2,000 gsf, maximum of 20	1 for every 10,000 gsf
Use type in the Vehicle Sales and Services Uses category	2	No Minimum
Use type in the Visitor Accommodations Uses category	2	1 for every 20 lodging units
Use type in the Commercial Uses classification not elsewhere listed	1 for every 5,000 gsf	1 for every 10,000 gsf
Agricultural Uses		
Use type in the Agricultural Uses use classification	No minimum	No minimum
Industrial Uses		
Use type in the Manufacturing Uses category	No minimum	No Minimum
Use type in the Industrial Uses classification not elsewhere listed	No minimum	No minimum

NOTES:
[1] Unless otherwise specified, a minimum of two short-term parking spaces are required
[2] The required number of spaces shall be based on any portion of the base number rounded up (for example, a multi-family development with 17 units would have to provide 5 long-term parking spaces).
[3] "No minimum" indicates that no bicycle parking spaces are required.
[4] Spaces listed are the minimum number of spaces unless otherwise specified.

(2) Reduction Based on Alternative Bicycle Parking Plan

The Zoning Administrator may authorize up to a 25 percent reduction in the minimum number of bicycle parking spaces required by Table 17-5.2(i)(1)b: Bicycle Parking Standards in the MU-1, MU-2, DAC, NAC, CAC, RAC, and MC Districts, if the applicant submits an alternative bicycle parking plan that:

a. Demonstrates the demand and need for bicycle parking on the site is less than required by this section because of the site's location, the site design, proximity to transit, or other factors; or

b. Offers a strategy that demonstrates other non-auto and non-bicycle travel modes will be used by occupants and users of the development that reduces the demand for bicycle parking spaces.

(3) Bicycle Parking Space Standards

a. A bicycle parking space shall be located on a paved or similar hard, all-weather surface, having a slope not greater than three percent.

b. Lighting shall be provided for bicycle parking spaces that are accessible to the public or bicyclists after dark.

c. Bicycle parking is encouraged to be visible from the main entrance of the building it serves; however, directional signage shall be provided where a bicycle parking space is not visible from a main entrance to the building for which the bicycle parking space is required.

d. The minimum dimensional requirements for a bicycle parking space are:

1. Six feet long by two feet wide (see Figure 17-5.2(i)(3)a: Example of Bicycle Parking Space and Parking Rack Dimensional Standards); or

2. If designed for vertical storage, four feet long by two feet wide by eight feet high (see Figure 17-5.2(i)(3)b: Example of Vertical Bicycle Parking Dimensional Standards).

Figure 17-5.2(i)(3)a: Example of Bicycle Parking Space and Parking Rack Dimensional Standards

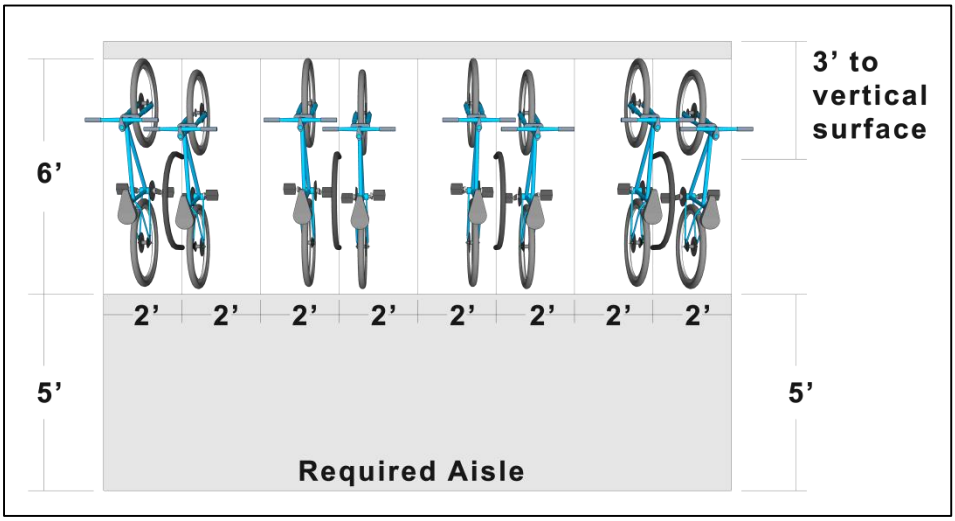
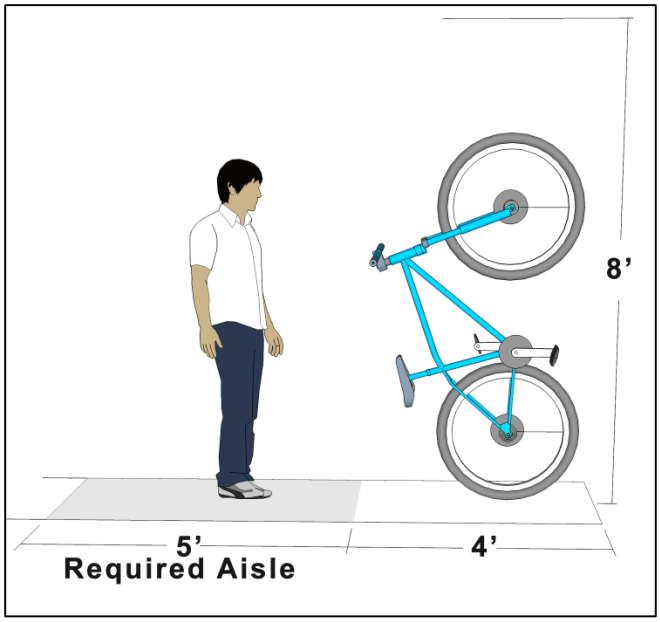


Figure 17-5.2(i)(3)b: Example of Vertical Bicycle Parking Dimensional Standards



e. A bicycle parking space shall be accessible without moving another parked bicycle.

f. Not more than 25 percent of required short-term bicycle parking spaces and 25 percent of required long-term bicycle parking spaces may be vertical or wall-mounted parking.

g. A bicycle parking rack shall:

1. Allow for the securing of the frame and at least one wheel of a bicycle in a bicycle parking space to the rack with an industry-standard U-shaped bike lock;

2. Provide each bicycle parking space with support for a bicycle in a stable position with direct support to the bicycle frame;

3. Be securely anchored to the ground or to a structural element of a building or structure;

4. Be designed and located so it does not block pedestrian circulation systems and pedestrian movements;

5. Be constructed of materials designed to withstand cutting, severe weather, and permanent exposure to the elements, such as powder-coated steel or stainless steel;

(i) If bicycles must be moved onto or off of the rack parallel to their direction of travel, provide an aisle having a minimum width of five feet between all bicycle parking spaces served by the rack and any

bicycle spaces served by another bicycle parking rack, vehicular surface areas, or obstructions, including but not limited to fences, walls, doors, posts, columns, or landscaping areas (see Figure 17-5.2(i)(3)a: Example of Bicycle Parking Space and Parking Rack Dimensional Standards, and Figure 17-5.2(i)(3)b: Example of Vertical Bicycle Parking Dimensional Standards);

6. Be located at least three feet from any vertical surface, such as another bicycle parking rack, the side of a building, a tree, or a fence or wall (see Figure 17-5.2(i)(3)a: Example of Bicycle Parking Space and Parking Rack Dimensional Standards); and

7. Be separated from any abutting vehicular surface area by at least three feet and a physical barrier, such as bollards, curbing, wheel stops, reflective wands, or a fence or wall.

h. Bicycle parking areas shall be maintained free of inoperable bicycles (such as bicycles with flat tires or missing parts) and debris. Bicycle parking racks shall be maintained in good repair, securely anchored, and free of rust.

(4) Short-Term Bicycle Parking Standards

A short-term bicycle parking space shall:

a. Include independent access to a bicycle parking rack for supporting and securing a bicycle; and

b. Be located within 75 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route, provided, a short-term bicycle parking space located in a bicycle parking area serving more than one use shall be located within 150 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route; and

c. Be located to ensure significant visibility by the public and users of the building for which the space is required.

(5) Long-Term Bicycle Parking Standards

A long-term bicycle parking space shall:

a. Include one of the following features:

1. A bicycle locker or similar structure manufactured for the sole purpose of securing and protecting a standard size bicycle from rain, theft, and tampering by fully securing the bicycle in a temporary enclosure; or

2. A secured and dedicated bicycle parking area provided either inside the principal building on the lot, within a parking structure, or in a structure located elsewhere on the lot. The secured and dedicated bicycle parking area shall be designed to protect each bicycle from

weather, theft, and vandalism and shall have a minimum of eight feet of clearance above the floor or ground.

b. Be located within 500 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route, provided, a long-term bicycle parking space located in a bicycle parking area serving more than one use shall be located within 750 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route.

(j) Loading Area Standards

(1) Minimum Number of Off-Street Loading Berths

Any new development involving the routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development shall provide a sufficient number of off-street loading berths to accommodate the delivery and shipping operations of the development's uses in a safe and convenient manner. Table 17-5.2(j)(1): Minimum Number of Off-Street Loading Berths, sets forth the minimum number of loading berths for the different principal uses. For proposed uses not listed in Table 17-5.2(j)(1): Minimum Number of Off-Street Loading Berths, the requirement for a use most similar to the proposed use shall apply. The off-street loading berth shall be arranged so that vehicles shall maneuver for loading and unloading entirely within the property lines of the site.

TABLE 17-5.2(J)(1): MINIMUM NUMBER OF OFF-STREET LOADING BERTHS

PRINCIPAL USE CLASSIFICATION/CATEGORY	GROSS FLOOR AREA (GFA)	MINIMUM NUMBER OF LOADING BERTHS
Commercial, Public and Institutional, and Certain Residential Uses		
Household Living Uses (Multifamily only) and Group Living Uses (Residential Care Facility only)	At least 100 dwelling units and up to 300 dwelling units	1
	Each additional 200 dwelling units or major fraction thereof	add 1
Health Care Uses, Commercial Services Uses, Office Uses, Personal Service Uses, and Visitor Accommodations Uses (Hotel or Motel only)	At least 10,000 sq. ft. and up to 100,000 sq. ft.	1
	Each additional 100,000 SF or major fraction thereof	add 1
Commercial Uses not elsewhere listed	At least 2,000 sq. ft. but less than 20,000 sq. ft.	1
	At least 20,000 sq. ft. but less than 60,000	2
	Each additional 60,000 sq. ft. or major fraction thereof	add 1
Industrial Uses		
All Industrial Uses	At least 2,000 sq. ft. but less than 25,000 sq. ft.	1

TABLE 17-5.2(J)(1): MINIMUM NUMBER OF OFF-STREET LOADING BERTHS		
PRINCIPAL USE CLASSIFICATION/CATEGORY	**GROSS FLOOR AREA (GFA)**	**MINIMUM NUMBER OF LOADING BERTHS**
	At least 25,000 sq. ft. but less than 40,000 sq. ft.	2
	At least 40,000 sq. ft. but less than 100,000 sq. ft.	3
	At least 100,000 sq. ft. but less than 160,000 sq. ft.	4
	At least 160,000 sq. ft. but less than 240,000 sq. ft.	5
	At least 240,000 sq. ft. but less than 320,000 sq. ft.	6
	At least 320,000 sq. ft. but less than 400,000 sq. ft.	7
	Each 90,000 sq. ft. above 400,000	1

(2) Dimensional Standards for Loading Areas

a. Each loading berth shall be of sufficient size to accommodate the types of vehicles likely to use the loading area. The minimum loading berth size that presumptively satisfies loading berth needs is least 12 feet wide and 45 feet long in general industrial, distribution, or warehousing uses. For all other uses, a berth as short as 33 feet may be allowed. The Zoning Administrator may require a larger loading berth or allow a smaller loading berth on determining that the characteristics of the particular development warrant such increase or reduction and the general standard is met.

b. Each loading berth shall have at least 15 feet of overhead clearance.

(3) Location of Loading Areas

a. To the maximum extent practicable, loading areas should be located to the rear of the use they serve (see Figure 27-5.211.C: Loading Area Configuration).

b. Loading areas should be located adjacent to the building's loading doors, in an area that promotes their practical use.

c. Loading areas should be located and designed so vehicles using them can maneuver safely and conveniently to them from a public street and complete loading without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

Figure 27-5.211.C: Loading Area Configuration



Sec. 17-5.3 Landscaping

(a) Purpose and Intent

The purpose of this Section is to establish standards for landscaping that contributes to a high quality of life, enhances the appeal and economic value of properties in the City, and otherwise contributes to the public health, safety and welfare through:

(1) Improved air quality;

(2) Beneficial climate modification;

(3) Reduction of glare, noise, odors and dust;

(4) Reduction of stormwater runoff and flooding;

(5) Screening of undesirable views;

(6) Provision of buffers between incompatible land uses;

(7) Shelter and food for birds and other wildlife;

(8) The psychological benefits of experiencing nature in the City; and

(9) The aesthetic enjoyment provided by the diversity and dynamism of the planted landscape.

(b) Applicability

(1) General

a. Unless exempted in accordance with subsection (2) below, all development shall comply with the standards in this Section, as modified in accordance with Sec. 17-5.3(b)(5), Alternative Compliance.

b. The standards in this Section are cumulative, unless otherwise stated in this Ordinance.

c. If, during review of plans for historic consideration, a federal or state agency applies requirements that conflict with the standards in this Section, the requirements applied by the federal or state agency shall control.

(2) Exemptions

The following are exempt from the standards in this Section:

a. Single-family detached dwellings, provided, the initial development of a subdivision of single-family dwellings is subject to the Sec. 17-5.3(h), Site Tree Density, and Sec. 17-5.4, Tree Protection.

b. Public and private utilities, except when a Zoning Permit or subdivision approval is required. Such utilities may include but are not limited to storm drainage installation, street construction, water and sewer construction, and electric, gas, communications, and other similar service installations.

c. Expansion of an existing structure that, combined with all expansions of the same structure during the preceding five-year period, equals less than 25 percent of the total gross floor area of the structure existing at the beginning of the five-year period and results in no increase or an increase of less than 25 percent of the vehicular surface area existing at the beginning of the five-year period.

d. Renovation or reuse, not a more intense use, of an existing structure that, combined with all renovation and reuse of the same structure during the preceding five-year period, is valued at less than 50 percent of the recorded tax value of the building.

(3) Timing of Review

Review for compliance with the standards in this Section shall occur during review of a development application for a planned development (Sec. 17-2.5(d)), site plan (major or minor) (Sec. 17-2.5(i)) or zoning permit (Sec. 17-2.5(q)), as appropriate.

(4) Landscaping Plan Required

A landscaping plan shall be submitted with an application for development subject to the requirements of this Section. The landscaping plan shall depict how the proposed development complies with the standards in this Section. The landscaping plan shall comply with the requirements for landscaping plans set forth in the Procedures Manual and shall include utility and irrigation plans, if applicable, and documentation of existing trees and a tree protection plan as required by Sec. 17-5.4, Tree Protection. All landscaping plans for sites having an area greater than one acre shall be prepared by a registered landscape architect. Landscaping plans for sites having an area of one acre or less may be prepared by other design professionals with competency in landscape design when the design is incidental to their work.

(5) Alternative Compliance

a. Alternative Landscaping Plan

1. Where the application of the standards in this Section would result in unreasonable or impractical situations due to unusual site conditions, such as may be caused by streams, natural rock formations, topography, lot configuration, or utility easements, a committee comprised of the Zoning Administrator, the Land Development Administrator or designee, and the Planning Director, may approve an alternative landscaping plan on finding, by a simple majority, the alternative landscaping plan:

(i) Would result in landscaping of similar quality, effectiveness, durability, and performance as required by this Section;

(ii) Is consistent with the purpose and intent of this Section and the purpose of each applicable subsection in this Section, taking into account the proposed land use and the land use on abutting property; the amount, species, arrangement, and coverage of plant material proposed; the level of screening achieved; and the height, spread and canopy of the proposed plantings at maturity; and

(iii) Would not result in the removal of a grand tree which would otherwise be required to be preserved.

2. The committee's decision to approve or deny an alternative landscaping plan may be appealed to Board of Zoning Appeals, in accordance with Sec. 17-2.5(u), Appeal – Zoning.

b. Columbia Landscaping and Tree Fund

1. City Manager or designee shall administer the fund, and the Columbia Tree and Appearance Commission shall serve as an advisory board. The Columbia Landscape and Tree Fund shall be used for landscaping, streetscaping and beautification project upon public property within the City of Columbia.

2. Where unusual site conditions, such as may be caused by streams, natural rock formations, topography, lot configuration, or utility easements, make it impossible for proposed development to comply with the landscaping requirements in this Section, the proposed development may be approved only if it complies with the requirements in this Section to the extent practicable and all unmet requirements are compensated for through payment to the Columbia Landscaping and Tree Fund of 125 percent of the estimated cost of plant materials and installation. Estimates used to calculate the cost of plant materials and installation must be made not more than 90 days prior to the submission of the alternative landscaping plan. Three estimates provided with letterhead will be submitted for review and

approval. The payment shall be based on the average of the three estimates multiplied by 125%.

(c) General Landscaping Standards

Unless specified in this Ordinance to the contrary, all plantings and other improvements required by this Section shall comply with this subsection.

(1) Installation of Required Landscaping

a. Unless a bond is provided in accordance with c below, all landscaping required by this Section shall be installed prior to the issuance of a Certificate of Occupancy.

b. All plants shall be installed in a manner to ensure their best chance of survival and to reduce the potential expense of replacing damaged plant materials. Sufficient soil volume shall be provided for tree roots to allow for the tree's healthy growth and survival to its mature size; however, this requirement shall not be construed to require minimum soil volumes in excess of those required for interior planting areas by Sec. 17-5.3(f)(4)a.1(ii).

c. If the season or weather conditions prohibit planting of trees or shrubs, the developer may provide a bond, an irrevocable letter of credit, or other financial surety in an amount equal to 125 percent of the cost of installing the required landscaping to guarantee the completion of the required planting. A Zoning Permit for the development shall be issued only on approval of the financial surety. All required improvements must be completed within the time period established in the development approval, or within 18 months of the date the developer provides financial surety, whichever period is shorter. The developer may request and the Land Development Administrator may grant, for good cause shown, one extension, not to exceed one year, of the period for completion. The financial surety shall be canceled and/or returned upon completion of the required landscaping. If the developer fails to complete all required improvements within the period for completion, as may be extended, the Land Development Administrator shall send written notice to the developer identifying the failure(s) and providing the developer a period of 30 days to complete the required improvements. If the required improvements are not completed within the 30-day period, the City may draw on the financial surety to complete the required improvements.

(2) Credit for Existing Vegetation

Existing vegetation in good health that meets all applicable standards in this Section may be used to satisfy any planting requirements, provided the vegetation is in fair or better condition (see Sec. 17-9.4, Definitions) and is protected before and during development in the same manner required for a protected tree in accordance with Sec. 17-5.4(f), Tree Protection During Construction.

(3) Species

a. Vegetative material shall be adapted to the site conditions where it will be planted. The use of native, drought-tolerant vegetation is encouraged to reduce dependency upon irrigation. The selection of trees, shrubs, and other vegetative material from the list of suggested species maintained by the South Carolina Forestry Commission is encouraged.

b. The use of species identified as invasive plant pest species by the South Carolina Exotic Pest Plant Council is prohibited.

c. To curtail the spread of disease and insect infestation in a plant species, new shrub and tree plantings shall be of different genuses in accordance with Table 17-5.3(c)(3): Required Shrub and Tree Genus Diversity. Where different genuses of shrubs and trees are required in accordance with Table 17-5.3(c)(3), each required genus shall be planted in roughly equal proportions with the other required genuses. Nothing in this subsection shall be construed to prevent the utilization of a greater number of different species than specified in Table 17-5.3(c)(3).

TABLE 17-5.3(C)(3): REQUIRED SHRUB AND TREE GENUS DIVERSITY

Minimum Number of Shrubs or Trees Required on Site	Minimum Number of Genuses of Shrubs or Trees Required on Site
Shrubs	
40 or fewer	2
More than 40 but fewer than 70	3
70 or more	4
Trees	
20 or fewer	2
More than 20 but fewer than 40	3
40 or more	4

(4) Trees

a. All shade trees planted in accordance with the requirements of this Section shall be a minimum of ten feet in height, and small-maturing trees a minimum of eight feet in height, when planted. Both shade trees and small-maturing trees must be at least two inches in caliper (measured one-half foot above ground level) when planted. Any new trees of above four-inch caliper size shall be measured 12 inches above the ground. The caliper size of a multi-trunk tree shall be deemed to be the average caliper size of the largest three leaders.

b. The height-to-trunk caliper ratio, root ball sizes, or spread relationship for any tree to be planted shall meet the current "American Standards for Nursery Stock" as set forth by the American Association of Nurserymen.

c. All multi-trunk trees must be "tree form" with a maximum of three to five stems or trunks and a minimum height of eight feet at planting.

(5) Shrubs

All shrubs planted to meet the requirements of this Section, unless required to be larger by another provision in this Section, shall be a minimum of three-gallon container size and 18 inches in height or spread (depending on whether the growth habit is upright or spreading) measured from the top of the root zone.

(6) Mulch

All planted materials are to be mulched, generally with an organic type of mulch such as shredded bark, ground wood chips (not sawdust), or pine straw. Mulch shall be applied as follows: for trees and shrubs, three to four inches deep at the base of shrubs and trees or from the trunk to the dripline for newly-planted trees; for ground cover and perennials, one to two inches deep sufficient in coverage to conserve moisture and suppress weeds without inhibiting growth of the landscape plants.

(7) Irrigation

An irrigation system shall be planned, installed, and maintained to ensure optimum moisture for healthy growth and survival. Use of existing vegetation, native plants, drought-tolerant plants, and water conserving irrigation techniques, such as use of a rain sensor, and re-use of rain water, is encouraged.

(8) Berms

Berms shall comply with the following design standards:

a. The slope shall not exceed a two-to-one ratio (horizontal to vertical);

b. The berm shall have a top width at least one-half the berm height; and

c. The berm shall have a maximum height of eight feet above the toe of the berm.

d. All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation.

e. Berms proposed to be placed along street right-of-way shall be designed and constructed to provide adequate sight distances at intersections and along the street.

f. Berms shall not damage the roots of existing healthy vegetation designated to be preserved.

(9) Fences and Walls

Fences and walls shall comply with Sec. 17-5.8, Fences and Walls

(10) Sight Areas

Sight areas shall be maintained free of obstructions, including trees, shrubs, and other vegetation and fences, walls, and berms.

(11) Maintenance of Landscape Areas

a. General

1. It shall be the duty of the property owner to maintain all vegetation planted pursuant to, or protected by, this chapter in a healthy condition in accordance with this section and the tree ordinance guidelines developed by the City.

2. Landscape features and areas shall be maintained in accordance with the approved landscaping plan or alternative landscaping plan and shall present a healthy and orderly appearance free from refuse and debris.

3. All plant life shown on an approved landscaping plan or alternative landscaping plan shall be replaced with the same or a similar species if it dies, is seriously damaged, or removed, except any existing vegetation that does not comply with the standards in this Ordinance shall be replaced with vegetation that does comply with the standards in this Ordinance, in the event the existing vegetation is removed due to damage, disease, or death.

b. Maintenance Review

The Land Development Administrator, or designee, shall have the authority to review landscaping and require replanting if necessary to maintain the required landscape plants in good health.

c. Damage Due to Natural Occurrence

In the event that any vegetation or physical element functioning to meet the standards of this Section is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, the owner or developer shall be required to replant if the landscaping standards are not being met. The Land Development Administrator shall consider the type and location of the landscape buffer or required vegetation area as well as the propensity for natural re-vegetation in making a determination on the extent of replanting requirements. The owner shall have one growing season to replace or replant in accordance with the Land Development Administrator's determination.

d. Protection During Operations

1. The owner or developer shall take actions to protect trees and landscaping from damage during all facility and site operations.

2. Plants shall be maintained in a way that does not obstruct sight distances at roadway and drive intersections, obstruct traffic signs or devices, or interfere with the use of sidewalks or pedestrian trails.

3. If a planting area required by this Section is adjacent to parking or vehicular circulation areas. Curb stops, concrete curb, or other devices to prevent vehicular damage to required trees must be shown on the landscaping plan and installed prior to final inspection.

e. Maintain Shape

All required trees shall be allowed to reach their mature size and shall be maintained at their mature size. Except for trimming and pruning within a utility easement in accordance with applicable policies of the affected utility, required plants shall not be cut or severely pruned or otherwise damaged so that their natural form is impaired. Any tree (including, but not limited to crape myrtles) that has been severely pruned, sheared, topped, or shaped as a shrub, shall be considered as damaged vegetation in need of replacement in accordance with Sec. 17-5.3(c)(11)c, Damage Due to Natural Occurrence, and shall be replaced within one growing season with a tree at least four inches in caliper.

f. Natural Death

The natural death of existing vegetation within any required landscape area does not necessarily constitute a violation and does not require re-vegetation to replace the plant material unless the required landscape area no longer complies with the required standards of this section. In no instance shall this provision be construed to prevent re-planting if, in the opinion of the Zoning Administrator, the required performance standard of the landscaping is not being met.

(d) Transitional Buffer Yards

(1) Purpose

A transitional buffer yard is a landscaped area between two land uses designed to:

a. Mitigate potential negative effects of different contiguous land uses;

b. Prevent an adverse community appearance;

c. Protect the character of an area; and

d. Conserve the values of buildings and land.

(2) Applicability

All new development shall comply with standards in this subsection.

a. Between uses or lots within a single mixed-use development;

b. Between a proposed development and abutting right of way; and

c. For development that consists of the renovation or reuse of an existing structure, the vegetative portion of a street protective yard is not required where it would result in the removal of an existing parking space(s) in an existing parking lot.

(3) Required Width and Plantings

a. Required Buffer Type

Table 17-5.3(d)(3)a: Buffer Type Application, identifies whether a proposed use requires a transitional buffer yard, and, if a transitional buffer yard is required, what buffer type is required. Width and planting requirements for each buffer type are set forth in Sec. 17-5.3(d)(3)b, Minimum Width and Plantings.

TABLE 17-5.3(D)(3)A: BUFFER TYPE APPLICATION

Proposed Use	Existing Use on Abutting Land [2]				
	Single-family detached or two-family dwelling	Residential use, other than single-family detached or two-family dwelling, having 10 or fewer units	Residential use not otherwise listed	Public, Civic, and Institutional use or Commercial use, if site area is 25,000 sq ft or less	Public, Civic, and Institutional use or Commercial use not otherwise listed, or Industrial use
Single-family detached or two-family dwelling					
Residential use, other than single-family detached or two-family dwelling, having 10 or fewer units	Type B				
Residential use not otherwise listed	Type C	Type B	Type A	Type A	
Public, Civic, and Institutional use or Commercial use, if site area is 25,000 sq ft or less	Type C	Type B	Type A		
Public, Civic, and Institutional use or Commercial use not otherwise listed, or Industrial use	Type D	Type C	Type B	Type A	

NOTES:
[1] A shaded cell indicates that a transitional buffer yard is not required.

TABLE 17-5.3(D)(3)A: BUFFER TYPE APPLICATION					
PROPOSED USE	EXISTING USE ON ABUTTING LAND [2]				
	SINGLE-FAMILY DETACHED OR TWO-FAMILY DWELLING	RESIDENTIAL USE, OTHER THAN SINGLE-FAMILY DETACHED OR TWO-FAMILY DWELLING, HAVING 10 OR FEWER UNITS	RESIDENTIAL USE NOT OTHERWISE LISTED	PUBLIC, CIVIC, AND INSTITUTIONAL USE OR COMMERCIAL USE, IF SITE AREA IS 25,000 SQ FT OR LESS	PUBLIC, CIVIC, AND INSTITUTIONAL USE OR COMMERCIAL USE NOT OTHERWISE LISTED, OR INDUSTRIAL USE
[2] Where establishment of a use abutting land is pending, the use is considered an existing use for purposes of this subsection if a building permit is issued for the use. If abutting land is vacant and no building permit has been issued for its use, its existing use shall be deemed to be the most intense use permitted by right in the zoning district where it is located.					

b. Minimum Width and Plantings

The standards for each transitional buffer yard type in this subsection shall apply where that buffer type is required in accordance with Table 17-5.3(d)(3)a: Buffer Type Application.

1. Minimum Width

Unless reduced in accordance with Sec. 17-5.3(d)(3)c, Reduction in Buffer Width, the minimum required width of a transitional buffer yard shall be as follows:

(i) Type A: 10 feet;

(ii) Type B: 20 feet;

(iii) Type C: 30 feet; and

(iv) Type D: 40 feet.

2. Required Width and Plantings Table

Plantings shall be provided in a transitional buffer yard in the amount shown in Table 17-5.3(d)(3)b: Required Plantings by Buffer Width and Type, based on the width and type of buffer required.

TABLE 17-5.3(D)(3)B: REQUIRED PLANTINGS BY BUFFER WIDTH AND TYPE								
BUFFER WIDTH (FT) [3] [4]	MINIMUM NUMBER OF SHRUBS AND AGGREGATE CALIPER INCHES (ACI) OF TREES PER 100 LINEAR FEET [2]							
	TYPE A		TYPE B		TYPE C		TYPE D	
	SHRUBS	TREES (ACI)	SHRUBS	TREES (ACI)	SHRUBS	TREES (ACI)	SHRUBS	TREES (ACI)
10	20	12						

TABLE 17-5.3(D)(3)B: REQUIRED PLANTINGS BY BUFFER WIDTH AND TYPE

Buffer Width (ft) [3] [4]	Minimum Number of Shrubs and Aggregate Caliper Inches (ACI) of Trees per 100 Linear Feet [2]							
	Type A		Type B		Type C		Type D	
	Shrubs	Trees (ACI)	Shrubs	Trees (ACI)	Shrubs	Trees (ACI)	Shrubs	Trees (ACI)
20	14	10	40	14				
30	12	8	28	12	60	16		
40 or more	8	8	24	12	36	14	80	20

NOTES:

[1] Buffer widths that are less than the minimum allowed are shaded in this table.

[2] The actual required number of shrubs or ACI of trees is determined by dividing the number of linear feet of the transitional buffer yard by 100, multiplying the result by the number of shrubs or ACI, as appropriate, required per 100 linear feet, and rounding to the nearest whole number.

[3] If a proposed transitional buffer yard width falls between two adjacent widths listed in this table (higher listed width and lower listed width), the required ACI of trees shall be the required ACI for the lower listed width, and the required number of shrubs shall be determined by multiplying by 0.1 the difference between the proposed width in feet and the lower listed width, multiplying the result by the difference between the number of shrubs listed for the higher listed width and number of shrubs listed for the lower listed width, adding the result to the number of shrubs required for the lower listed width, and rounding to the nearest whole number. For example, a proposed Type A transitional buffer yard with a width of 25 feet requires 10 ACI of trees (the same as a 20-foot buffer) and 13 shrubs ((5 x 0.1) x (14 - 12) + 12) per 100 linear feet.

[4] Any transitional buffer yard that is less than 15 feet in width shall include a wall made of brick, stone, or stucco that is at least 6 feet in height.

c. Reduction in Buffer Width

The required width of a transitional buffer yard may be reduced in accordance with this subsection, provided, only one width reduction is allowed along any length of a transitional buffer yard.

1. Fence or Masonry Wall Included

The width of a transitional buffer yard may be reduced by the amount shown in Table 17-5.3(d)(3)c: Width Reduction From Fence or Wall, if a fence or wall that complies with the corresponding height and materials requirements in Table 17-5.3(d)(3)c: Width Reduction From Fence or Wall, and Sec. 17-5.8, Fences and Walls, is located in the transitional buffer yard along the length of the transitional buffer yard.

TABLE 17-5.3(D)(3)C: WIDTH REDUCTION FROM FENCE OR WALL				
FENCE OR WALL MATERIALS	ZONING DISTRICT	MINIMUM FENCE OR WALL HEIGHT [1]	TRANSITIONAL BUFFER YARD WIDTH REDUCTION ALLOWED (AS A PERCENTAGE OF THE REQUIRED WIDTH)	MINIMUM WIDTH OF TRANSITIONAL BUFFER YARD AFTER REDUCTION
Wood	Any district	8 feet	25	15 feet
Brick, Stone, or Stucco	Any district	4 feet	25	15 feet
	Any district	6 feet	50	10 feet
	DAC	8 feet	50	5 feet
NOTES: [1] Fence or wall height shall be measured from the side of the fence facing away from the property being screened.				

2. Berm

The width of a transitional buffer yard may be reduced by 25 percent if a berm having a height of at least four feet is provided.

3. Grade Elevation Change

The width of a transitional buffer yard may be reduced by 25 percent if the transitional buffer yard includes a grade change that achieves a screening effect similar to a wall or a fence, if:

(i) The grade change is at least six feet;

(ii) The grade change has a slope of three-to-one (horizontal to vertical) or less, or is retained by a retaining wall that meets all applicable engineering standards;

(iii) The developing property has an elevation that is lower than properties from which it is to be screened; and

(iv) Required plantings are located at the top of the slope in the transitional buffer yard.

d. Reduction in Plantings

The required plantings in a transitional buffer yard may be reduced along any length of the transitional buffer yard where a fence or wall is included in accordance with Sec. 17-5.3(d)(3)c.1, Fence or Masonry Wall Included, as provided in d.1 or d.2 below, provided, only one reduction for shrubs is allowed along any length of a transitional buffer yard:

1. Wooden fence or brick, stone, or stucco wall: 50 percent reduction in the number of required shrubs.

2. Brick, stone, or stucco wall having a height of at least six feet: shrubs are not required, and up to 50 percent of required trees in the transitional buffer yard may be small-maturing trees.

(4) Location

a. Transitional buffer yards shall:

1. Be located on the site of the proposed development, between the property line and any vehicular use areas, buildings, storage, service areas, or other areas of activity on the property; and

2. Extend along the entire property line of the abutting use.

b. Transitional buffer yards may be located in required front, side, or rear yards.

c. Vegetative screening and fencing in a transitional buffer yard shall not be located inside a utility or drainage easement unless:

1. The easement is an overhead easement; or

2. All of the following requirements are met:

(i) The easement holder has consented to and the Zoning Administrator has approved the location of the vegetative screening and fencing in the easement;

(ii) The vegetative screening and fencing is maintained in accordance with the terms of consent and any applicable maintenance provisions;

(iii) Trees planted within 15 feet of an overhead power line shall be small-maturing trees; and

d. In those portions of the transitional buffer yard where small-maturing trees are provided in lieu of shade trees in accordance with c.2(iii) above, either the number of required trees per 100 linear feet (see Sec. 17-5.3(d)(3)b, Minimum Width and Plantings) shall be multiplied by two, or a wood fence or masonry wall that meets the height and materials standards in Sec. 17-5.8, Fences and Walls, shall be provided.

(5) Development Within Transitional Buffer Yards

a. Development within a transitional buffer yard shall be limited to the following:

1. Fences and walls;

2. Retaining walls;

3. Sidewalks, trails, and bike paths, provided they intersect the transitional buffer yard at a 90-degree angle; and

4. Driveways and parking lot aisles necessary to comply with Sec. 17-5.1(c)(2), Cross Access Between Adjoining Developments; and

5. Stormwater areas that incorporate Low Impact Development (LID) practices using plant material to manage stormwater.

b. Development within a transitional buffer yard shall not reduce the general separation of land uses or interfere with the required plantings.

(6) Modification or Waiver for Development Abutting Park or Greenway

If a required transitional buffer yard abuts a park or greenway, the Zoning Administrator may modify or waive any requirement in this subsection on finding that the required transitional buffer yard would otherwise be inconsistent with purposes of this subsection.

(7) Planting and Materials Standards

Trees, shrubs, fences and walls, and berms required by this subsection shall comply with Sec. 17-5.3(c), General Landscaping Standards, unless otherwise specified in subsections a through c below.

a. General

1. Trees, shrubs, fences and walls, and berms shall be arranged in a manner that provides the maximum possible visual separation between adjacent land uses, including the massing of shrubs in rows or groups as needed to achieve the maximum screening effect.

2. If a fence or wall or berm is located in a transitional buffer yard, all required trees and shrubs shall be located in an abutting planting area that is at least five feet in width along the length of the transitional buffer yard.

b. Trees

1. Trees shall be shade trees, except:

(i) Trees located within 15 feet of an overhead power line shall be small-maturing trees; and

(ii) Up to 50 percent of required trees where a brick, stone, or stucco wall having a height of at least six feet is included may be small-maturing trees.

2. At least 50 percent of required trees shall be evergreen species in unreduced buffers.

c. Shrubs

1. Shrubs shall be evergreen species expected to reach a height of six feet or greater within five years of planting.

2. Shrubs shall be a minimum of three feet in height when planted.

(e) Street Protective Yards

(1) Purpose

A street protective yard is a landscaped area abutting and parallel to a recorded public street right-of-way designed to:

a. Provide more pleasing views along travel ways;

b. Provide for continuity of vegetation;

c. Reduce the amount of impervious surface and thereby reduce stormwater runoff;

d. Provide shade; and

e. Preserve a remnant of Columbia's natural vegetative cover.

(2) Applicability

All new development shall comply with the standards in this subsection, except:

a. Development that consists solely of a change in land use; and

b. Development, other than vehicular surface areas, in a zoning district that has a minimum front yard setback of zero feet.

c. For development that consists of the renovation or reuse of an existing structure, the vegetative portion of a street protective yard is not required where it would result in the removal of an existing parking space(s) in an existing parking lot.

(3) Location

Street protective yards shall be located on the site of the proposed development wherever it abuts an existing or proposed street right-of-way.

(4) Minimum Width

a. If the minimum front yard setback is greater than ten feet, the minimum width of the street protective yard shall be the width of the minimum front yard setback or 20 feet, whichever is smaller.

b. If the minimum front yard setback is between zero and ten feet, the minimum width of the street protective yard shall be 10 feet; provided, if the minimum front yard setback is zero feet and ground floor programming is proposed, the minimum width of the street protective yard shall be the minimum width providing adequate planting areas for the healthy growth of required trees to maturity, in accordance with any applicable guidelines and streetscape standards.

c. Except as provided in b above, notwithstanding any other provision in this Ordinance, a street protective yard shall not have a width of less than five feet as measured from the recorded public street right-of-way abutting the site of the proposed development.

(5) Minimum Area

A street protective yard shall have a minimum area of ten feet times the linear feet of the site of the proposed development that abuts an existing or proposed street right-of-way.

(6) Minimum Plantings

A street protective yard shall comply with the following landscaping standards:

a. A street protective yard shall contain at least one shade tree for every 40 linear feet of street protective yard or fraction thereof, excluding portions of the street protective yard where driveways are located and areas necessary to avoid intrusion in to sight areas.

b. A street protective yard shall contain a minimum of one shade tree, provided, street trees that comply with Sec. 17-6.2(c)(9), Street Trees, shall count toward this requirement.

c. At least 60 percent of the street protective yard area not used for shade trees or for pedestrian or vehicular access shall be covered in shrubs, ground cover, small-maturing trees, or turf, and all other portions of the street protective yard shall be mulched. A minimum of 75 percent of the area designated on the landscaping plan for grass or ground cover shall be covered by established grass or ground cover within one calendar year from the time of planting.

d. Within 20 feet of an overhead power line, small-maturing trees spaced between 20 and 30 feet apart on center, unless otherwise necessary to avoid intrusion into sight areas, shall be substituted for required shade trees.

(7) Development Within Street Protective Yards

Development in a street protective yard shall be limited to the following:

a. Fences and walls;

b. Retaining walls;

c. Flagpoles, lamp or address posts, mailboxes, and similar features;

d. Sidewalks, trails, and bike paths;

e. Driveways or parking lot aisles having a width of 35 feet or less, provided the centerline of the driveway or parking lot aisle forms a 90-degree angle with the boundary between the site and the right-of-way; and

f. Stormwater areas treated as site amenities in accordance with Sec. 17-5.5, Open Space.

(f) Vehicular Surface Areas

(1) Purpose

The standards set forth in this subsection for the provision of landscaping in and around vehicular surface areas (parking lots) are designed to:

a. Enhance their appearance;

b. Provide shade to reduce heat and glare reflected by paving;

c. Reduce stormwater runoff;

d. Filter particulate and gaseous pollutants from the air; and

e. Reduce the glare of headlights and noise on surrounding properties.

(2) Applicability

The following shall comply with the standards in this subsection:

a. Any new vehicular surface area (parking lot) whether principal or accessory use;

b. Any new, additional, or expanded portion of an existing vehicular surface area; and

c. Any existing vehicular surface area that is used to satisfy the off-street parking requirements for a new building, or the expansion of 75% or more af an existing building.

(3) Street Protective Yards for Vehicular Surface Areas

a. A street protective yard located between a vehicle surface area, other than a parking structure, and a street right-of-way shall comply with the standards in Sec. 17-5.3(e), Street Protective Yards, as modified by 1 or 2 below, provided, 1 and 2 below shall not apply where a vehicular surface area is located behind a building from the street right-of-way:

1. The street protective yard shall include an opaque screen along the length of the street protective yard, excluding portions of the street protective yard where driveways or sight areas are located, that is between two and one-half and three feet in height and that consists of:

(i) Evergreen shrubs that measure at least two feet in height at the time of planting and reach a mature height of or may be maintained at a height of two-and-one-half to three feet within one year of planting; or

(ii) A wall composed of brick, stone, or stucco, which may be combined with decorative metal, such as wrought iron, if the wall achieves opacity at an average height of between two and one-half and three feet.

2. Where a street protective yard includes a brick, stone, or stucco wall in accordance with 1(ii) above:

(i) The minimum width of the street protective yard is reduced by 50 percent, provided the street protected yard shall not at any point be less than five feet in width;

(ii) The required number of shrubs is reduced by two-thirds, if all required shrubs are planted between the wall and the right-of-way; and

(iii) Up to forty percent of required shrubs may be deciduous shrubs having a maximum height of three feet.

b. A street protective yard located between a parking structure and a street right-of-way shall comply with the standards in Sec. 17-5.3(e), Street Protective Yards, as modified by the following standards:

1. The minimum width of the street protective yard shall be the width of the minimum front yard setback or 20 feet, whichever is smaller.

2. The minimum area of the street protective yard shall be:

(i) Where the minimum front yard setback is zero feet, the area necessary to provide adequate planting areas for the healthy growth of required trees to maturity;

(ii) In all other cases, the smaller of the area of the required front yard or the area of the front yard defined by a 20-foot setback.

(4) Interior Planting Areas

A vehicular surface area, other than a parking structure, shall include interior planting areas that comply with the standards in this subsection.

a. Size

1. An interior planting area shall have a minimum of either:

(i) Up to 275 square feet of area for each tree in the planting area; or

(ii) A volume of low compacted, absorbing soil equal to:

(a) 1,000 cubic feet for each large maturing (height of 50 or more feet) tree in the planting area;

(b) 650 feet for each medium maturing (height greater than 30 feet and less than 50 feet) tree in the planting area; and

(c) 300 feet for each small maturing (height of 30 or fewer feet) tree in the planting area.

2. A planting area shall not measure less than five feet in any horizontal dimension, not including any curb width.

b. Configuration

1. In an off-street surface parking area other than a vehicular display area, at least 25 percent of the area of every vehicular parking space shall be located within 40 feet of the tree trunk of a shade tree in a planting area. Distances between trees and portions of parking spaces separated by an intervening building may not be considered in meeting this requirement.

2. Planting areas shall be located only in the following locations:

(i) Within or adjacent to the parking lot area as tree islands;

(ii) At the ends of parking bays;

(iii) Inside medians that are five feet or greater in width; and

(iv) As part of continuous street protective yards or transitional buffer yards between rows of cars.

3. Off-street surface parking areas with 200 or more spaces shall be organized into a series of smaller modules visually separated by planting areas that are located at least every eight parking bays and that are at least nine feet wide (see Figure 17-5.3(f)(5)b: Organization of Surface Parking Area into Modules).

Figure 17-5.3(f)(5)b: Organization of Surface Parking Area into Modules



c. Minimum Plantings

1. A minimum of 60 percent of a planting area shall contain living plants, trees, shrubs, groundcover or turf, and all other portions of the planting area shall be mulched. A minimum of 75 percent of the area designated on the landscaping plan for grass or ground cover shall be covered by established grass or ground cover within one calendar year from the time of planting.

2. Cumulatively, the planting areas shall contain a minimum of one shade tree for every 3,200 square feet of total vehicular surface area or fraction thereof.

3. Each planting area shall contain at least one shade tree, provided, small-maturing trees shall be substituted for shade trees within 15 feet of overhead power lines;

4. Shade trees shall be spaced a minimum of 40 feet apart, or, if planted groups, a minimum of 25 feet apart;

5. Small-maturing trees shall be spaced a minimum of 30 feet apart, or, if planted in groups, a minimum of 15 feet apart.

6. Trees shall not be planted within ten feet of a tree located in the public right-of-way.

7. Planting areas shall be protected from vehicle damage by the installation of curbing, wheel stops, or other comparable methods. The placement of plant material shall allow for a minimum two-and-one-half foot bumper overhang from the face of curbing, wheel stops, or other comparable devices. This standard shall not be construed to prohibit the use of planting areas as stormwater management devices.

(5) Vehicular Display Areas

A vehicular display area shall comply with the standards in Sec. 17-5.3(f)(4), Interior Planting Areas, provided

a. No stored vehicle shall be located farther than 40 feet from the edge of any landscaped planting area; and

b. Small maturing trees may be substituted for required shade trees within interior landscaped planting areas.

(6) Planted Medians

A vehicular surface area, other than a parking structure, that has an area greater than two acres shall include planted medians that comply with the standards in subsections a through d below.

a. Number

One planted median is required for every two acres of vehicular surface area, rounded to the closest two-acre increment.

b. Size

1. Each planted median shall contain a minimum of 840 square feet of planted space.

2. A planted median shall have a minimum of either:

(i) Up to 275 square feet of area for each tree in the planting area; or

(ii) A volume of low compacted, absorbing soil equal to:

(a) 1,000 cubic feet for each large maturing (height of 50 or more feet) tree in the planting area;

(b) 650 feet for each medium maturing (height greater than 30 feet and less than 50 feet) tree in the planting area; and

(c) 300 feet for each small maturing (height of 30 or fewer feet) tree in the planting area.

3. The minimum width of a median at any point is five feet, not including any curb width.

c. Configuration

1. The length of the planted median shall be uninterrupted except for access ways approved by the Zoning Administrator.

2. The amount of impervious surface within the planted median shall not exceed 20 percent of the area of the planted median.

d. Minimum Plantings

1. Shade trees shall be planted in the required medians at an average spacing of 40 feet on center.

2. At least 60 percent of a planted median shall be covered in shrubs, ground cover, small-maturing trees, turf, and other plants, and all other portions of the planted median shall be mulched.

(g) Site Landscaping

(1) Purpose

Site landscaping is landscaping that is not required for vehicular surface area landscaping, transitional buffer yard landscaping, or street protective yard landscaping, that is designed to soften the visual impact of building foundations and provide for the even dispersal of trees across a development site.

(2) Applicability

a. Unless exempted in accordance with b below, all development shall comply with the standards in this subsection.

b. The following are exempt from the standards in this subsection:

1. Development that consists solely of a change in land use;

2. Single-family detached dwellings;

3. Two-family dwellings;

4. Townhouses;

5. Agricultural uses; and

6. Development on a lot that is located within a district having a maximum front yard setback requirement, and that does not contain any vehicular surface areas.

(3) Minimum Plantings

Site landscaping shall be provided in the amount listed in Table 17-5.3(g)(3): Required Site Landscaping Plantings, that corresponds to the proposed use.

TABLE 17-5.3(G)(3): REQUIRED SITE LANDSCAPING PLANTINGS

USE TYPE	REQUIRED PLANTINGS PER SITE [1]
Residential use other than mixed-use dwelling	16 caliper inches of shade trees (including at least 2 evergreen trees) per acre + at least 2 shrubs per each 10 feet of building perimeter
Public, Civic, and Institutional use	14 caliper inches of shade trees (including at least 2 evergreen trees) per acre + at least 1 shrub per each 10 feet of building perimeter
Commercial use or mixed-use dwelling	10 caliper inches of shade trees (including at least 1 evergreen tree) per acre, + at least 2 shrubs per each 10 feet of outer building perimeter
Industrial use	4 caliper inches of shade trees (including at least 1 evergreen tree) per acre + at least 1 shrub per every ten feet of building wall facing a public right-of-way

NOTES:
[1] Each evergreen tree meeting the minimum size standards of this subsection shall count as two caliper inches towards the total number of required shade tree caliper inches

(4) Planting Standards

Trees and shrubs used to meet the requirements in Table 17-5.3(g)(3): Required Site Landscaping Plantings, shall comply with the standards in subsections a and b below.

a. Trees

Trees shall be dispersed across a site in accordance with good planting practice and the following priority listing:

1. In yards between a building façade and a street right-of-way where no vehicular surface area landscaping is required;
2. Between a building and an adjacent lot with an existing use that provides more than 50 percent of the vegetative material associated with a required transitional buffer yard;
3. Between a building façade and an abutting lot with the same or a more intense zoning district classification where no transitional buffer yard is required;
4. Within open-space set-aside areas with no existing or reforested trees;
5. Adjacent to on-site areas of pedestrian or vehicular circulation where no other vegetative material is required (e.g., drive-throughs or stacking lanes); or
6. Other areas near accessory structures or accessory uses.

b. Shrubs

1. A minimum of 50 percent of required shrubs shall be evergreen shrubs.

2. Required shrubs shall be placed around each building perimeter with emphasis placed on the building foundation visible from the public right-of-way, at the following distances from the building:

(i) A maximum of three feet from the building if there is no sidewalk located between the planting area and the building wall; or

3. A maximum of 15 feet from the building if there is a sidewalk located between the planting area and the building wall.

(h) Site Tree Density

(1) Purpose

The site tree density standards in this subsection are designed to:

a. Encourage the preservation of existing trees;

b. Replenish removed vegetation; and

c. Establish a minimum level of tree cover.

(2) Applicability

a. Unless exempted in b below, all development shall comply with the standards in this subsection.

b. The following are exempt from the standards in this subsection:

1. Timber harvesting that the Zoning Administrator determines is a commercial timber operation (see Sec. 17-9.4, Definitions), if notification is provided, a forestry plan is submitted, and the timber harvesting complies with best management practices published by the South Carolina Forestry Commission, in accordance with Sec. 17-5.4(g), Timber Harvesting, provided, any development application for the parcel of land where a commercial timber operation occurs that is submitted within three years of the conclusion of the commercial timber operation shall be denied.

2. Development on a lot that is located within a district having a maximum front yard setback requirement, and that does not contain any vehicular surface areas.

(3) Minimum Density Factor for the Site

a. On a site of development subject to this subsection, the following minimum density factor for a site (DFS) is required :

1. Single-family residential subdivisions: 20 units per acre.

2. All development other than single-residential subdivisions: 30 units per acre.

(4) Determination of Required Planting

The density factor for a site (DFS) is a measurement of the tree coverage on a site, based on the amount of tree trunk diameter per acre and the species of tree. The number and type of trees that must be planted to comply with the minimum DFS is determined by:

a. Multiplying the number of site acres by the applicable minimum DFS;

b. Applying any credit for remaining trees (see Sec. 17-5.3(h)(5), Credit for Remaining Trees) toward the DFS; and

c. Determining a combination of trees that will meet or exceed any remaining DFS using Table 17-5.3(h)(4): Conversion from Caliper to Density Factor Units for New Trees.

TABLE 17-5.3(H)(4): CONVERSION FROM CALIPER TO DENSITY FACTOR UNITS FOR NEW TREES

CALIPER IN INCHES	DENSITY FACTOR UNITS [1]	
	SOFTWOOD TREE (E.G. PINE, RED CEDAR)	HARDWOOD TREE (E.G. OAK, ELM)
1	0.0	0.0
2	0.5	1.0
3	0.8	1.5
4 or more	1.0	2.0

NOTES:
[1] A Palmetto tree, at least 8 feet tall, equals one density factor unit.

(5) Credit for Remaining Trees

For each tree in fair or better condition indicated on the landscaping plan as remaining on the site following development, including any trees used to comply with the requirements in Sec. 17-5.4, Tree Protection, the landscaping plan shall show the diameter-at-breast-height (DBH). Credit toward the minimum DFS for such trees shall be determined by converting the DBH of each tree to a unit that is compatible with the DFS using Table 17-5.3(h)(5): Conversion of DBH to Density Factor Units for Trees Remaining on Site, and then summing the results to obtain the total credit for remaining trees on the site.

TABLE 17-5.3(H)(5): CONVERSION OF DBH TO DENSITY FACTOR UNITS FOR TREES REMAINING ON SITE		
DIAMETER-AT-BREAST-HEIGHT (DBH) IN INCHES	DENSITY FACTOR UNITS	
	SOFTWOOD TREE (E.G. PINE, RED CEDAR)	HARDWOOD TREE (E.G. OAK, ELM)
Less than 6	0	0
6 to 8	1.5	3
9 to 11	2.4	4.8
12 to 14	3.2	6.4
15 to 17	3.8	7.6
18 to 20	4.4	8.8
21 to 23	5.2	10.4
24 to 26	10.2	20.4
27 to 29	12.9	25.8
30 to 32	15.6	31.2
33 to 35	18.9	37.8
36 to 38	22.5	45
39 to 41	26.1	52.2
42 to 44	30.3	60.6
45 to 47	34.5	69
48 to 50	39.3	78.6
Greater than 50	42.3	84.6

(6) Additional Credits

a. The Zoning Administrator may credit trees relocated within the site toward the DFS by multiplying by 0.7 the density factor units calculated for the DBH of each tree to be relocated in accordance with Table 17-5.3(h)(5): Conversion of DBH to Density Factor Units for Trees Remaining on Site.

b. Trees used to comply with other landscaping standards in this Section, including but not limited to those that apply to transitional buffer yards, street protective yards, vehicular surface areas, and site landscaping, may also be credited toward the DFS.

c. Trees used to comply with Sec. 17-5.4, Tree Protection, may also be credited toward the DFS.

(7) Tree Location Standards

a. The spacing of trees planted to meet the DFS shall be compatible with spatial limitations and with responsible consideration of potential species size.

b. In a residential subdivision, at least 50 percent of trees credited toward the DFS shall be located outside of residential lots, such as in common areas or within rights-of-way. Trees within residential lots that are credited toward the DFS shall be located so that their removal would not be necessary in order for the lot to be developed.

(i) Screening

(1) Purpose

The screening standards in this subsection are designed to improve the visual quality of the City and to minimize the negative impacts of the areas to be screened on surrounding properties.

(2) Applicability

Unless already screened by an intervening building or buffer yard, the following shall be screened from view when visible from public streets and adjacent properties in accordance with the standards in this subsection:

a. Loading areas;

b. Large waste receptacles (such as dumpsters and cardboard recycling containers) and trash collection areas;

c. Display areas, other than vehicular display areas (see Sec. 17-5.3(f)Vehicular Surface Areas);

d. Utility service areas that are located outside the public right-of-way and within 50 feet of the public right-of-way or a Residential zoning district, if the utility service area exceed 42 inches in height and 42 inches in any other dimension; and

e. Stormwater retention or detention ponds when not treated as a site amenity in accordance with Sec. 17-5.5, Open Space.

(3) General

Screening provided in accordance with this subsection shall not interfere with the access and operation of any area or facility for which screening is provided.

(4) Loading, Large Waste Receptacles, and Trash Collection Areas

Screening of loading areas, large waste receptacles, and trash collection areas must be accomplished with an opaque wall of masonry, rot-resistant wood, composite material approved by the Land Development Administrator, or evergreen shrubs that are at least one foot taller than the object to be screened. If evergreen shrubs are used, they must achieve the required screening at the time of planting.

(5) Display Areas

Display areas, other than vehicular display areas, shall be screened in accordance with (5)a through (5)d below.

a. Screening shall be accomplished with one or more of the following:

1. A closed fence, made of wood, opaque metal, or composite material approved by the Land Development Administrator, with the finished side facing away from the area to be screened;

2. A masonry wall; or

3. Natural plants.

b. At least 75 percent of the periphery of the display area, excluding driveways and sight areas, shall be screened to an average height of three feet. Any screening material higher than 60 inches shall be excluded when determining the average height of screening.

c. Any gap in screening along the periphery of the display shall not exceed six feet, except where a larger gap is necessary for a driveway or sight area.

d. A minimum of 60 percent of any shrubs used for screening shall be evergreen species. Shrubs shall be a minimum of 18 inches tall when planted and expected to reach a mature height and width sufficient to provide the required screening within three years of planting.

(6) Utility Service Areas

a. Screening shall be accomplished in such a manner as to provide complete, opaque screening of the utility service area from the public right-of-way or residential zones, and to allow safe operation and access to the utility service area.

b. All required screening shall be located outside the public right-of-way.

c. Any plantings used for screening shall be locally adapted evergreen species that are a minimum of 24 inches tall when planted and expected to reach a mature height and width sufficient to provide the required screening of the utility service area within three years of planting.

(7) Stormwater Retention or Detention Ponds

Screening for a stormwater retention or detention pond shall, at a minimum, consist of:

a. Evergreen shrubs that are expected to reach four feet in height within three years of planting, at a maximum spacing of five feet on center; and

b. Trees, at least 50 percent of which are an evergreen species, at a maximum spacing of 25 feet on center.

Sec. 17-5.4 Tree Protection

(a) Purpose

The purpose of this Section is to establish standards for the preservation of significant trees in order to achieve a higher quality of life, enhance the appeal and economic value of properties in the City, and otherwise contribute to the public health, safety and welfare.

(b) Applicability

(1) General

Unless exempted in accordance with Sec. 17-5.4(b)(2), Exemptions, no protected tree shall be cut, relocated, removed, or destroyed, except with approval of a Tree Removal Permit and in accordance with the standards of this Section.

(2) Exemptions

The following activities are exempt from the standards in this Section:

a. Any activity with the INS-FJ zoning district;

b. The removal or modification of any tree located on an individual lot on which an existing single-family detached or two-family dwelling is located;

c. Routine or seasonal pruning in accordance with Sec. 17-5.3(c)(11), Maintenance of Landscape Areas;

d. The removal or pruning, after providing documentation to the Zoning Administrator of the condition of the tree(s), of dead or naturally fallen trees; trees damaged during a hurricane, tornado, ice or wind storm, flood, wildfire or any other such act of nature; or trees that are found by the Zoning Administrator to be a threat to the public health, safety, or welfare;

e. The selective and limited removal or pruning of trees or vegetation necessary to obtain clear visibility at driveways or intersections;

f. The removal or pruning of trees within a utility easement by a utility company

g. The removal of trees when required by the Federal Aviation Administration;

h. The removal or pruning of trees or vegetation on land zoned or lawfully used for commercial cultivation of trees to be sold for transplantation, outside of any right-of-way, transitional buffer yard, street protective yard, or interior planting area in a vehicular surface area;

i. Forestry activities shielded from local development regulation in accordance with S.C. Code Ann. § 48-23-205, provided, any development application for the parcel of land where the forestry activities occur that is submitted within three years of the conclusion of the forestry activities shall be denied; and

j. Timber harvesting that the Zoning Administrator determines is a commercial timber operation (see Sec. 17-9.4, Definitions), if notification is provided, a forestry plan is submitted, and the timber harvesting complies with best management practices published by the South Carolina Forestry Commission, in accordance with Sec. 17-5.4(g), Timber Harvesting, provided, any development application for the parcel of land where a commercial timber operation occurs that is submitted within three years of the conclusion of the commercial timber operation shall be denied.

(c) General

(1) Protected Tree

For the purposes of this Section, a "protected tree" is:

a. Any grand tree (see Sec. 17-9.4, Definitions);

b. Any tree identified for use to meet the minimum tree-density requirements set forth in Sec. 17-5.3(h), Site Tree Density;

c. Any tree used to meet any standard in Sec. 17-5.3, Landscaping;

d. Any tree in fair or better condition (see Sec. 17-9.4, Definitions) having a trunk that is at least six inches in diameter, measured at four and one-half feet above the ground, that is:

1. Located in a transitional buffer yard, street protective yard, or interior planting area in a vehicular surface area (see Sec. 17-5.3, Landscaping); or

2. Identified for use in meeting the tree canopy retention standards in Sec. 17-5.4(d), Retention of Existing Tree Canopy.

(2) Tree Removal Permit Required

A Tree Removal Permit (see Sec. 17-2.5(m), Tree Removal Permit) is required prior to the cutting, destruction, removal, relocation, or transplantation of a protected tree.

(3) Documentation of Existing Trees

Documentation of existing trees on the site, through a tree inventory or tree survey, shall be submitted with a landscaping plan (see Sec. 17-5.3(b)(4), Landscaping Plan Required) in accordance with the requirements in the Procedures Manual.

(4) Tree Protection Plan

A tree protection plan shall be submitted with a landscaping plan (see Sec. 17-5.3(b)(4), Landscaping Plan Required), in accordance with the requirements in the Procedures Manual. A tree protection plan shall clearly indicate what tree protection methods will be utilized.

(5) Tree Protection Zone Established

Unless otherwise established in this Section, the tree protection zone of a protected trees consists of the largest of the following:

a. The area located within a distance of one foot for each one inch of tree diameter (measured at four and one-half feet above ground level) of the tree;

b. The area located within a distance of one-half the tree's height of the tree; or

c. The area within a distance of six feet of the tree.

(6) Prohibited Activity in Tree Protection Zone

a. Development and any other activity involving the cutting, destruction, removal, relocation, transplantation, pruning, or limbing of a protected tree are prohibited in a tree protection zone, unless otherwise required by this Ordinance.

b. Compaction of the soil within a tree protection zone over more than ten percent of the area of the tree protection zone is prohibited, except where necessary for pedestrian walkways. Where possible, mulch shall be used to mitigate soil compaction in areas of the tree protection zone where activity on the site may result in soil compaction.

c. Utility and grading plans shall not modify or disturb the tree protection zone, provided, utilities may be located within a tree protection zone if:

1. There is no alternative location for the utilities;

2. Any tunneling or boring for utility lines occurs at a depth that avoids significant damage to the roots of the protected tree and is at least 25 inches below the ground;

3. Any excavation is limited in extent to the minimum necessary and is accomplished using hand excavation methods that remove soil around tree roots without severing them; and

4. All proposed activity within the tree protection zone is shown on an approved tree protection plan.

(7) Devices to Prevent Vehicular Damage

Curb stops, concrete curb, or other devices to prevent vehicular damage to required trees must be shown on the landscaping plan and installed prior to final inspection.

(8) Trenching Prior to Clearing

The removal of trees adjacent to tree protection zones can cause inadvertent damage to the protected trees. Prior to clearing activities, trenches with a minimum width of one-and-one-half inches and a minimum depth of 12 inches

shall be cut along the limits of land disturbance, outside of any tree protection zones, so as to cut, rather than tear tree roots.

(9) Credit Toward Open Space Set-Aside and Landscaping Standards

a. The area occupied by a tree protection zone may be credited toward the open space set-aside requirements in Sec. 17-5.5, Open Space.

b. Protected trees meeting the minimum planting requirements in Sec. 17-5.3(c), Sec. 17-5.3(b)(4), Landscaping Plan Required, may be used to meet landscaping requirements, including site tree density standards, in accordance with Sec. 17-5.3(c)(2), Credit for Existing Vegetation.

(10) Maintenance Requirements

The land owner and/or tenant shall maintain protected trees and tree protection zones in accordance with applicable tree protection plans and shall be subject to the requirements in in Sec. 17-5.3(c)(11), Maintenance of Landscape Areas, that apply to landscaping improvements.

(11) Replacement/Mitigation of Protected Trees

a. Grand Tree Removal in Accordance with Tree Removal Permit

As a condition of approval of a Tree Removal Permit that includes removal of grand trees, an equal or greater number of density factor units (see Sec. 17-5.3(h), Site Tree Density) of replacement trees shall be planted on the site to replace the density factor units for grand trees removed. This planting shall consist of shade trees and shall be in addition to the minimum required site tree density (see Sec. 17-5.3(h), Site Tree Density).

b. Protected Tree Removal without Tree Removal Permit

Any protected trees removed without prior approval of a Tree Removal Permit shall be replaced by trees having a total number of density factor units (see Sec. 17-5.3(h), Site Tree Density) that is equal to or exceeds one and one-half times the density factor units for protected trees removed. This planting shall consist of shade trees having a minimum caliper of three-and-one-half inches each at the time of planting and shall be in addition to the minimum required site tree density (see Sec. 17-5.3(h), Site Tree Density).

c. Location of Replacement Trees

Where the planting of replacement trees is required by this subsection, the replacement trees shall be planted on the lot where the protected trees were located prior to their removal and, to the extent practical, within the area that constituted the tree protection zone (see Sec. 17-5.4(c)(5), Tree Protection Zone Established) of the removed trees or adjacent to right-of-way.

d. Establishment Period

Replacement trees required in accordance with this subsection shall be maintained through an establishment period of three years from the time of

their planting. Financial surety for the duration of the establishment period shall be provided at the time of planting and shall be of the type and amount required for installation of required landscaping by Sec. 17-5.3(c)(1)c. The financial surety shall be canceled and/or returned at the end of the establishment period if the required replacement trees have been planted and maintained, otherwise, the City may draw on the surety to ensure replacement trees are provided as required by this subsection.

(d) Retention of Existing Tree Canopy

(1) Any development or other activity subject to this Section shall retain a percentage of existing tree canopy on the site in accordance with Table 17-5.4(d)(1): Tree Canopy Cover Retention Standards. Trees retained on site shall be credited toward the site tree density requirements in Sec. 17-5.3(h), Site Tree Density, in accordance with Sec. 17-5.3(h)(5), Credit for Remaining Trees.

TABLE 17-5.4(D)(1): TREE CANOPY COVER RETENTION STANDARDS

Existing Tree Canopy Cover (as a percent of the site area) [1]	Minimum Tree Canopy Cover Retention by Zoning District (as a percent of existing tree canopy cover) [1]		
	Residential Districts	Activity and Corridor Districts	Institutional and Campus Districts and Industrial Districts
80% to 100%	30%	15%	12%
60% to 79%	36%	18%	13%
40% to 59%	45%	22%	14%
20% to 39%	48%	24%	15%
19% or less	54%	26%	16%

NOTES:
[1] Tree canopy cover consists of the horizontal projection onto the ground of the crowns of all healthy self-supporting trees having a trunk diameter of at least eight inches, measured at four and one-half feet above the ground.

(2) Priority areas for retention of existing tree canopy cover shall include the following, listed in priority order:

a. Areas abutting tree protection zones of grand trees;

b. Riparian buffers, wetlands, or natural drainage courses;

c. Wildlife habitat and other sensitive natural areas;

d. Areas abutting greenways, trails, parks, or recreation areas; and

e. Transitional buffer yards and street protective yards.

(3) Existing tree canopy that is required to be retained in accordance with Subsections (1) and (2) above may be removed from a development site only if the landowner demonstrates development on the site cannot be located and designed to allow for a beneficial use, after exploration of applicable alternatives and submission and approval of an alternative landscaping plan (See Sec. 17-

5.3(b)(5)a, Alternative Landscape Plan) and if the removal of the tree canopy and replacement with new trees complies with the following:

a. The trees removed are replaced on a one-to-one basis, based on the DBH of the removed trees;

b. The replacement trees have a minimum size of three caliper inches;

c. The replacement trees are clustered in the highest priority areas identified in Subsection (2) above, to the maximum extent practicable, as a means of reestablishing existing tree canopy; and

d. The replacement trees are planted with sufficient room to accommodate future growth.

(e) Removal of Grand Trees

(1) Standards for Evaluating Proposed Removal of a Grand Tree

The following factors shall be considered in evaluating a request to remove a grand tree as part of a Tree Removal Permit application:

a. The topography of the site;

b. Any proposed grade changes;

c. The location of utilities and driveways;

d. The location of the grand tree;

e. Proposed tree planting or transplanting to compensate for the grand tree removal;

f. Public safety;

g. The health, condition and longevity of the grand tree;

h. The species of the grand tree; and

i. Any historic, aesthetic or exceptional quality associated with the grand tree.

(2) Replacement/Mitigation of a Grand Tree

Replacement of removed grand trees shall be in accordance with Sec. 17-5.4(c)(11), Replacement/Mitigation of Protected Trees.

(f) Tree Protection During Construction

(1) Construction site activities, including but not limited to parking, equipment or material storage, bury pits, concrete washout, or burning of debris, are prohibited within tree protection zones.

(2) Trees located within a tree protection zone shall be protected from chemical contamination from liquids or other materials, including but not limited to paint, chemical solvents, gasoline, oil, diesel fuel, hydraulic fluid, concrete spoils, or

rinse water from vehicle cleaning, including rinsing of concrete truck tanks and chutes.

(3) Prior to machinery passing over any area within a tree protection zone during construction, the area shall be cushioned using plywood sheeting covered by a minimum four-inch-thick layer of wood mulch, or materials providing an equivalent minimum degree of cushioning, as shown on an approved tree protection plan.

(4) Protective barriers shall be installed prior to, and maintained throughout, the land disturbance and construction process. Such barriers shall:

a. Be installed along the outer edge of and completely surrounding all tree protection zones;

b. Be based on the proximity to disturbance;

c. Consist of:

1. A 6-foot-high chainlink fence;

2. A minimum four-foot-high wooden post and rail fence with two-inch by four-inch posts and a double one-inch by four-inch rail;

3. A minimum four-foot-high orange polyethylene laminar safety fencing mounted on wooden posts; or

4. A similar fencing method approved by the Zoning Administrator.

d. Be posted with warning signs that:

1. Are posted not more than 150 feet apart;

2. Are clearly visible from all sides of the tree protection area;

3. Have a minimum area of four square feet per sign; and

4. Identify the fenced area as a tree protection zone and direct construction workers not to encroach into the area (e.g., "Tree Protection Zone: Do Not Enter").

(5) Any violation of the tree protection standards in this subsection is a violation of this Ordinance and may result in remedies and penalties in accordance with Sec. 17-8.6, Remedies and Penalties. Any action in violation of this subsection that results in damage to a protected tree that jeopardizes its survival shall be deemed removal of a protected tree.

(g) Timber Harvesting

Timber harvesting (see Sec. 17-9.4, Definitions) shall comply with the standards in this subsection.

(1) General

a. Required Notification

The land owner shall notify the Zoning Administrator prior to beginning any timber harvesting.

b. Comply with Best Management Practices

All timber harvesting shall comply with the voluntary protective measures known as "Best Management Practices" that are published by the South Carolina Forestry Commission, including the provision of an undisturbed buffer that:

1. Extends along the entire perimeter of the parcel, including road frontages, except for approved access crossings; and

2. Has a minimum with of 50 feet or the required setback for the zoning district in which the parcel is located, whichever is greater.

(2) Commercial Timber Operations

a. Burden of Proof of Commercial Timber Operation

1. The land owner shall have the burden of proving by clear and convincing evidence that an activity is a commercial timber operation.

2. The land owner shall submit a forestry plan that demonstrates that the intended forestry activities will contribute to the long term production of marketable forest products and ensure the continued existence of forests through regeneration. Conducting a timber sale as the sole timber management activity does not constitute a commercial timber operation.

Sec. 17-5.5 Open Space

(a) Purpose

Open space set-asides are intended for the use and enjoyment of a development's residents, employees, or users. Open space set-asides serve numerous purposes, including preserving natural resources, ensuring resident access to open areas and active recreation, reducing the heat island effect of developed areas, providing civic and meeting spaces, enhancing storm water management, and providing other public health benefits.

(b) Applicability

(1) General

Unless exempted in accordance with (2) below, all new development in the City shall comply with the standards in this Section.

(2) Exemptions

The following development is exempted from the standards in this Section:

a. Single-family detached dwellings;

b. Two-family dwellings;

c. Utility Uses;

d. Agricultural Uses; and

e. Development that would result in total required minimum open space set-asides, including all phases of development, of 20 square feet or less (see Sec. 17-5.5(c), Amount of Set-Aside Required).

(3) Timing of Review

Review for compliance with the standards in this Section shall occur during review of a development application for a planned development (Sec. 17-2.5(d)), site plan (major or minor) (Sec. 17-2.5(i)), subdivision (major or minor)(Sec. 17-2.5(j)), or zoning permit (Sec. 17-2.5(q)), as appropriate.

(c) Amount of Set-Aside Required

Development subject to these standards shall provide open space set-asides in an amount that meets or exceeds the minimum area in Table 17-5.5(c): Required Open Space Set-Aside, based on the use and the zoning district where the development is proposed.

TABLE 17-5.5(C): REQUIRED OPEN SPACE SET-ASIDE

USE	MINIMUM OPEN SPACE SET-ASIDE AREA (BY ZONING DISTRICT, AS A PERCENTAGE OF DEVELOPMENT SITE AREA)		
	DAC AND MC DISTRICTS	NAC, CAC, AND RAC DISTRICTS	ALL BASE ZONING DISTRICTS NOT OTHERWISE LISTED
Residential Uses, except mixed-use dwellings	7.5%	15%	25%
Public, Civic, and Institutional Uses	5%	10%	15%
Commercial Uses, mixed-use dwellings, and Industrial Uses	5%	10%	10%

(d) Areas Counted Toward Set-Aside Requirement

(1) The features and areas identified as counting toward open space set-asides in Table 17-5.5(d)(1): Open Space Set-Aside Features, shall be credited towards compliance with the amount of open space set-aside required in accordance

with (c) above, if designed and maintained in accordance with Table 17-5.5(d)(1): Open Space Set-Aside Features.

TABLE 17-5.5(D)(1): OPEN SPACE SET-ASIDE FEATURES

AREA COUNTED AS COMMON OPEN SPACE SET-ASIDES	DESCRIPTION	DESIGN AND MAINTENANCE REQUIREMENTS
Natural Features		
	Streams, rivers, ponds, lakes, wetlands, seeps, drainageways, other riparian areas, flood hazard areas, natural vegetation, and important wildlife habitat areas	• Preservation of any existing natural features shall have highest priority for locating open space set-asides. • Maintenance is limited to the minimum removal and avoidance of hazards, nuisances, and unhealthy conditions.
Formal Plantings and Gardens		
	Formally planned and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens, community gardens, green roofs, gazebos, and similar structures	• Formal plantings and gardens shall have at least one direct access to a building or to a street, bikeway, or walkway accessible to the development's occupants and users.
Required Landscape Areas, Tree Protection Areas, Screening, and Buffers		
	All areas occupied by required landscape areas, tree protection areas, vegetative screening, and water quality buffers, except landscape area within parking lots	• See landscaping standards (Sec. 17-5.3).
Stormwater Management Areas Treated as Site Amenities		
	Up to 75 percent of the land area occupied by stormwater management facilities (including retention and detention ponds and other bioretention devices), when such features are treated as an open space site amenity	• To qualify, stormwater management facilities shall support passive recreation uses by providing access, pedestrian elements such as paths and benches, gentle slopes (less than 3:1), and vegetative landscaping.

TABLE 17-5.5(D)(1): OPEN SPACE SET-ASIDE FEATURES		
AREA COUNTED AS COMMON OPEN SPACE SET-ASIDES	**DESCRIPTION**	**DESIGN AND MAINTENANCE REQUIREMENTS**
Access Easements with Paths or Trails		
	Public access easements that include paths or trails that are available for passive recreational activities such as walking, running, and biking	• Such access easements shall include at least one improved access from a public street, sidewalk, or trail that includes signage designating the access point.
Active Recreational Areas		
	Land occupied by areas and facilities used for active recreational purposes, such as ballfields, playgrounds, tennis courts, pools, jogging trails, and community buildings and clubhouses, and land dedicated for parks.	• Land shall be compact and contiguous unless used to link or continue an existing or planned open space resource. • Areas shall have at least one direct access to a building or to a street, bikeway, or walkway accessible to the public or the development's occupants and users.
Squares, Forecourts, and Plazas		
	Flat, open areas immediately in front of a building or framed by buildings or streets that provide gathering places, opportunities for outdoor dining, etc.	• A square, forecourt, or plaza shall be at least 200 square feet, but no more than one acre, in area. • A square, forecourt, or plaza shall have at least one direct access to a principal building, or to a street, bikeway, or walkway accessible to the public or the development's occupants and users. • Surrounding principal buildings shall be oriented toward the square, forecourt, or plaza where possible.

(2) The following areas shall not be counted as open space set-aside areas:

a. Private yards not subject to an open space or conservation easement;

b. Street rights-of-way or private access easements, including sidewalks located within those rights-of-way or easements, except a street tree planting strip may be counted as open space set-aside area if:

1. The planting strip has a minimum width of eight feet;

2. The planting strip is located between the back of the curb and the edge of the sidewalk; and

3. The trunks of street trees are located a minimum of two-and-one-half feet from the street curb when planted.

c. Open parking areas and driveways;

d. Land covered by structures, unless designated for active recreational uses;

e. Designated outdoor storage areas;

f. Stormwater ponds not located and designed as a site amenity (e.g., with low fencing, vegetative landscaping, gentle slopes, fountain or other visible water circulation device, and pedestrian access or seating); and

g. Parking lot interior landscaping.

(e) Location

Open space shall be located so as to be readily accessible and useable by occupants and users of the development. Where possible, a portion of the open space set-aside should provide focal points for the development through prominent placement or easy visual access from streets.

(f) Configuration

(1) Open space set-asides shall be compact and contiguous, unless a different configuration is needed to continue an existing trail or accommodate preservation of natural features.

(2) If the development site is adjacent to existing or planned public trails, parks, or other public open space area, the open space set-aside shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the trail, park, or other public open space area (see Figure 17-5.5(g): Example Open Space Set-Aside Configuration).

(3) If a passive recreation open space set-aside area with a minimum width of 20 feet or more abuts an existing or planned public open space area, no perimeter buffer shall be established between the two open space areas (if required by the Sec. 17-5.3, Landscaping).

Figure 17-5.5(g): Example Open Space Set-Aside Configuration



(g) Development Allowed within Set-Aside

Development within open space set-asides shall be limited to that appropriate to the purposes of the type(s) of open space set-asides. Where appropriate, such development may include, but is not limited to, walking, jogging, and biking paths or trails; benches or other seating areas; meeting areas; tables, shelters, grills, and other picnicking facilities; docks and other facilities for fishing; environmental education guides and exhibits; gazebos and other decorative structures; fountains or other water features; play structures for children; gardens or seasonal planting areas; pools; athletic fields and courts; and associated clubhouses.

(h) Ownership, Management, and Maintenance

(1) All open space set-aside areas shall include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes, in perpetuity, and provide for the continued and effective management, operation, and maintenance of the land and facilities.

(2) Responsibility for managing and maintaining open space set-asides rests with the owner of the land of the open space set-asides. Failure to maintain open space set-asides in accordance with this Section and the development approval or permit shall be a violation of this Ordinance.

Sec. 17-5.6 Neighborhood Compatibility

(a) Purpose and Intent

This section is intended to preserve the character of established single-family neighborhoods by providing a proper transition and ensuring compatibility between single-family detached and two-family dwellings and other more intense forms of development.

(b) Applicability

(1) General

a. Unless exempted in accordance with (b)(2) below, the following shall comply with the standards in this Section:

1. Any new development on a lot adjacent to a lot located in the LL-R, RSF-1, RSF-2, RSF-3, RD, RD-MV, RM-1, or RM-2 zoning district which is vacant or upon which is located a single-family detached dwelling or two-family dwelling; and

2. Any expansion or alteration of a building that existed prior to August 30, 2021 on a lot adjacent to a lot located in the LL-R, RSF-1, RSF-2, RSF-3, RD, or RD-MV zoning district which is vacant or upon which is located a single-family detached dwelling or two-family dwelling, if the expansion increases the building's gross floor area by 50 percent or more within a five-year period.

b. Vacant lots and lots upon which a single-family detached dwelling or two-family dwelling is located that are identified in a.1 and a.2 above are referred to as "protected lots" in this Section.

(2) Exemptions

The following are exempt from the standards in this Section:

a. Single-family detached dwellings;

b. Two-family dwellings;

c. Development located on lots separated from single-family detached dwellings or two-family dwellings by a built and existing street with four or more lanes or a right-of-way of greater than 100 feet; and

d. Uses in the Communication Uses and Community Service Uses categories.

(3) Timing of Review

Review for compliance with the standards in this Section shall occur during review of a development application for a planned development (Sec. 17-2.5(d)), site plan (major or minor) (Sec. 17-2.5(i)) or zoning permit (Sec. 17-2.5(q)), as appropriate.

(4) Conflict

In the case of a conflict between these neighborhood compatibility standards and other standards in this Ordinance, these neighborhood compatibility standards shall control.

(c) Neighborhood Compatibility Standards

Development subject to the requirements of this Section shall comply with the following standards:

(1) Building Height

a. Within 100 feet of protected lots, building height shall not exceed 45 feet.

b. Between 100 and 150 feet of protected lots, building height shall not exceed 55 feet.

(2) Building Orientation

Except for mews or when open space is located in front of the building, the primary entrance to a building shall face the street from which it derives its street address.

(3) Building Design

a. All roof-mounted equipment shall be configured to avoid or minimize its view from adjacent single-family detached dwellings and two-family dwellings.

b. Porches, balconies, and outdoor activity areas shall be oriented away from protected lots.

(d) Driveways

Driveways shall be located as far as possible from a protected lot.

(e) Off-Street Parking

(1) The total amount of off-street parking shall not exceed 1.1 times the required minimum specified in Table 17-5.1(d)(1): Minimum Number of Off-Street Parking Spaces, and may be reduced through an alternative parking plan (see Sec. 17-5.2(f), Off-Street Parking Alternatives) that demonstrates such reduction will not have an adverse impact on protected lots.

(2) When required, to the maximum extent practicable, off-street parking shall be established in one or more of the following locations, listed in order of priority:

a. Adjacent to off-street parking lots serving nonresidential development on abutting lots;

b. Adjacent to lot lines abutting nonresidential development;

c. Adjacent to lot lines abutting mixed-use development;

d. Behind the building;

e. Within a lot's corner side yard; or

f. As a last resort, adjacent to protected lots.

(3) Off-street surface parking areas, and entrances and exits to such areas, shall be located at least 15 feet from protected lots.

(4) Off-street surface parking areas located adjacent to protected lots shall be provided with screening in accordance with Sec. 17-5.2, Off-Street Parking, Bicycle Parking, and Loading, and Sec. 17-5.3, Landscaping, that is adequate to protect the lots from glare, noise, dispersion of trash, trespassing, and similar impacts.

(5) The facade of any parking structure facing a protected lot shall be configured to appear as an articulated or landscaped building wall to soften its visual impact.

(f) Loading, Service, and Refuse Container Areas

Loading, service, and refuse container areas shall be:

(1) Located behind or to the sides of buildings away from protected lots;

(2) Provided with access that is integrated with parking areas and the vehicular circulation network;

(3) Screened from view from protected lots using materials that are the same as, or of equal quality to, the materials used for the principal building; or

(4) Incorporated into the overall design of the site so that the visual impacts of these functions are fully contained within an enclosure, or are otherwise out of view from protected lots.

(g) Drive-Through Facilities

(1) In no instance shall a drive-through facility be located on a building façade that faces a protected lot.

(2) A drive-through facility shall be located a minimum of 100 feet from any protected lot.

(3) Ordering stations associated with a drive-through facility shall be located a minimum of 200 feet from any protected lot.

(h) Exterior Lighting

(1) Illumination from exterior lighting shall not exceed 0.5 foot candles at the lot line of any protected lot;

(2) Within 100 feet of protected lots, exterior lighting shall have a maximum height of 14 feet; and

(3) Between 100 and 150 feet of protected lots, exterior lighting shall have a maximum height of 18 feet or the maximum height established in Sec. 17-5.9, Exterior Lighting, whichever is less.

(i) Signage

(1) To the maximum extent practicable, signage shall be located a minimum of 50 feet from protected lots.

(2) Within 100 feet of protected lots, the maximum sign area for signs shall be reduced by 25 percent.

(3) Within 20 feet of protected lots, signs other than ground signs are prohibited.

(4) No sign shall be illuminated in such a way that it casts illumination onto protected lots that is incompatible with the residential character of the lot because of the illumination's intensity, duration, location or other characteristic.

(j) Open Space Set-Asides

(1) Required open space set-asides shall be located between proposed development and protected lots, to the maximum extent practicable.

(2) Outdoor recreation features such as swimming pools, tennis courts, playgrounds, and similar features shall be at least 50 feet from protected lots.

(k) Natural Features

Natural features such as existing vegetation, streams, wetlands, and other such features shall be used as transitions, where possible. Where such natural features are protected and preserved as transitions, pedestrian connections to adjoining uses are strongly encouraged.

(l) Operational Standards

(1) Outdoor dining or other similar outdoor activities are prohibited within 150 feet of a protected lot;

(2) Trash collection and other similar service functions are prohibited between the hours of 7:00 p.m. and 7:00 a.m.; and

(3) Amplified music, singing, and other forms of noise audible at shared lot lines are prohibited after 10:00 p.m. Sunday through Thursday nights, and after 12:00 a.m. Friday and Saturday nights.

(4) Recreation/Entertainment uses that involve outdoor fitness and/or use of free weights shall be prohibited within 150 feet of protected lots.

Sec. 17-5.7 Form and Design Standards

(a) Design Districts Standards

(1) Five Points Design Overlay (OV-5P)

See Sec. 17-3.7(f), OV-5P: Five Points Design Overlay District .

(2) Innovista Design Overlay (OV-ID)

See Sec. 17-3.7(g), OV-ID: Innovista Design Overlay District .

(3) North Main Corridor Design Overlay (OV-NMC)

See Sec. 17-3.7(h), OV-NMC: North Main Corridor Design Overlay District .

(4) City Center Design Overlay (OV-CC)

See Sec. 17-3.7(i), OV-CC: City Center Design Overlay District .

(b) Multifamily Form and Design Standards

(1) Purpose

The purpose of the multifamily form standards in this subsection is to:

a. Establish a minimum level of development quality for multifamily development outside of the design overlay districts;

b. Promote greater compatibility between multifamily residential development and other allowable uses; and

c. Provide landowners, developers, architects, builders, business owners, and others with a clear and equitable set of parameters for constructing multifamily development.

(2) Applicability

a. General

Unless exempted in accordance with b below or expressly stated otherwise in the specific multifamily standard (see Sec. 17-5.7(b)(3), Form Standards), the standards in this subsection apply to the establishment of any new multifamily dwelling outside of any design overly district.

b. Exemptions

The standards in this section do not apply to:

1. New multifamily development or an expansion or alteration of a multifamily building, that is located within the OV-5P, OV-ID, OV-NMC, OV-CC, or OV-HP district; and

2. Mixed-use dwellings.

c. Timing of Review

Review for compliance with the standards of this Section shall occur during review of a development application for a planned development (Sec. 17-2.5(d)), site plan (major or minor) (Sec. 17-2.5(i)), or zoning permit (Sec. 17-2.5(q)), as appropriate.

(3) Form Standards

Multifamily development that is subject to this subsection shall comply with the standards that are listed as applicable in the zoning district in which the

development is located in Table 17-5.7(b)(3): Multifamily Form and Design Standards.

TABLE 17-5.7(B)(3): MULTIFAMILY FORM AND DESIGN STANDARDS
A = Standard applies in the zoning districts listed in the column heading
No minimum = Standard does not apply in any zoning districts listed in the column heading

STANDARD	ZONING DISTRICT	
	NAC, CAC, DAC, RM-2, MU-2, MU-1, MC	ALL OTHER ZONING DISTRICTS
Building Orientation and Configuration		
Single Building Development - the primary entrance of a single-building development shall face the street (see Figure 17-5.7(b)1: Building Entrances for Single Building Development).	A	
Multi-Building Development - shall create a street edge if along multiple streets, and be configured so that primary building entrances are oriented towards external streets, internal streets, or open space areas (like courtyards). Buildings may be oriented towards off-street parking lots only in cases where no other practical alternative exists (see Figure 17-5.7(b)2: Building Entrances for Multi Building Development).	A	A

TABLE 17-5.7(B)(3): MULTIFAMILY FORM AND DESIGN STANDARDS

A = Standard applies in the zoning districts listed in the column heading
No minimum = Standard does not apply in any zoning districts listed in the column heading

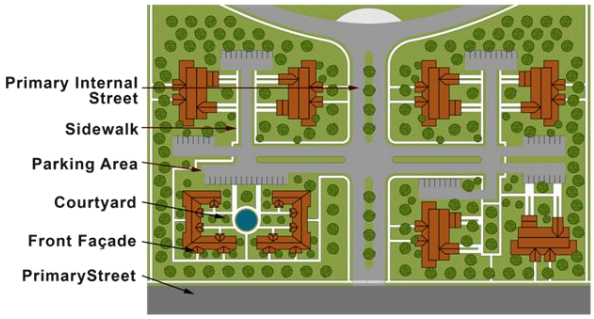
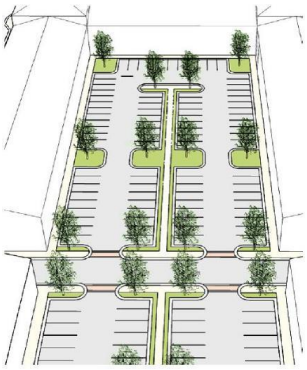
STANDARD	ZONING DISTRICT	
	NAC, CAC, DAC, RM-2, MU-2, MU-1, MC	ALL OTHER ZONING DISTRICTS
Figure 17-5.7(b)1: Building Entrances for Single Building Development 		
Figure 17-5.7(b)2: Building Entrances for Multi Building Development 		
Building Facades		
There shall be no blank walls facing a public street. Façades that face a public street shall incorporate wall offsets, in the form of projections or recesses in the façade plane of at least a two-foot depth (see Figure 17-5.7(b)3: Wall Offsets):	At least every 40 feet of frontage	At least every 60 feet of frontage

TABLE 17-5.7(B)(3): MULTIFAMILY FORM AND DESIGN STANDARDS

A = Standard applies in the zoning districts listed in the column heading
No minimum = Standard does not apply in any zoning districts listed in the column heading

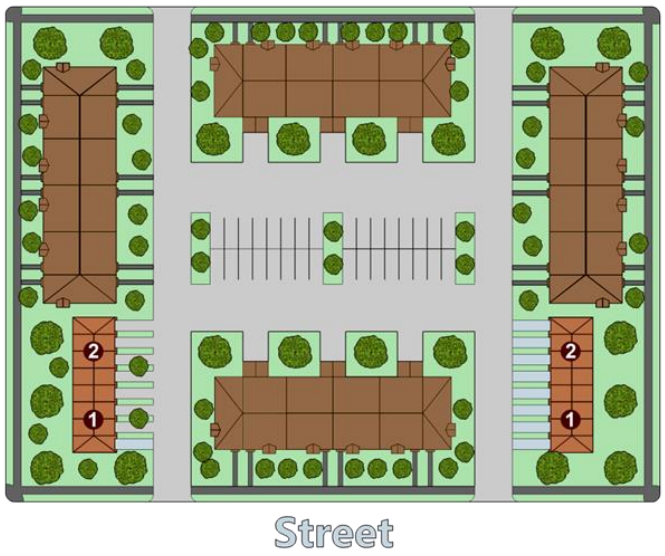
STANDARD	ZONING DISTRICT	
	NAC, CAC, DAC, RM-2, MU-2, MU-1, MC	ALL OTHER ZONING DISTRICTS
Figure 17-5.7(b)3: Wall Offsets 		
Roofs		
All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (except chimneys), shall be screened from view from the street	A	
Figure 17-5.7(b)4: Example of Parapets on Flat Roofs 	**Figure 17-5.7(b)5: Example of Variation in Roof Slopes** 	
Parking Location		
Location of parking areas shall comply with the standards in Sec. 17-5.2(c)(3), Location and Arrangement.		
Off-street surface parking lots with 200 or more spaces shall be organized into a series of parking bays surrounded by buildings, landscaping, or access ways (See Figure 17-5.7(b)6: Example of Organization of a Large Parking Lot).	A	N/A

Figure 17-5.7(b)6: Example of Organization of a Large Parking Lot



Garage Standards	
Detached garages or carports shall be located to the side or rear of the building(s) containing the dwellings. (See Figure 17-5.7(b)7: Multi-Building Orientation of Detached Garages or Carports)	A
Freestanding garages or carports visible from public streets outside the development shall be oriented perpendicular to the street, or the façade facing the street shall be configured to comply with the required wall offsets and façade design features in the section in this Table titled Building Facades.	A
Garages shall not project beyond the front facade of the multifamily building	A

Figure 17-5.7(b)7: Multi-Building Orientation of Detached Garages or Carports



Detached garage located to the side or rear
Freestanding garage visible from the public street shall be oriented perpendicular to the street

(c) Nonresidential and Mixed-Use Form and Design Standards

(1) Purpose

The purpose of these nonresidential and mixed-use form and design standards in this subsection is to ensure a minimum quality of form and design for commercial; public, civic, and institutional; and mixed-use development in a way that results in greater predictability during the development review process. More specifically, the purposes of this subsection are to:

a. Encourage a more pedestrian-friendly environment through attention to human-scale design and site features to limit large, bulky buildings with few architectural details;

b. Foster greater compatibility between adjacent residential and nonresidential development;

c. Limit the impacts of automobile-oriented development in commercial and mixed-use areas; and

d. Improve the appearance of the City generally.

(2) Applicability

a. General

Unless exempted in accordance with b below or expressly stated otherwise in the specific nonresidential and mixed-use standard (see Sec. 17-5.7(c)(3), Form and Design Standards), the standards in this subsection apply to the establishment of any new mixed-use development; Commercial Use; or Public, Civic, and Institutional Use, outside of the design overlay districts.

b. Exemptions

The standards in this section do not apply to the following:

1. The establishment of a mixed-use development; a Commercial Use; or a Public, Civic, and Institutional Use, that is located within the OV-5P, OV-ID, OV-NMC, OV-CC, or OV-HP district; and

2. Projects that entail only the expansion or alteration of a building.

c. Timing of Review

Review for compliance with the standards of this subsection shall occur during review of a development application for a planned development (Sec. 17-2.5(d)), site plan (major or minor) (Sec. 17-2.5(i)) or zoning permit (Sec. 17-2.5(q)), as appropriate.

(3) Form and Design Standards

Nonresidential and mixed-use development that is subject to this subsection shall comply with the standards that are listed as applicable in the zoning district in which the development is located in Table 17-5.7(c)(3): Nonresidential and Mixed-Use Form Standards.

TABLE 17-5.7(C)(3): NONRESIDENTIAL AND MIXED-USE FORM STANDARDS

A = Standard applies in the zoning districts listed in the column heading
No minimum = Standard does not apply in any zoning districts listed in the column heading

STANDARD	ZONING DISTRICT	
	NAC, CAC, DAC, RM-2, MU-2, MU-1, MC, RD, RD-MV	ALL OTHER ZONING DISTRICTS
Building Orientation and Configuration		
The front façade of all buildings, as defined by the primary entrance, shall be oriented on and front a street, a courtyard, or plaza (see Figure 17-5.7(c)1: Building Orientation).	A	N/A
Multi-Building Development		
Developments composed of multiple buildings totaling 100,000 or more square feet of floor area shall be configured to:		
• Break up the site into a series of smaller "blocks," (See Figure 17-5.7(c)2: Breaking Up Sites into a Series of Smaller Blocks)	A	N/A
• Frame the corner of an adjacent street intersection or entry point to the development,	A	N/A
• Frame and enclose a "Main Street" pedestrian or vehicle access corridor within the development site, if appropriate,	A	N/A
• The primary entrances of buildings shall be oriented towards a street along the perimeter of a development, towards streets or driveways interior to the development, or towards open space areas, courtyards, or plazas.	A	N/A

Figure 17-5.7(c)1: Building Orientation

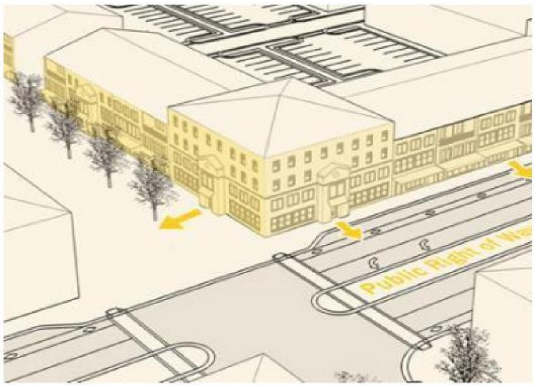


TABLE 17-5.7(C)(3): NONRESIDENTIAL AND MIXED-USE FORM STANDARDS

A = Standard applies in the zoning districts listed in the column heading
No minimum = Standard does not apply in any zoning districts listed in the column heading

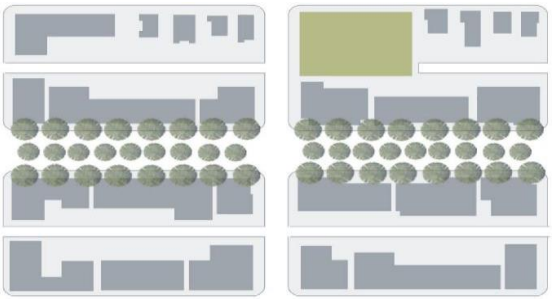
STANDARD	ZONING DISTRICT	
	NAC, CAC, DAC, RM-2, MU-2, MU-1, MC, RD, RD-MV	ALL OTHER ZONING DISTRICTS
Figure 17-5.7(c)2: Breaking Up Sites into a Series of Smaller Blocks 		
Outparcel Development		
Outparcels (see Sec. 17-9.4, Definitions) and their buildings shall be configured and located to define street edges, development entry points, and spaces for gathering or seating between buildings, to the maximum extent practicable.	A	
Spaces between buildings on outparcels shall be configured with small scale pedestrian amenities such as seating areas, gathering spaces, and pedestrian connections (see Figure 17-5.7(c)3: Outparcel Development).	A	

Figure 17-5.7(c)3: Outparcel Development

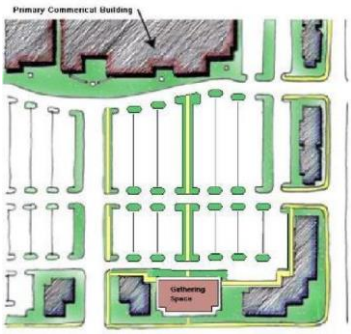


TABLE 17-5.7(C)(3): NONRESIDENTIAL AND MIXED-USE FORM STANDARDS

A = Standard applies in the zoning districts listed in the column heading
No minimum = Standard does not apply in any zoning districts listed in the column heading

STANDARD		ZONING DISTRICT	
		NAC, CAC, DAC, RM-2, MU-2, MU-1, MC, RD, RD-MV	ALL OTHER ZONING DISTRICTS
General Building Form			
Building tops shall include one or more of following features that distinguish the building top from the remainder of the facade: • Three-dimensional cornice treatments with integrally-textured materials; • Sloping roofs with overhangs and brackets; • Stepped parapets; or • Aligned openings and articulations (see Figure 17-5.7(c)4: Building Form with Base, Middle, and Top).	**Figure 17-5.7(c)4: Building Form with Base, Middle, and Top** 	A	N/A
Facade Articulation			
Street-facing front building façades that are greater than 80 feet wide shall be articulated with wall offsets (e.g., projections or recesses in the façade plane) that are at least one foot deep, at least ten feet wide, and spaced as follows:		Every 40 feet	N/A
The street-facing side façades of buildings shall be articulated with the same façade details as provided on the building's front façade, or be screened from off-site views through fences, walls, or landscaping at least six feet in height.		A	N/A

Figure 17-5.7(c)5: Example of Façade Articulation



TABLE 17-5.7(C)(3): NONRESIDENTIAL AND MIXED-USE FORM STANDARDS

A = Standard applies in the zoning districts listed in the column heading
No minimum = Standard does not apply in any zoning districts listed in the column heading

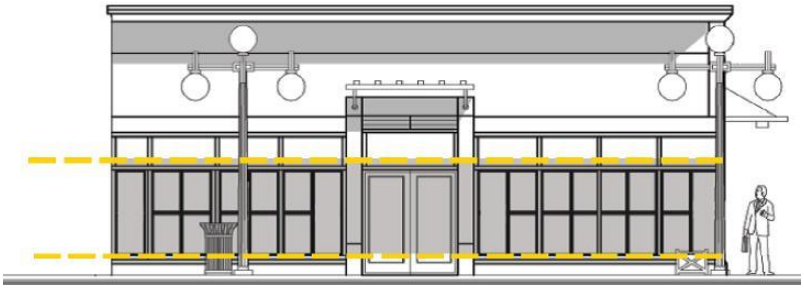
STANDARD	ZONING DISTRICT	
	NAC, CAC, DAC, RM-2, MU-2, MU-1, MC, RD, RD-MV	ALL OTHER ZONING DISTRICTS
Fenestration/Transparency		
The following minimum percentages of the street-facing façade area of the ground-level floor of buildings shall be occupied by windows or doorways (see Figure 17-5.7(c)6: Example of First Floor Fenestration), as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor:	40	N/A
Figure 17-5.7(c)6: Example of First Floor Fenestration 		
Roofs		
All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (except chimneys), shall be located on the rear elevations or otherwise be configured, to the maximum extent practicable, to have a minimal visual impact as seen from the street.	A	
Parking Location		
Location of parking areas shall comply with the standards in Sec. 17-5.2(c)(3), Location and Arrangement.		
Off-street surface parking lots with 300 or more spaces shall be organized into a series of parking bays surrounded by buildings, landscaping, or access ways designed to appear as streets (See Figure 17-5.7(c)7: Example of Organization of a Large Parking Lot).	A	N/A

TABLE 17-5.7(C)(3): NONRESIDENTIAL AND MIXED-USE FORM STANDARDS

A = Standard applies in the zoning districts listed in the column heading
No minimum = Standard does not apply in any zoning districts listed in the column heading

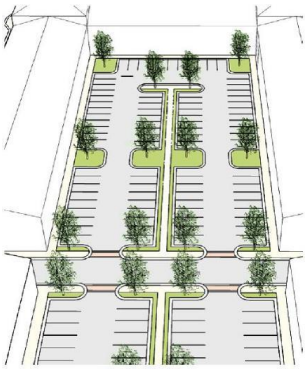
STANDARD	ZONING DISTRICT	
	NAC, CAC, DAC, RM-2, MU-2, MU-1, MC, RD, RD-MV	ALL OTHER ZONING DISTRICTS
Figure 17-5.7(c)7: Example of Organization of a Large Parking Lot 		
Loading, Service, and Equipment Areas		
Loading, service, and equipment areas shall be located in a manner that minimizes their visibility from off-site areas.	A	N/A
Outdoor storage areas shall be fully screened from adjacent streets and detached single-family dwellings.	A	N/A
Form Standards for Large Retail Buildings		
Single-tenant buildings that have a gross floor area of 50,000 square feet or more and devote 60 percent or more of the total floor area to retail sales activities ("large retail buildings") shall also comply with the following sections of this table.		
Buildings shall have clearly defined, highly visible customer entrances.	A	N/A
To reduce their perceived mass and scale, buildings shall incorporate two or more of the following features on each façade facing a street: • Variations in roof form and parapet heights; • Pronounced wall offsets that are at least two feet deep; • Distinct changes in texture and color of wall surfaces; • Ground level arcades and second floor galleries or balconies; • Protected and recessed entries; and • Vertical accents or focal points (see Figure 17-5.7(c)8: Large Retail Building Entrances and Massing).	A	N/A
Side building walls that do not face a street and exceed 30 feet in length shall have façade-articulating elements such as columns and/or changes in plane, texture, or masonry pattern (see Figure 8, Large Retail Building Entrances and Massing).	A	N/A
Location of parking areas shall comply with the standards in Sec. 17-5.2(c)(3), Location and Arrangement.		

TABLE 17-5.7(C)(3): NONRESIDENTIAL AND MIXED-USE FORM STANDARDS

A = Standard applies in the zoning districts listed in the column heading
No minimum = Standard does not apply in any zoning districts listed in the column heading

STANDARD	ZONING DISTRICT	
	NAC, CAC, DAC, RM-2, MU-2, MU-1, MC, RD, RD-MV	ALL OTHER ZONING DISTRICTS
Off-street surface parking lots with 400 or more spaces shall be organized into a series of parking bays surrounded by buildings, landscaping, or access ways designed to appear as streets (See Figure 17-5.7(c)7: Example of Organization of a Large Parking Lot).	A	N/A

Figure 17-5.7(c)8: Large Retail Building Entrances and Massing



Distinctive entry feature
Street-facing facades articulated with offsets
Raised cornice parapets
Side walls not facing a street and over 30 feet long shall be articulated

Notes:
A=Applies
N/A = Does Not Apply

Sec. 17-5.8 Fences and Walls

(a) Purpose

The purpose and intent of this Section is to regulate the location, height, and appearance of fences and walls to:

(1) Maintain visual harmony within neighborhoods and throughout the City;

(2) Protect adjacent lands from the indiscriminate placement and the unsightliness of fences and walls;

(3) Ensure the safety, security, and privacy of land; and

(4) Ensure that fences and walls are subject to timely maintenance, as needed.

(b) Applicability

(1) General

Unless exempted in accordance with (2) below, the standards in this Section apply to any construction or replacement of fences or walls.

(2) Exemptions

The following fences and walls are exempt from the standards of this Section:

a. Fences and walls required for support of a principal or accessory structure;

b. Temporary fences and barricades around construction sites;

c. Fences for tree protection (temporary and permanent);

d. Landscaping berms installed without fences; and

e. Fences and walls necessary for soil erosion and control.

(3) Timing of Review

Review for compliance with the standards in this Section shall occur during review of a development application for a site plan (major or minor) (Sec. 17-2.5(i)) or zoning permit (Sec. 17-2.5(q)), as appropriate.

(c) General Standards

(1) Fences and walls that comply with the standards in this subsection are allowed anywhere on a lot, or on a property line between privately-owned lots.

(2) A fence or wall shall not unreasonably impede visibility of street traffic from vehicles or exiting driveways.

(3) Gates shall not swing outward over a sidewalk or into the right-of-way.

(4) Nothing in this Section shall be construed to prevent the installation of temporary fencing to protect existing trees, limit sedimentation, or control erosion.

(d) Height

(1) Notwithstanding any provision in this subsection, a fence or wall shall not extend into a street intersection sight area (see Sec. 17-9.4, Definitions).

(2) A fence or wall located in a required yard shall comply with the height standards in Table 17-5.8(d)(3): Maximum Fence or Wall Height in Required Yards.

TABLE 17-5.8(D)(3): MAXIMUM FENCE OR WALL HEIGHT IN REQUIRED YARDS

REQUIRED YARD	MAXIMUM HEIGHT OF FENCE OR WALL [1]
Side or rear yard	8 feet
Second front yard on corner lot	6 feet
Front yard, other than second front yard on corner lot	4 feet

(3) Fence posts and wall columns may extend above the maximum fence heights established in Table 17-5.8(d)(3): Maximum Fence or Wall Height in Required Yards, by 36 inches, provided no part of a fence or wall shall have a height greater than eight feet.

(e) Materials

Hazardous fences, except in accordance with Sec. 8.1 of the Code of Ordinances, and fences constructed of fabric materials, fiberboard, garage door panels, plywood, rolled plastic, or vinyl or plastic tarps are prohibited.

(f) Maintenance

Fences and walls and associated landscaping shall be maintained in good repair and in a safe and attractive condition. Maintenance of fences and walls shall include, but not be limited to, the replacement of missing, decayed, or broken structural or decorative elements and the repair of deteriorated or damaged fence materials, including, but not limited to, weathered surfaces visible from the public right-of-way, sagging sections, and posts that lean more than ten degrees from vertical.

Sec. 17-5.9 Exterior Lighting

(a) Purpose and Intent

The purpose and intent of this Section is to regulate exterior lighting to:

(1) Ensure all exterior lighting is designed and installed to maintain adequate lighting levels on site;

(2) Assure that excessive light spillage and glare are not directed at adjacent lands, neighboring areas, and motorists;

(3) Curtail light pollution, reduce skyglow, and preserve the nighttime environment for the enjoyment of residents and visitors;

(4) Conserve energy and resources to the greatest extent possible; and

(5) Provide security for persons and land.

(b) Applicability

(1) General

Unless exempted in accordance with (2) below, all new development in the City shall comply with the standards in this Section.

(2) Exemptions

The following types of lighting are exempted from the standards of this Section:

a. Lighting exempt under State or federal law;

b. FAA-mandated lighting associated with a utility tower or airport;

c. Lighting for public monuments and statuary;

d. Lighting for public art;

e. Lighting solely for signage (see Sec. 17-5.10, Signs);

f. Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts and similar uses, provided that:

1. Maximum illumination at the property line is not brighter than two footcandles; and

2. Exterior lighting is extinguished no later than 11:00 p.m. except to complete an activity that is in progress prior to 11:00 p.m.

g. Temporary lighting for circuses, fairs, carnivals, theatrical and other performance areas, provided such lighting is discontinued upon completion of the activity;

h. Temporary lighting of construction sites, provided such lighting is discontinued upon completion of the construction activity;

i. Temporary lighting for emergency situations, provided such lighting is discontinued upon abatement of the emergency situation;

j. Underwater lighting in swimming pools, fountains, and other water features;

k. Holiday or festive lighting-provided such lighting does not create unsafe glare on street rights-of-way;

l. Outdoor lighting fixtures that do not comply with provisions of this Section on August 30, 2021 provided they are brought into compliance with this Section when they become unrepairable or are replaced.

(3) Timing of Review

Review for compliance with the standards in this Section shall occur during review of a development application for a planned development (Sec. 17-2.5(d)), site plan (major or minor) (Sec. 17-2.5(i)), or zoning permit (Sec. 17-2.5(q)), as appropriate.

(c) Prohibited Exterior Lighting

The following exterior lighting is prohibited:

(1) Light fixtures that imitate an official highway or traffic control light or sign;

(2) Light fixtures that have a flashing or intermittent pattern of illumination, except signage with an intermittent pattern of illumination allowed in accordance with Sec. 17-5.10, Signs; and

(3) Searchlights, except when used by federal, State or local authorities, or where they are used to illuminate alleys, parking garages and working (maintenance) areas, so long as they are shielded and aimed so that they do not result in lighting on any adjacent lot or public right-of-way exceeding two footcandles.

(d) General Standards for Exterior Lighting

(1) Hours of Illumination

Public, civic, and institutional uses, commercial uses, mixed-uses, and industrial uses that are adjacent to existing residential development shall extinguish all exterior lighting—except lighting necessary for recreation, security, or emergency purposes—by 11:00 P.M. or within one hour of closing, whichever occurs first. For the purposes of this paragraph, lighting "necessary for security or emergency purposes" shall be construed to mean the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, illumination of exterior walkways, or illumination of outdoor storage areas. Lighting activated by motion sensor devices is strongly encouraged.

(2) Shielding with Full Cut-off Fixtures

All exterior luminaries, including security lighting, shall be full cut-off fixtures that are directed downward, consistent with Figure 17-5.9(e)(2)a: Full Cut-off Fixtures.

In no case shall lighting be directed above a horizontal plane through the lighting fixture (see Figure 17-5.9(e)(2)b: Examples of Fully-Shielded Light Fixtures).

Figure 17-5.9(e)(2)a: Full Cut-off Fixtures

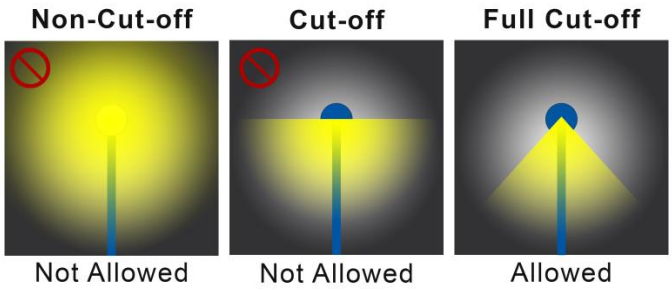
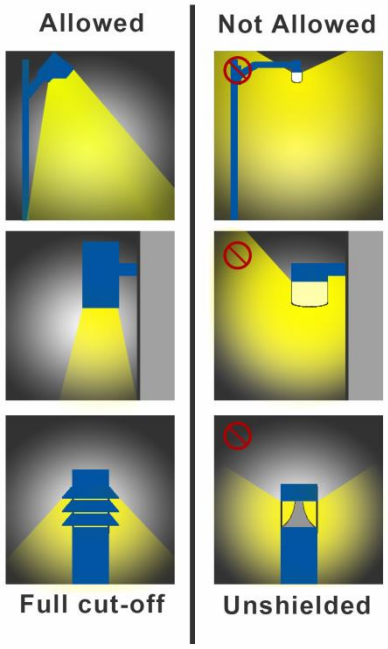


Figure 17-5.9(e)(2)b: Examples of Allowed Lighting Fixtures

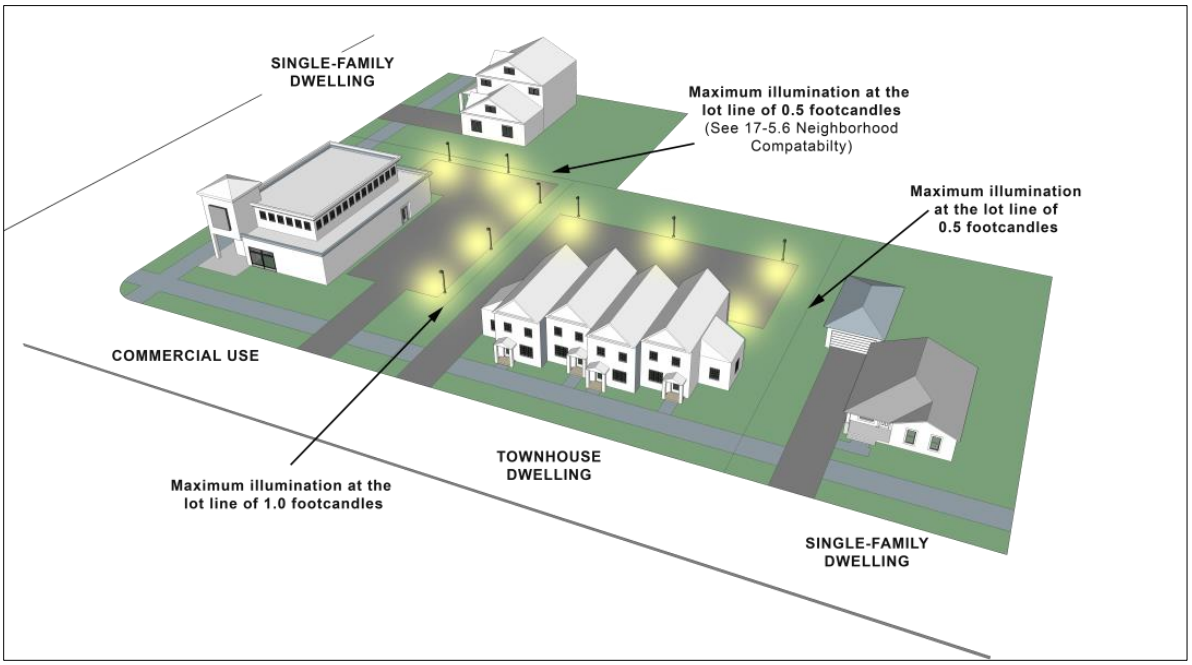


(3) Maximum Illumination Levels

Except for street lighting, all exterior lighting and indoor lighting visible from outside shall be designed and located so that the maximum illumination measured in footcandles at ground level at a lot line (see Figure 17-5.9(e)(4)b: Maximum Illumination Levels) shall not exceed the standards in Table 17-5.9(e)(4)a: Maximum Illumination Levels.

TABLE 17-5.9(E)(4)A: MAXIMUM ILLUMINATION LEVELS	
TYPE OF USE ABUTTING LOT LINE	**MAXIMUM ILLUMINATION LEVEL AT LOT LINE (FOOT CANDLES)**
Single-family detached dwelling, two-family dwelling, mobile home park, and, in the LL-R, RSF-1, RSF-2, RSF-3, RD, RD-MV, RM-1, and RM-2 districts, vacant land	0.5
All other Residential uses (except mixed-use dwelling) and vacant land	1
Commercial uses and mixed-use dwelling; Public, Civic, and Institutional uses except Transportation uses and Utility uses; and, in the MU-1 and MU-2 districts, Activity and Corridor districts, and Institutional and Campus districts, vacant land	2
Transportation uses, Utility uses, Industrial uses, and, in the Industrial districts, vacant land	3

Figure 17-5.9(e)(4)b: Maximum Illumination Levels



(4) Maximum Height

Except for athletic field lighting fixtures, which shall not exceed 95 feet in height, and street lighting, the height of exterior light fixtures, whether mounted on poles, walls, or by other means, shall comply with the standards in Table 17-5.9(e)(5): Maximum Height for Exterior Lighting.

TABLE 17-5.9(E)(5): MAXIMUM HEIGHT FOR EXTERIOR LIGHTING	
BASE ZONING DISTRICT	**MAXIMUM HEIGHT**
Residential districts except MU-1 and MU-2	16 feet
MU-1, MU-2, and NAC districts	20 feet
Activity and Corridor districts except NAC, Institutional and Campus districts, and Industrial districts	30 feet
Within 100 feet of a Residential district	16 feet

(e) Standards for Specific Uses and Site Features

(1) Sports or Performance Venue

Lighting fixtures for outdoor sports areas, athletic fields, and performance areas shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

(2) Parking Lot Lighting

a. Maintained average horizontal illuminance values in parking lots during times when the parking lot is in use shall not exceed four foot candles.

b. The ratio of maximum-to-minimum horizontal illuminance within the parking area shall not exceed 10:1.

(3) Pedestrian Area Lighting

Light fixtures for sidewalks, walkways, trails, and bicycle paths, outside of vehicular surface areas (parking lots), shall comply with the following standards:

a. Shall provide at least 1.2 foot candles of illumination, but not exceed 2.0 foot candles.

b. Shall have a maximum height of 15 feet.

c. Any pedestrian bollard lamps shall be mounted no higher than four feet above grade and shall not exceed 900 lumens for any single lamp (see Figure 17-5.9(f)(3)c: Examples of Pedestrian Bollard Lamps).

Figure 17-5.9(f)(3)c: Examples of Pedestrian Bollard Lamps



(4) Wall Pack Lights

Wall packs on the exterior of the building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and be of low wattage (100 watts or lower).

(5) Awning

Awnings used for building accents over doors and windows shall not be internally illuminated (i.e., from underneath or behind the awning) unless the awning material is entirely opaque.

(6) Canopy

Areas under a canopy shall be designed so as not to create glare off-site. Acceptable methods to address this include one or both of the following:

a. A recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy that provides a full cutoff or fully-shielded light distribution; or

b. A surface mounted fixture incorporating a flat glass that provides a full cutoff or fully-shielded light distribution.

Sec. 17-5.10 Signs

(a) Purpose

The purpose of these sign standards is to:

(1) Encourage the effective use of signs as a means of communication;

(2) Maintain and enhance the aesthetic environment;

(3) Encourage economic development and growth;

(4) Improve pedestrian and traffic safety;

(5) Minimize the possible adverse effect of signs on nearby public and private property; and

(6) Establish a fair and predictable basis for enforcement.

(b) Applicability

(1) General

Unless exempted in accordance with (2) below, any erection of, installation of, display of, structural alteration of, or other change to a sign shall comply with the standards in this Section.

(2) Exemptions

The following are exempt from the standards in this Section:

a. On-site (or on-premise) signs not exceeding one square foot in area.

b. Signs bearing only the address of the premises.

c. Flags, insignia of any government, and holiday/seasonal decorations, except when displayed in connection with commercial promotion.

d. Legal notices, identification, information or directional signs erected or required by governmental bodies.

e. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

f. Signs directing and guiding traffic only when such signs are located upon the same property as the location to which persons are directed or guided and do not contain a commercial message.

g. Non-illuminated "No Trespassing," “No Parking,” or similar signs not exceeding three square feet in area, provided not more than four such signs are allowed on any one parcel in the RSF-1, RSF-2, RSF-3, RD, RD-MV, RM-1, and RM-2 districts.

h. Signage necessary or appurtenant to the placement or operation of a public bicycle-sharing station.

i. Signage installed as part of a wayfinding program sponsored by the Columbia City Council.

j. Regional Transit Authority signage mounted on a pole and/or attached to shelters, benches and other structure/amenities that indicate transit stop locations, hours of operation, routes, contact information, and off-premises marketing panels for the exclusive use of the authority. One off-premises marketing panel is permitted per transit stop location and shall not exceed 12 square feet in area for a bench or 25 square feet in area for a transit shelter.

(3) Signs not Requiring a Sign Permit

The following do not require Sign Permit in accordance with Sec. 17-2.5(o), Sign Permit, but shall comply with the standards in this Section:

a. Temporary signs in Residential base zoning districts;

b. Temporary signs located on real property that is actively marketed for sale or rent (see Sec. 17-5.10(c)(7)b.6, Signs Located on Actively Marketed Real Property); and

c. Temporary signs located on construction sites (see Sec. 17-5.10(c)(7)b.5, Signs Located on Construction Sites).

(4) Prohibited Signs

The following signs are prohibited:

a. Signs that imitate an official traffic sign or signal, or contain words or symbols displayed in a manner which might mislead or confuse drivers of vehicles, or which display intermittent lights resembling the color, size, shape or order of lights customarily used in traffic signals or on emergency vehicles or on law enforcement vehicles, except as a part of a permitted private or public traffic control sign;

b. Signs that utilize intense flashing (strobe type) lights, flashing or blinking lights, or any type of pulsating or moving light which may impair the vision of or confuse, distract, or unduly divert the attention of drivers of vehicles, provided, signs that contain changeable copy that comply with the standards in Sec. 17-5.10(c)(3), Changeable Copy, shall not be considered flashing or blinking for the purposes of this section;

c. Signs that move or present the illusion of movement in any manner which may confuse, distract or unduly divert the attention of drivers of vehicles;

d. Off-premise signs (see Sec.17-9.4, Definitions), except in accordance with Sec. 17-3.7(m), OV-OAS: Outdoor Advertising Sign Overlay District , or Sec. 17-5.10(c)(7)b.7, Sandwich Board Signs;

e. Festoons and inflatable signs, except for temporary inflatable signs in accordance with Sec. 17-5.10(c)(7), Temporary Signs; and

f. Permanent signs on a residential lot containing a single-family detached, two-family, or townhouse dwelling.

(c) Standards

(1) Location

A sign shall not be located:

a. Within a sight area (see Sec. 17-9.4, Definitions);

b. Within a front yard (see Sec. 17-9.4, Definitions), unless the Zoning Administrator finds, after visiting the site, that the sign will not materially impede visibility of vehicles, visibility from vehicles on or off the premises, or visibility of pedestrians on or off the premises;

c. Within the public right-of-way, unless exempted by State statute or explicitly permitted in this Section; or

d. If located within a base zoning district other than a Residential district, within ten feet from a Residential district boundary line unless the sign would meet the sign requirements within that Residential district.

(2) Illumination

The use of chaser lights utilizing individual lightbulbs rated at 15 watts or less, or the use of neon tubing having pulsating or flashing characteristics, is permitted on permanent signs, provided that the sign is not less than ten feet above the finished ground level and not less than 25 feet from any property line, measured at ground level nearest the sign.

(3) Changeable Copy

a. Automatic Brightness Compensation

Signs that contain changeable copy produced by light emitting diodes (LEDs), incandescent or low-voltage lamps or bulbs, or cathode ray tubes (CRTs) shall include automatic brightness compensation features to adjust brightness to compensate for sun angle and ambient light conditions and ensure that the sign is visible but not necessarily radiant. Sign luminance shall not exceed 1,500 candelas per square meter (nits) during daylight hours and 150 candelas per square meter (nits) at all other times. Automatic dimming is required to maintain the appropriate illumination levels at all times.

b. Minimum Fixed Period

Changeable copy shall remain fixed for a minimum period of six seconds between changes.

c. Sign Copy Change Time

1. Where the changeable copy consists of light emitting diodes (LEDs), incandescent or low-voltage lamps or bulbs, cathode ray tubes (CRTs),

or another light source, the actual change between sign copy shall be instantaneous.

2. Where copy changes by an automated process other than those processes listed above (e.g. rotating panels, slats, or discs), the actual change between sign copy shall be accomplished within two seconds or less.

(4) Substitution

The replacement of commercial content with noncommercial content on any permitted or exempt sign is expressly allowed.

(5) Maintenance

Failure to maintain a sign or sign support structure in accordance with the standards in this subsection is a violation of this Ordinance (see Article 8: Enforcement).

a. All signs and/or sign support structures shall be maintained in sound structural condition.

b. A sign and/or sign support structure shall not be allowed to deteriorate to a condition in which it is unsightly in appearance or to a condition in which it requires repairs or renovations in an amount which exceeds 75 percent of its current replacement cost. For the purpose of this subsection, the phrase "unsightly in appearance" shall include but not be limited to the following conditions:

1. Sign copy or sign support structures that are cracked, bent, broken, tattered, torn, rotted, peeling, chipping, fading, rusting, or otherwise deteriorating, especially such that the sign copy is no longer legible;

2. Vegetation that is growing upon or clinging to sign copy or sign support structures, except where such vegetation, especially upon sign support structures, is part of planned and maintained landscaping;

3. Exposed lighting or other electrical systems often associated with internally illuminated signs.

c. The following are prohibited and shall be removed:

1. A non-conforming sign support structure that has not supported a display surface area for any period of 12 consecutive months; and

2. Sign copy that originally but no longer relates in its subject matter to products, accommodations, services, or activities sold on site. However, sign copy located upon a building within a design protection district or upon a building that is a landmark structure may remain where staff to the DDRC issues a Certificate of Design Approval – Historic Districts and Landmarks, finding that the sign conforms to at least one of the guidelines for retaining historic signs listed within "The Preservation of

Historic Signs" Preservation Brief, issued by the National Park Service, U.S. Department of the Interior.

(6) Permanent Signs

a. General Standards for Permanent Signs

1. Maximum Total Display Surface Area

Unless otherwise expressly stated in this Section, the total maximum display surface area of all permanent signs shall be as listed in Table 17-5.10(c)(6)a.1: Total Maximum Display Surface Area of Permanent Signs, for the zoning district in which the lot is located.

TABLE 17-5.10(C)(6)A.1: TOTAL MAXIMUM DISPLAY SURFACE AREA OF PERMANENT SIGNS

ZONING DISTRICT AND LOT CONFIGURATION		MAXIMUM DISPLAY SURFACE AREA
Any Residential base district		On each street frontage: 20 square feet [1]
O-I, NAC, MU-1	Lot containing multiple establishments and multiple storefronts	For each storefront: one square foot for each linear foot of building frontage of the principal building occupied by the storefront
	Any other lot	On the lot: 150 square feet plus one square foot for each linear foot of building frontage of the principal building in excess of 150 feet that has a principal entrance
MU-2, GC, DAC, MC, CAC, RAC any Institutional and Campus district	Lot containing multiple establishments and multiple storefronts	For each storefront: two square foot for each linear foot of building frontage of the principal building occupied by the storefront
	Any other lot	On the lot: 300 square feet plus two square feet for each linear foot of building frontage of the principal building in excess of 150 feet that has a principal entrance
Any Industrial district	Lot containing multiple establishments and multiple storefronts	For each storefront: one square foot for each linear foot of building frontage of the principal building occupied by the storefront
	Any other lot	On the lot: 500 square feet plus 1.5 square feet for each linear foot of building frontage of the principal building in excess of 500 feet that has a principal entrance

NOTES:
[1] For each street frontage, an additional 20 square feet of display surface area is allowed for a sign containing changeable copy.

2. Maximum Number of Signs

The maximum number of permanent signs permitted for each street frontage for each business located on a lot shall be as listed in Table 17-5.10(c)(6)a.2: Maximum Number of Signs Per Street Frontage.

TABLE 17-5.10(C)(6)A.2: MAXIMUM NUMBER OF PERMANENT SIGNS PER STREET FRONTAGE		
ZONING DISTRICT	**MAXIMUM TOTAL NUMBER OF SIGNS [3]**	**MAXIMUM NUMBER OF FREESTANDING SIGNS [3]**
Any Residential base district	1 [4]	1 [4]
All other districts	3	1
NOTES: [1] Only one side of a double-faced sign shall be counted when computing the number of signs. [2] For each service bay of a service station, one sign not exceeding five square feet in area and located over the doorway that identifies the service provided shall not count toward the maximum total number of signs listed in this table. [3] For purposes of this standard, a single supporting structure that supports multiple freestanding signs is considered a single freestanding sign. [4] For each street frontage, one additional sign containing changeable copy is permitted.		

3. Wall Signs

(i) Maximum Display Surface Area for Wall Signs

The maximum display surface of all signs on any wall shall be as listed in Table 17-5.10(c)(6)a.3: Maximum Display Surface Area for Wall Signs Per Wall, for the zoning district in which the building or structure is located.

TABLE 17-5.10(C)(6)A.3: MAXIMUM DISPLAY SURFACE AREA FOR WALL SIGNS PER WALL	
ZONING DISTRICT	**MAXIMUM DISPLAY SURFACE AREA FOR WALL SIGNS [1]**
MU-1, MU-2, O-I, MC, NAC, CAC, RAC, any Institutional and Campus district	15 percent
GC, DAC, any Institutional and Campus district, any Industrial district	20 percent
NOTES: [1] The percentages listed are the total display surface area of all signs attached to any wall as a percentage of the area of the wall.	

(ii) Location

Wall signs may be located anywhere on any wall of a building, provided, in any Residential base zoning district, wall signs shall not project above the roofline of the building.

4. Freestanding Signs

(i) Maximum Height

The maximum height of a freestanding sign and its supporting structure shall be as listed in Table 17-5.10(c)(6)a.4.i: Maximum Height for Freestanding Signs, for the zoning district in which the sign is located.

TABLE 17-5.10(C)(6)A.4.I: MAXIMUM HEIGHT FOR FREESTANDING SIGNS	
ZONING DISTRICT	**MAXIMUM HEIGHT**
Any Residential base district	4 feet if located within front yard 6 feet if located outside front yard
O-I, MC, NAC, CAC, MU-1, MU-2	15 feet
GC, DAC, RAC, any Institutional and Campus district	20 feet
Any Industrial district	35 feet

(ii) Maximum Display Surface Area for Freestanding Signs

The maximum display surface of a freestanding sign shall be as listed in Table 17-5.10(c)(6)a.4.ii: Maximum Display Surface Area for Freestanding Signs, for the zoning district in which the sign is located.

TABLE 17-5.10(C)(6)A.4.II: MAXIMUM DISPLAY SURFACE AREA FOR FREESTANDING SIGNS	
ZONING DISTRICT	**MAXIMUM DISPLAY SURFACE AREA FOR ANY SIGN**
O-I, NAC, MU-1, MU-2	75 square feet
GC, DAC, MC, CAC, RAC, any Institutional and Campus district	100 square feet
Any Industrial district	150 square feet

(iii) Location

(a) No part of any freestanding sign or its supporting structure shall extend beyond a property line of the lot on which it is located.

5. Projecting Signs

(i) Prohibited in Residential Districts

Projecting signs are prohibited in the Residential base zoning districts.

(ii) Maximum Height

A projecting sign shall not project more than 20 feet above the highest point of the roof of the structure to which it is attached.

(iii) Projecting Over Right-of-Way

Projecting signs may project over public rights-of-way only where front yards are less than five feet in depth, subject to the following standards:

(a) The sign shall not extend more than the lesser of two-thirds of the distance between the building and the curbline, or the nearest edge of the street surface; and

(b) No portion of the sign shall be less than eight feet above the surface of the street right-of-way.

6. Signs Attached to Awnings, Marquees, or Canopies

(i) Prohibited in Residential Districts

Signs attached to awnings, marquees, or canopies are prohibited in the Residential base zoning districts, but are allowed in all other districts.

(ii) Projecting Over Right-of-Way

A sign attached to an awning, marquee, or canopy that projects over a public right-of-way is subject to the standards for projecting signs that project over public rights-of-way (see Sec. 17-5.10(c)(6)a.5, Projecting Signs), and the following additional standards:

(a) The length of the projection of the sign shall not exceed the length of projection of the awning, marquee, or canopy to which it is attached; and

(b) The sign shall not extend more than two feet below or more than four feet above the awning, marquee, or canopy to which it is attached.

b. Standards for Other Specific Sign Types

1. Permanent Subdivision Entrance Signs

A freestanding sign having a display surface area of 20 feet or less may be located at each entrance to a residential subdivision.

2. Multiple Businesses in a Single, Cohesive Development

Where multiple businesses are located within a single, cohesive development, the following freestanding sign standards apply:

(i) Not more than one freestanding sign supporting structure per street frontage is allowed for the development, regardless of the number of lots in the development; and

(ii) The display surface area shall not exceed the maximum established in accordance with Sec. 17-5.10(c)(6)a.1, Maximum Total Display Surface Area.

3. Parcels Abutting Interstate Highways in Specified Zoning Districts

The following standards apply to any parcel in the GC, LI, or HI district that is contiguous to an interstate, and supersede any conflicting provisions in this Section:

(i) One freestanding sign that is located along the lot line contiguous to the Interstate Highway shall be allowed:

(a) A maximum height of 50 feet, provided the sign is located a minimum of 200 feet from any residentially-zoned lot; and

(b) A maximum display surface area of 250 feet.

(ii) The total display surface area of all signs shall be increased by 25 percent.

4. Outdoor Advertising (Billboard) Sign Standards

Outdoor advertising (billboard) signs shall comply with following standards.

(i) Freestanding Signs

The sign shall be freestanding only, and shall not be erected or attached to, suspended from, or supported on a building or structure.

(ii) Prohibited on Lot Containing Nonconforming Signage

The sign shall not be erected on any lot that contains nonconforming signage.

(iii) Required Buffers

(a) The sign shall not be located within 1,000 feet of any river, measured from the non-vegetated bank.

(b) The sign shall not be located within 750 feet of the boundary of any officially designated national or local historic district.

(c) The sign shall not be located within 750 feet of the property boundary of any officially designated national or local historic property.

(d) The sign shall not be located within the following distance of a residential base zoning district:

(a) 200 feet if the sign face is oriented toward a collector street (minor thoroughfare); and

(b) 300 feet in all other cases.

(iv) Setback

Placement of a sign shall be in accordance with the building setback requirements of the underlying base zoning district and all other applicable City and State regulations.

(v) Orientation

(a) Sign copy shall be oriented toward and legible from the street or road.

(b) A maximum of two sign faces shall be allowed on a single outdoor advertising sign structure, provided:

(a) The sign faces shall be parallel to each other or at not greater than a 45-degree angle to one another such that only one sign face points in any one direction; and

(b) The signs faces shall not be positioned top-to-bottom (double-decker) or side-by-side.

(vi) Area, Height, and Spacing

The maximum display surface area and maximum height of such signs, and the minimum spacing between such signs, shall be in accordance with Table 17-5.10(c)(6)b.5: Outdoor Advertising Sign Area, Height, and Spacing Requirements.

TABLE 17-5.10(C)(6)B.5: OUTDOOR ADVERTISING SIGN AREA, HEIGHT, AND SPACING REQUIREMENTS

Maximum or Minimum	Street or Road Type [1]		
	Collector Street (Minor Thoroughfare)	Arterial Street (Major Thoroughfare)	Interstate System and Freeway Class Highways
Maximum display surface area [2]	248 sq ft	380 sq ft	672 sq ft
Maximum height	25 feet	35 feet	50 feet
Minimum distance between any two such signs on the same side of the same street or highway [3]	1,000 feet		
Minimum distance between any two such signs on opposite sides of the same street or highway [4]	500 feet		1,000 feet
Minimum distance between any two such signs [5]	400 feet	200 feet	None
Minimum distance from any separated grade highway intersection ramp [6]	N/A		500 feet

NOTES: sq ft = square feet

[1] Refers to the street or road toward which the sign face is oriented.

[2] No additional area is allowed for extensions.

[3] Measured in a straight line parallel to the edge of the pavement of the street or road.

[4] Measured in a straight line parallel to the edge of the pavement of the street or road from the spot directly opposite an existing outdoor advertising (billboard) sign structure.

[5] Measured in a straight line directly from the closest point on the sign structures and/or sign faces

[6] Measured parallel to the edge of the pavement of the highway from the point of intersection of the ramp with the highway (the point of intersection closest to the sign).

(vii) Building Code

All outdoor advertising (billboard) signs shall comply with appropriate detailed provisions of the City's building code, including being constructed so as to withstand minimum wind pressures of 30 pounds per square foot.

5. Variance from Standards

(i) Collector or Arterial Streets

No variance from any standard in this section shall be granted with respect to any outdoor advertising (billboard) sign oriented toward a collector street (minor thoroughfare) or an arterial street (major thoroughfare).

(ii) Interstate System and Freeway Class Highways

A variance may be granted from the maximum height established in this section in accordance with Sec. 17-2.5(s), Variance – Zoning, for any outdoor advertising (billboard) sign oriented toward an interstate system or freeway class highway; otherwise no variance from any standard in this section shall be granted for any such sign.

6. Replacement of Nonconforming Outdoor Advertising Signs

The replacement of nonconforming outdoor advertising signs shall be in accordance with Sec. 17-7.5, Nonconforming Signs.

(7) Temporary Signs

Temporary signs shall comply with the standards in this Subsection. Temporary signs other than those for which standards are established in Sec. 17-5.10(c)(7)b, Standards for Specific Types of Temporary Signs, are prohibited.

a. General Standards

A temporary sign shall:

1. Not be an off-premise sign;

2. Be non-illuminated and constructed from materials that do not degrade over the life of the sign;

3. Be safely and securely fastened, mounted, and/or affixed to prevent damage to the sign, surrounding structures, and people, especially considering potentially adverse weather conditions;

4. Not be located within, or otherwise restrict access to, any parking spaces necessary to fulfill the requirements of Sec. 17-5.2, Off-Street Parking, Bicycle Parking, and Loading; and

5. Not be an inflatable sign, provided, up to two sign permits for inflatable signs may be issued within any calendar year, if the signs are:

(i) Located outside a Residential base district and the OV-HP overlay district;

(ii) Stationary and do not produce movement;

(iii) installed according to manufacturer's specifications, or, absent such specifications, in accordance with the requirements the building official deems necessary to safely secure the sign.

b. Standards for Specific Types of Temporary Signs

1. Yard Signs

(i) Up to six yard signs having a combined display surface area not exceeding 18 square feet are allowed per lot in all Residential zoning districts, the MU-1 District, and the MU-2 District.

(ii) A yard sign shall not be located in the right-of-way.

(iii) A yard sign shall not exceed six feet in height.

(iv) A yard sign shall not be displayed for more than 120 consecutive days or for a cumulative amount of time exceeding 180 days in any 12-month period.

2. Temporary Signs for Nonresidential Uses and in Nonresidential Districts

For any use other than a use in the Residential use classification (see Sec. 17-4.2(b), Principal Use Table) and in any district other than a Residential base zoning district (see Sec. 17-3.2, Residential Base Zoning Districts), up to two temporary signs having a combined display surface area not exceeding 48 square feet are allowed per street frontage, in addition to any other temporary signage allowed in accordance with this Sec. 17-5.10(c)(7), other than sandwich board signs, provided the temporary sign shall:

(i) Be located on the lot and not in the right-of-way;

(ii) Not exceed six feet in height if placed on the ground; and

(iii) Not be displayed for more than six consecutive months.

3. Mobile Signs

One mobile sign shall be permitted for each street frontage that does not have a freestanding sign or other temporary signage, subject to the standards in Sec. 17-5.10(c)(6)a.4, Freestanding Signs. Any mobile sign used on the same lot for more than 45 days per year will be considered a permanent freestanding sign.

4. Signs Located on Proposed Subdivision Sites

Temporary signs may be erected on the premises of land for which an application for a subdivision has been determined complete in accordance with Sec. 17-2.5(j), Subdivision, provided the signs shall:

(i) Not exceed 50 square feet in total display surface area;

(ii) Be set back at least 20 feet from any property line;

(iii) Be spaced at least 500 feet apart; and

(iv) Be removed not more than 30 days from such time as 75 percent of the lots are conveyed.

5. Signs Located on Construction Sites

Temporary signs may be placed on a parcel upon which construction activities of any type are being performed, in addition to any other temporary signage allowed in accordance with this Sec. 17-5.10(c)(7), in accordance with the following standards:

(i) If the construction activities do not include the construction of a new building, the total display surface area of the signs shall not exceed 12 square feet;

(ii) If the construction activities include the construction of a new building, a maximum of one such sign having a maximum display surface area of 60 square feet is allowed; and

(iii) The signs shall be removed within seven days after the completion of the construction activities.

6. Signs Located on Actively Marketed Real Property

Temporary signs may be placed on real property that is actively marketed for sale or rent in addition to any other temporary signage allowed in accordance with this Sec. 17-5.10(c)(7), in accordance with the following standards:

(i) A maximum of one such sign is allowed per street frontage;

(ii) If a single-family detached or two-family dwelling is located on the property, the display surface area of each sign shall not exceed ten square feet; otherwise, the display surface area of each sign shall not exceed 48 square feet; and

(iii) No such sign shall be displayed for more than 12 consecutive months.

7. Sandwich Board Signs

One sandwich board sign is allowed within the right-of-way for any establishment having its primary entrance within a building façade that is less than three feet from the right-of-way, subject to the following provisions:

(i) The sign permit shall be valid for one year;

(ii) The sign shall be placed outdoors only when the establishment is open;

(iii) The sign shall not be taller than three feet or wider than two feet;

(iv) The sign shall have a maximum of two sign faces;

(v) The sign shall not reduce passable space on sidewalks to less than 36 inches or otherwise reduce or impede pedestrian movement or create a conflict with any provision of the Americans with Disabilities Act;

(vi) The sign shall not be affixed to any object, structure, or the ground, but shall be constructed of a material and weight to ensure general stability;

(vii) The sign shall not be located more than 15 feet from the primary entrance to the commercial establishment;

(viii) Prior to the issuance of the permit, the owner/operator shall place on file with the City Clerk a certificate of insurance which evidences general liability insurance with at least the minimum amount of $600,000.00 for personal injury and property damage and names the City; and

(ix) The City reserves the right to remove any sign which causes interference with vehicular traffic or pedestrian traffic, or in the event of any emergency situation, or that interferes with any work that is to be performed upon the public sidewalk and/or right-of-way by or on behalf of the City.

8. Off-Premise Weekend Directional Signs

(i) Off-premises weekend directional signs are permitted in all zoning districts, subject to the following restrictions:

(a) The sign area shall not exceed 24 inches by 24 inches.

(b) Sign height shall not exceed three feet above adjacent grade.

(c) Signs may be placed along City roads in the right-of-way or on private property; provided, however, signs shall not obstruct visibility at any intersection location, nor shall more than two signs giving directions to the same location be allowed at any intersection.

(d) Prior to placing a sign on private property, written consent must be obtained from the property owner(s).

(e) No sign shall be erected on or abutting a road owned and maintained by the state of South Carolina unless specifically allowed by the South Carolina Department of Transportation.

(f) Signs shall be placed at least three feet from the edge of the road pavement.

(g) Signs shall be placed no closer than 1,000 feet to another sign giving directions to the same location, except at an intersection, where two such signs are allowed.

(h) A sign permitted by this subsection shall not be erected more than one mile from the site for which directions are being provided.

(i) Signs shall not be erected before 5:00 p.m. on Friday evening and shall be completely removed by 11:59 p.m. on the following Sunday.

(ii) Signs found in violation of the provisions in this subsection shall be subject to immediate removal and disposal.

(d) Severability

Each provision in this Section is intended to be individually severable, such that, if any portion of this section is determined by a court of competent jurisdiction to be invalid, such determination shall not affect the validity of the remaining portions of this section.

Sec. 17-5.11 Green Building Standards

(a) Purpose

The purpose of this section is to ensure development in the City includes a minimum degree of green building features as a means of protecting and conserving resources, making development more resilient, supporting a healthy lifestyle for citizens, and ensuring a high quality of life for residents. Specifically, this section is intended to ensure development practices:

(1) Conserve energy;

(2) Promote the use of alternative energy;

(3) Conserve water resources;

(4) Protect water quality;

(5) Promote resiliency;

(6) Support walkable, mixed-use development in appropriate places;

(7) Support multiple modes of mobility;

(8) Promote a healthy landscape;

(9) Support urban agriculture; and

(10) Promote healthy and safe lifestyles.

(b) Applicability

(1) Unless exempted in accordance with (2) below, all new development shall comply with the green building standards of this section.

(2) The following development is exempt from the standards of this section;

a. New residential development of less than three dwelling units;

b. New nonresidential development with a gross floor area of less than 5,000 square feet;

c. New buildings that have achieved LEED requirements necessary to receive certification from the U.S. Green Building Council at the gold level or above; and

d. Remodel, alteration, or expansion of an existing building.

(c) Timing of Review

Review for compliance with the standards of this section shall occur during review of a development application for either a planned unit development (see Sec. 17-2.5(d), Planned Development), special exception (see Sec. 17-2.5(e), Special Exception Permit), development agreement (see Sec. 17-2.5(f), Development Agreement), certificate of design approval-Design Districts (see Sec. 17-2.5(h), Certificate of Design Approval – Design Districts), or site plan (major or minor)(see Sec. 17-2.5(i), Site Plan), as appropriate.

(d) Green Building Standards

(1) Minimum Amount of Points Required

Development subject to the standards of this section shall achieve the following minimum number of points from the menu of options shown in Table 17-5.11(d)(4): Green Building Point System.

(2) Minimum Requirements for Residential Development

a. 3 to 29 units: 3 points.

b. 30 or more units: 4 points.

(3) Minimum Requirements for Nonresidential and Mixed Use Development

a. 5,000 to 25,000 square feet: 3 points.

b. More than 25,000 square feet: 4 points.

(4) Green Building Point System

Development subject to the standards of this section shall use Table 17-5.11(d)(4): Green Building Point System, to determine compliance with this section.

TABLE 17-5.11(D)(4): GREEN BUILDING POINT SYSTEM

GREEN BUILDING ACTIVITY	POINTS EARNED
Location	
Development on previously used or developed land that is contaminated with waste or pollution (brownfield site)	1.00
Development on previously used or developed land that is not contaminated (site re-use)	0.50

TABLE 17-5.11(D)(4): GREEN BUILDING POINT SYSTEM	
GREEN BUILDING ACTIVITY	**POINTS EARNED**
Energy Conservation	
Install a "cool roof" on a minimum of 50 percent of the dwelling units in a subdivision. The cool roof shall cover the entire roof of the building. Install a "cool roof" on a minimum of 50 percent of the buildings in a multi-building development. The cool roof shall cover the entire roof of the building The "cool roof" shall cover the entire roof of the dwelling. Cool roofs shall have a Solar Reflectance Index of 78 for flat roofs or 29 for roofs with a slope greater than 2:12	1.50
Provide skylights in an amount necessary to ensure natural lighting is provided to at least 25 percent of the habitable rooms in the structure	0.50
Use central air conditioners that are Energy Star qualified	0.50
Use of only solar or tank-less water heating systems throughout the structure	0.50
Alternative Energy	
Generate or acquire a minimum of 50 percent of the electricity needed by the development from alternative energy sources (e.g., solar, wind, geothermal)	2.00
Generate or acquire a minimum of 25 percent of the electricity needed by the development from alternative energy sources (e.g., solar, wind, geothermal)	1.00
Pre-wire a minimum of 75 percent of residential dwelling units in the development for solar panels	1.50
Pre-wire a minimum of 50 percent of residential dwelling units in the development for solar panels	0.75
Pre-wire a minimum of 25 percent of residential dwelling units for solar panels	0.50
Install solar panels on a minimum of 25 percent of dwelling units contained in single-family detached, two-family, townhouse, or multifamily dwellings, that provides a minimum of 75 percent of electricity needed for each unit	2.00
Install solar panels on primary structure, or at least 50 percent of buildings in a multi-building development, that provides a minimum of 50 percent of electricity needed for the entire development	1.50
Install small-scale wind energy conversion systems to provide electricity for 25 percent of residential dwellings in development	1.00
Passive Solar	
Orient a minimum of 50 percent of residential dwellings or lots in the development within 20 percent of east-west axis for maximum passive solar exposure	1.50
Orient a minimum of 25 percent of residential dwelling units or lots in the development within 20 percent of east-west axis for maximum passive solar exposure	0.75
Orient at least 25 percent of nonresidential buildings within 20 percent of east-west axis for maximum solar exposure	1.00
Water Conservation and Water Quality	
Install a green or vegetated roof on the primary structure, or on at least 50 percent of primary buildings in a multi-building development. Green or vegetated roofs shall include vegetation on at least 50 percent of the roof area and shall use only plant materials permitted by the landscaping standards in Sec. 17-5.3, Landscaping.	2.00

TABLE 17-5.11(D)(4): GREEN BUILDING POINT SYSTEM	
GREEN BUILDING ACTIVITY	**POINTS EARNED**
Include rain water capture and re-use devices such as cisterns, rain filters, and underground storage basins for residential development with a minimum storage capacity of 500 gallons for every two residential units	0.50
Provide rain gardens or other appropriate storm water infiltration system(s) that accommodate a minimum of 25 percent of the runoff	1.00
Vegetation	
Remove all lawn or turf in favor of ground cover consisting of plant material and mulch	0.75
Limit turf grass to 40 percent of the landscaped area.	0.25
Urban Agriculture	
Provide a fenced, centrally located community garden space (which may be located as a rooftop garden) for residents and for urban gardening purposes at a ratio of 50 square feet. per residential dwelling unit	1.00
Provide a minimum of one on-site composting station for every 25 residential dwelling units	0.25
Building Materials	
Source a minimum of 20 percent, by cost, of construction materials from recycled products or products manufactured, extracted, harvested, or recovered within 250 miles of the site	1.50
Transportation	
Provide a minimum of five percent of required automobile parking spaces that are signed and reserved for hybrid/electric/low energy vehicles in preferred locations near the primary building entrance	0.25
Provide an electric vehicle (EV) level 2 charging station that is made available to those using the building	0.75
Provide an electric vehicle (EV) level 3 charging station that is made available to those using the building	1.00
Include showering and dressing facilities in nonresidential developments for employees using alternative forms of transportation	0.50
NOTES: [1] *Standard for the Design of High-Performance Green Buildings*, American Society of Heating, Refrigerating, and Air-Condition Engineers, 2014. [2] *Energy Standard for Buildings Except Low-Rise Residential*, American Society of Heating, Refrigerating, and Air-Condition Engineers, 2004.	

(5) Documentation Required

Applicants shall provide documentation of techniques that will be used to satisfy the green building standards of this section at the time of submittal of a development application. Documentation for items that may not be visually verified as part of an inspection may be provided in the form of invoices, receipts, or delivery confirmation for the items in question.

(e) Failure to Install or Maintain Green Building Features for Compliance

Failure to install or maintain approved green building features that are to be provided to comply with this section is a violation of this Ordinance, and may result in revocation of the development approval or permit, and revocation of the authorization for use of green building incentives in accordance with Sec. 17-5.12, Incentives for Green Building Practices.

Sec. 17-5.12 Incentives for Green Building Practices

(a) Purpose

The purpose of this section is to add further support to green building practices in the City by providing incentives for developments that incorporate specific types of green building features above the minimum required in Sec. 17-5.11, Green Building Standards. Specifically, this section is intended to provide incentives for developments that incorporate green building features that support:

(1) Energy conservation;

(2) Alternative energy use;

(3) Water conservation;

(4) Water quality;

(5) Resilient development practices;

(6) Healthy landscaping;

(7) Alternate forms of transportation; and

(8) Urban agriculture.

(b) Incentives

(1) Development integrating green building features in accordance with this section shall be eligible for the following incentives. They shall be integrated into a development in addition to those included in accordance with Sec. 17-5.11, Green Building Standards.

a. A density bonus of up to one additional dwelling units per acre beyond the maximum allowed in the base zoning district;

b. An increase in the maximum allowable height by up to one story or 14 feet beyond the maximum allowed in the base zoning district;

c. An increase in the maximum allowable lot coverage by 10 percent beyond the maximum allowed in the base zoning district; and

d. A modification to the off-street parking requirements resulting in a reduction from the minimum requirements by 15 percent, or an increase to the maximum allowable number of spaces provided by 15 percent (without an alternative parking plan).

(2) Development may include a sufficient number of green building features to take advantage of more than one type of incentive, but in no instance shall the amount of an incentive be increased or decreased (as appropriate) beyond the maximum listed in this Subsection.

(c) Applicability

The incentives in this section are available to development and redevelopment in all base zoning districts.

(d) Conflict with Neighborhood Compatibility Standards

In cases where the incentives in this section conflict with the neighborhood protection standards in Sec. 17-5.6, Neighborhood Compatibility, the neighborhood compatibility standards shall control.

(e) Procedure

(1) Development seeking to use green building incentives in accordance with this section shall include a written request with the development application that demonstrates how compliance with the standards in this section will be achieved.

(2) Review for compliance with the standards of this section shall occur during review of a development application for either a planned unit development (see Sec. 17-2.5(d), Planned Development), special exception (see Sec. 17-2.5(e), Special Exception Permit), development agreement (see Sec. 17-2.5(f), Development Agreement), certificate of design approval-Design Districts (see Sec. 17-2.5(h), Certificate of Design Approval – Design Districts), or site plan (major or minor)(see Sec. 17-2.5(i), Site Plan), as appropriate.

(3) The decision-making body or person responsible for review of the development application shall also be responsible for the review of the green building incentive request.

(4) The incentive(s) shall be based on the number of green building features provided, in accordance with Table 17-5.12(e)(4): Green Building Incentives, and Sec. 17-5.12(f), Menu of Green Building Features. To obtain the right to a particular incentive identified in the left column of Table 17-5.12(e)(4): Green Building Incentives (for example, a density bonus of up to one additional dwelling unit per acre beyond the maximum allowed in the base zoning district), the development proposed is required to provide the minimum number of green building features associated with the green building features from both schedule A and schedule B in Table 17-5.12(e)(4): Green Building Incentives (for example, for a density bonus of up to one additional dwelling unit per acre beyond the maximum allowed in the base zoning district, the proposed development is required to include two green building features from Schedule A and four green building features from Schedule B). The green building features used to obtain the individual type of incentive shall only be counted for that incentive. If an applicant wants to achieve a second type of incentive (for example, both the density bonus incentive and the lot coverage incentive), the proposed development shall include the minimum number of green building features in Schedule A and Schedule B required for both incentives (two from Schedule A and four from Schedule B for the density bonus incentive, and two from Schedule A and three from Schedule B for the lot coverage incentive).

TABLE 17-5.12(E)(4): GREEN BUILDING INCENTIVES		
TYPE OF INCENTIVE	MINIMUM NUMBER OF GREEN BUILDING PRACTICES PROVIDED	
	FROM SCHEDULE A	FROM SCHEDULE B
A density bonus of up to one additional dwelling unit per acre beyond the maximum allowed in the base zoning district	2	4
An increase in the maximum allowable height by up to one story or 14 feet beyond the maximum allowed in the base zoning district	2	4
An increase in the maximum allowable lot coverage by 10 percent beyond the maximum allowed in the base zoning district	2	3
A reduction from the minimum parking space requirements by 15 percent, or an increase to the maximum allowable number of parking spaces provided by 15 percent	2	2

(f) Menu of Green Building Features

One or more of the green building features in Table 17-5.12(f): Green Building Features, may be offered by an applicant for proposed development in accordance with Table 17-5.12(e)(4): Green Building Incentives.

TABLE SEC. 17-5.12(F): GREEN BUILDING FEATURES	
SCHEDULE [1]	TYPE
Energy Conservation	
A	Install a "cool roof" for at least 50 percent of the total roof area of the primary buildings in a multi-building development. Cool roofs shall have a Solar Reflectance Index of 78 for flat roofs or 29 for roofs with a slope greater than 2:12
A	Install a "cool roof" on a minimum of 50 percent of the single-family dwellings in the development or subdivision. The "cool roof" shall cover the entire roof of the dwelling. Cool roofs shall have a Solar Reflectance Index of 78 for flat roofs or 29 for roofs with a slope greater than 2:12
B	Use central air conditioners that are Energy Star qualified
A	Use only solar or tank-less water heating systems throughout the structure
A	Install green walls on a minimum of 50 percent of a building's wall.
B	Provide skylights in an amount necessary to ensure natural lighting is provided to at least 20 percent of the habitable rooms in the structure
B	Construct roof eaves or overhangs of three feet or more on southern or western elevations
B	Use a structure design that can accommodate the installation and operation of solar photovoltaic panels or solar thermal heating devices (including appropriate wiring and water transport systems)
Alternative Energy	

TABLE SEC. 17-5.12(F): GREEN BUILDING FEATURES	
SCHEDULE [1]	**TYPE**
AA	Generate 50 percent or more of energy on-site by alternative energy (e.g., solar wind, geothermal)
A	Pre-wire a minimum of 75 percent of residential dwelling units in the development for solar panels
A	Install small-scale wind energy conversion systems to provide electricity for a minimum of 25 percent of the residential units, or nonresidential floor area
LEED Certification	
AAA	Construct the principal building(s) to meet or exceed LEED ® Platinum certification standards
AA	Construct the principal building(s) to meet or exceed LEED ® Gold certification standards
A	Construct the principal building(s) to meet or exceed LEED ® Silver certification standards
BB	Construct the principal building(s) to meet or exceed LEED ® Bronze certification standards
CHiP Home Program	
AA	Construct the principal building(s) to meet or exceed CHiP Platinum or Gold
A	Construct the principal building(s) to meet or exceed CHiP Silver
BB	Construct the principal building(s) to meet or exceed CHiP Bronze
Passive Solar	
AA	Orient a minimum of 50 percent of the single-family detached, two-family, townhouse, or multifamily dwellings or lots in the development within 20 percent of the east-west axis for maximum passive solar exposure
A	Orient a minimum of 25 percent of the single-family detached or two-family dwellings or lots in the development within 20 percent of the east-west axis for maximum passive solar exposure
AA	Orient a minimum of 50 percent of the single-family dwellings on lots in the development within 20 percent of the east-west axis for maximum passive solar exposure
A	Orient a minimum of 50 percent of the nonresidential buildings within 20 percent of the east-west axis for maximum passive solar exposure
B	Orient a minimum of 25 percent of the nonresidential buildings within 20 percent of the east-west axis for maximum solar exposure
Water Conservation and Water Quality	
AAA	Install a green or vegetated roof on the primary building(s), or at least 50 percent of primary buildings in a multi-building complex – green or vegetated roofs shall include vegetation on at least 50 percent of the roof area and shall use only plant materials permitted by Sec. 17-5.3, Landscaping.
AA	Include rain water capture and re-use devices such as cisterns, rain filters, and underground storage basins with a minimum storage capacity of 500 gallons for every two residential units
A	Provide rain gardens or other appropriate storm water infiltration system(s) that accommodate a minimum of 25 percent of the runoff
Vegetation	
BB	Retain at least 20 percent of existing pre-development natural vegetation
BB	Remove all lawn or turf in favor of ground cover consisting of plant material or mulch
Urban Agriculture	

TABLE SEC. 17-5.12(F): GREEN BUILDING FEATURES	
SCHEDULE [1]	**TYPE**
A	Provide a fenced, centrally located community garden space (which may be located as a rooftop garden) for residents and for urban gardening purposes at a ratio of 50 square feet. per dwelling unit
BB	Provide a fenced, community garden space for employees at an office, for gardening purposes at a ratio of 15 square feet. per employee
Transportation	
A	Provide an electric vehicle (EV) level 3 charging station that is made available to those using the building
B	Provide an electric vehicle (EV) level 1 or 2 charging station that is made available to those using the building
B	Provide a minimum of five percent of required automobile parking spaces that are signed and reserved for hybrid/electric/low energy vehicles in preferred locations near the primary building entrance
BB	Include showering and dressing facilities in nonresidential developments for employees using alternative forms of transportation like bicycles
NOTES: [1] "AA" means credited as provision of two schedule "A" features. "AAA" means credited as provision of three schedule "A" features. "BB" means credited as provision of two schedule "B" features.	

(g) Failure to Install or Maintain Green Building Practices

Failure to install or maintain approved green building features that are to be provided to comply with this section is a violation of this Ordinance, and may result in revocation of the development approval or permit.

Article 6: Land Development (Subdivision) Standards

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ARTICLE 6: LAND DEVELOPMENT (SUBDIVISION) STANDARDS

Sec. 17-6.1 General Applicability

(a) General

Any subdivision, defined as any activity that is required to receive subdivision approval in accordance with Sec. 17-2.5(j), Subdivision, shall comply with the standards and requirements in this Article.

(b) Variance

Any variance from the standards in this Article shall be in accordance with Sec. 17-2.5(t), Variance – Land Development (Subdivision).

Sec. 17-6.2 Minimum Design Standards

(a) General

(1) Comply with Development Standards

A subdivision shall comply with all applicable standards in Article 5: Development Standards, including Sec. 17-5.1, Access, Mobility, and Circulation, Sec. 17-5.3(h), Site Tree Density, Sec. 17-5.4, Tree Protection, and Sec. 17-5.5, Open Space.

(2) Comply with City Regulations Manual

Improvements in a subdivision, including water distribution systems, sanitary sewers, storm sewers, roadways, and sidewalks shall comply with the specifications in the City of Columbia Utilities and Engineering Regulations Manual.

(b) Access, Mobility, and Circulation

The standards in this subsection shall apply to all development that is subject to this Article in addition to the standards in Sec. 17-5.1, Access, Mobility, and Circulation.

(1) Access and Relation to Existing and Proposed Transportation Facilities

a. Extension of Existing Streets

The arrangement of streets in a subdivision shall provide for the alignment and continuation or extension of existing streets in adjoining areas, provided streets within the subdivision shall comply with the minimum width requirements and other standards in this Section.

b. Expansion of Existing Streets

1. Where an existing platted street is located within a proposed subdivision or abuts the subdivision on both sides of the street, if the street does not conform to the minimum right-of-way requirements in this Section, additional width along one or both sides of the street or

road shall be dedicated so that the minimum right-of-way required by this Section is established.

2. Where an existing platted street abuts a proposed subdivision on only one side of the street, if the street does not conform to the minimum right-of-way requirements in this Section, additional width along the street within the subdivision shall be dedicated so that a minimum of 50 percent of the right-of-way required by this Section, measured from the centerline of the existing right-of-way, is established.

3. Due consideration for proper street alignment shall be given in determining the location of additional width provided in accordance with 1 or 2 above.

c. Relation to Railroad Rights-of-Way

When a subdivision adjoins railroad right-of-way, the street pattern shall be arranged to provide for future grade separation of street and railroad crossings at appropriate locations.

d. Arterial Streets Shown on Adopted Transportation Plan

If any part of an arterial street shown on the major thoroughfare plan adopted by the City Council is located in a proposed subdivision, a right-of-way for the arterial street shall be platted in the location and to the width specified in the plan.

e. Access to Bicycle Facilities Identified in Master Plan

A proposed subdivision that is located within 1,000 feet of an existing or proposed bikeway, cycle track, buffered bike lane, sidepath, or greenway identified in the City's Pedestrian and Bicycle Master Plan shall include bike lanes, bike paths, or other bicycle facilities providing access by bicycle within the subdivision to the location within the subdivision that the Land Development Administrator determines offers the most convenient access to the bikeway, cycle track, buffered bike lane, sidepath, or greenway.

(2) Street Access to Unsubdivided Property

a. Where it is deemed necessary to the development of a logical street pattern and transportation network, streets and rights-of-way shall be extended to the boundary of adjoining property. Incompatible characteristics of adjoining property shall be given due consideration in making a determination of what shall constitute a logical street pattern.

b. Reserve strips adjoining street rights-of-way for the purpose of preventing access to adjacent property are prohibited.

(3) Internal Circulation and Connectivity

a. Streets

1. Intersections

(i) The centerlines of not more than two streets shall intersect at any one point.

(ii) Streets shall be laid out to intersect at right angles, to the extent feasible, and no street shall intersect any other street at an angle of less than 60 degrees. The angle of intersection shall be measured at the intersection of street centerlines.

(iii) Where curved streets intersect, the minor street shall have a minimum tangent of 100 feet at the intersection.

(iv) Street intersections shall be spaced a minimum of 125 feet apart on minor or local residential streets, and a minimum of 200 feet apart on all other streets. The distance between street intersections shall be measured along the street center line between the intersecting street centerlines.

2. Traffic Calming Features

Within a residential subdivision, any linear segment of a street other than an arterial street or a collector street that is more than 800 feet long, shall, to the maximum extent practicable, include features to interrupt direct vehicle flow, including, but not limited to, any of the following:

(i) Stop signs at street intersections;

(ii) Mini-roundabouts at intersections;

(iii) Curvilinear street segments to slow traffic and interrupt monotonous streetscapes;

(iv) Traffic-diverting physical devices such as neckdowns, chicanes, and diverter islands;

(v) Roadway striping to limit vehicular cartway widths or accommodate bike lanes; and

(vi) Speed tables, raised intersections or elevated pedestrian street crossings, if approved by the Fire Marshal.

b. Sidewalks Required

1. Sidewalks that comply with the Specifications for Roadway Design are required:

(i) Within a proposed subdivision on one side of all streets in the LI and HI districts and on both sides of all streets in all other districts: and

(ii) Along the entire frontage of a proposed subdivision with an existing street (unless an existing sidewalk that complies with the Specifications for Roadway Design is already in place).

2. Sidewalks within a proposed subdivision in the LI and HI districts shall have a minimum width of eight feet.

3. Where a proposed subdivision fronts an existing street with insufficient right-of-way width to accommodate installation of a required sidewalk along the frontage, the developer shall install a sidewalk on the development site within a dedicated widening of the right-of-way or dedicated public easement running parallel and adjacent to the public street.

4. The Land Development Administrator may waive or modify the requirement for sidewalks on determining that such sidewalks are impractical or infeasible due to the presence of topographic conditions or natural features, such as steep grades that do not allow connections to be made without stairs.

c. Bicycle Facilities

In the DAC, NAC, CAC, and RAC districts, either a site plan or subdivision plan, whichever is reviewed first, shall include bike lanes, bike paths, or other bicycle facilities in accordance with the Walk Bike Columbia plan sufficient to allow safe and efficient bicycle access and circulation within the subdivision.

(c) Additional Street Standards

(1) Right-of-Way and Pavement Width

The minimum right-of-way and pavement width for a street are shown in Table 17-6.2(c)(1): Minimum Right-of-Way and Pavement Widths, based on the classification of the street.

TABLE 17-6.2(C)(1): MINIMUM RIGHT-OF-WAY AND PAVEMENT WIDTHS

STREET CLASSIFICATION	MINIMUM RIGHT-OF-WAY WIDTH (IN FEET) [1]	MINIMUM PAVEMENT WIDTH (IN FEET) [1]
Minor residential	50	28 [3]
Local residential	50	27 [2]
Collector	60	36 [3]
Industrial or commercial service	80	36 [2]
Arterial	100	52 [3]

NOTES:
[1] Minimum pavement widths and right-of-way may be reduced by the Planning Commission in individual cases upon written approval of the City Engineer.
[1] Measured from low point to low point of curb.
[2] Measured from face to face of curb.

(2) Street Grades

Street grades shall comply with the Specifications for Roadway Design.

(3) Curves

a. Horizontal and Vertical Curves

Horizontal curves and vertical curves shall comply with the Specifications for Roadway Design.

b. Reverse Curves

A tangent of at least 150 feet on collector streets shall be provided between reverse curves, to the extent practical. On major arterials, tangent distances shall comply with the standards established by the State Department of Highways and Public Transportation.

(4) Split Level Streets

Streets which are constructed so as to have two trafficways, each at a different level within the same right-of-way, shall have a paved traffic surface of at least 20 feet on each level and a slope between the two trafficways of six to one or flatter.

(5) Half Streets

Half streets of less than two lanes are prohibited. Whenever a street within a proposed subdivision abuts the subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.

(6) Culs-de-sac

a. Minimum Turnaround Diameter

A cul-de-sac shall terminate in a circular turnaround having a minimum right-of-way of at least 100 feet in diameter and a paved turnaround with a minimum outside diameter of 80 feet, or other approved type of turnaround, including T's, Y's or landscaped islands.

b. Maximum Length

A cul-de-sac shall not be more than 1,000 feet long as measured from the center of the cul-de-sac turn around to intersection of the centerline of the nearest intersecting street and the cul-de-sac centerline.

(7) Temporary Dead End Streets

a. Temporary dead-end streets which extend for a greater distance than the depth of one abutting lot shall be provided with a temporary turnaround having a roadway surface diameter of 80 feet, or other approved type of turnaround.

b. At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed at

the location with the words "FUTURE ROAD CONNECTION" to inform property owners.

(8) Street Names

The naming of streets is subject to approval by the Planning Commission and shall comply with E911 standards.

(9) Street Trees

a. Unless prohibited in accordance with b below, street trees that comply with the following standards are required:

1. At least one street tree shall be planted for every 40 linear feet measured along proposed lot frontages, excluding where driveways are located.

2. Street trees shall comply with Sec. 17-5.3(c), General Landscaping Standards, except as otherwise provided in this Subsection.

3. Street trees shall be planted in a planting strip that is at least five feet wide located between the street and any required sidewalk.

4. Maintenance of street trees shall be by a homeowners' association or comparable legal entity.

5. Where unusual site conditions, such as may be caused by streams, natural rock formations, topography, lot configuration, or utility easements, make it impossible for a proposed subdivision to comply with the street tree requirements in this Subsection, the proposed subdivision may be approved if it complies with the requirements in this Subsection to the extent practicable and all unmet requirements are compensated for through payment to the Columbia Landscaping and Tree Fund of 125 percent of the estimated cost of plant materials and installation. Estimates used to calculate the cost of plant materials and installation must be made not more than 90 days prior to the submission of the subdivision application.

b. The planting of street trees within a right-of-way of less than 60 feet is prohibited unless it can be conclusively shown that there will be no future conflict with vehicles or with utility lines, either above or below the ground surface.

(d) Blocks

Each block in a subdivision shall comply with the standards in this subsection.

(1) Residential Subdivisions

a. The length of a block in a residential subdivision shall not exceed 1,100 feet or be less than 600 feet.

b. The width of a block in a residential subdivision shall be sufficient to permit two rows of lots.

(2) Nonresidential Subdivisions

The length and width of a block in a subdivision other than a residential subdivision shall designed and laid out to allow adequate provision of off-street parking and service access.

(e) Lots

Each lot in a subdivision shall comply with the standards in this subsection.

(1) Minimum Lot Dimensions and Area

a. General

Unless otherwise provided in subsections b, c, or d below, the dimensions and area of a lot shall comply with Article 3: Zoning Districts.

b. Corner Lots

Corner lots shall be of sufficient size so that a structure could be constructed and still maintain minimum yard requirements specified in Article 3: Zoning Districts.

c. Cluster Housing Developments

Lots within a cluster housing development (see Sec. 17-6.4, Cluster Housing Development) are not subject to minimum lot area, minimum lot width, minimum lot depth, or maximum lot coverage requirements established in Article 3: Zoning Districts.

d. Cottage Neighborhood Development

Lots within a cottage neighborhood development shall comply with the dimensional standards in Sec. 17-4.2(c)(1)a.1, Cottage Neighborhood Development.

(2) Street Access

Except where otherwise allowed in accordance with Sec. 17-4.2(c)(1)a.1, Cottage Neighborhood Development, a lot shall front on or abut a street that complies with the standards in this Article and the Specifications for Roadway Design, provided, a lot in a residential subdivision shall not have direct access to an arterial street, collector street, or industrial or commercial service street, to the maximum extent practicable.

(3) Lot Lines

Side lot lines shall be at right angles to straight street centerlines and radial to curved street centerlines, to the extent practical.

a. Lot line adjustments that straighten lot lines shall be encouraged.

b. Lot line adjustments that cause lots to be more rectangular in shape shall be encouraged.

(4) Double Frontage Lots

Lots, other than corner lots, having frontage on two streets are prohibited.

(5) Lots Divided by City or County Boundary

Lots shall not be divided by City or county boundary lines, to the extent practicable.

(f) Easements

(1) Utility Easements

a. Easements for public utilities that are located outside of street rights-of-way shall be:

1. Centered on rear or side lot lines, to the maximum extent practicable;

2. If the public utility line is aboveground, located along rear property lines to the extent practicable; and

3. A minimum of 12 feet wide if located on rear lot lines or a minimum of ten feet wide if located on side lot lines.

b. Easements for City-owned utilities shall be dedicated exclusively to the City.

(2) Watercourse and Drainage Easements

If a proposed subdivision is traversed by a watercourse, drainageway or stream, the subdivider shall provide easements to accommodate stormwater and drainage through and from the proposed subdivision. The easements shall:

a. Be configured to conform substantially with the lines of the watercourse;

b. If public, have a minimum width of 12 feet; and

c. Comply with Chapter 21, Article II, Stormwater Quantity and Quality Control, of the Code of Ordinances.

(g) Natural Gas Lines

Natural gas lines that are located in a street right-of-way shall be located outside the portion of the street to be surfaced, to the extent practicable.

(h) Water Lines

(1) All water mains shall be installed in private easements dedicated exclusively to the City or in street rights-of-way.

(2) If water mains are installed in street rights-of-way, easements for the water mains shall be dedicated prior to filing of the subdivision final plat.

(3) When required, a connection shall be stubbed out to the property line or easement line to serve all abutting lots at the time of installation of water mains.

(i) Sanitary Sewers

(1) All sanitary sewer mains shall be installed in private easements dedicated exclusively to the City or in street rights-of-way.

(2) If sanitary sewer mains are installed in street rights-of-way, easements for the sanitary sewer mains shall be dedicated prior to filing of the subdivision final plat.

(3) The developer shall obtain the appropriate permit to construct the sewer system from the Health Department.

(4) When required, a connection shall be stubbed out to the property line or easement line to serve all abutting lots at the time of installation of sewer mains.

(j) Community Sewage Disposal Systems

(1) Construction of any community sewage disposal system, such as an oxidation pond or other facility, shall not occur prior to approval of the location, size, plans, and specifications of the facility by the City Engineer.

(2) A wastewater treatment facility shall comply with the approved sewer plan for the area.

(3) All wastewater treatment systems must receive a permit to construct from the Health Department.

(k) Stormwater Drainage Systems

The subdivider shall provide an adequate drainage system based on acceptable stormwater management principles, including necessary open swales and waterways, pipes, culverts, storm sewers, intersectional drains, drop inlets, bridges, and other necessary appurtenances, and shall be installed by the subdivider according to plans in accordance with the City storm drainage ordinance (Chapter 21, Article II) and approved by the City Engineer.

(l) Open Space Set-Asides

A subdivision shall provide open space set-asides in accordance with Sec. 17-5.5, Open Space. A subdivision submitted as a cottage neighborhood development shall comply with the open space standards in Sec. 17-4.2(c)(1)a.1(v), Common Open Space.

Sec. 17-6.3 Improvements and Sureties

(a) Completion Required Prior to Final Plat Approval

Unless surety is provided in accordance with Sec. 17-6.3(b), Surety In-Lieu of Completion of Improvements, the subdivider shall complete the following improvements in accordance with plans and specifications approved by the City Engineer prior to approval of the final plat:

(1) The marking of all lot corners with monuments consisting of an iron pipe at least 24 inches long and driven to within four inches above the finished grade or flush as conditions may require;

(2) Street grading, base preparation and surfacing; and

(3) The installation of:

a. Concrete curbs and gutters;

b. Street name signs at all intersections;

c. Street trees, if any;

d. Sidewalks;

e. Natural gas lines;

f. Water mains, valves, and fire hydrants;

g. Sanitary sewers;

h. Community sewage disposal systems;

i. Storm drainage systems; and

j. Open space set-asides.

(b) Surety In-Lieu of Completion of Improvements

After approval of a preliminary plat of subdivision, in-lieu of the completion of improvements in accordance with Sec. 17-6.3(a), Completion Required Prior to Final Plat Approval, the City may accept a performance guarantee. The performance guarantee shall provide for and secure to the City the actual construction and installation of the improvements that have not been completed and shall comply with the requirements in this subsection.

(1) Form of Guarantee

Where required, the subdivider shall furnish a performance guarantee in any of the following acceptable forms:

a. Cash deposit with the City;

b. Certified check from a South Carolina lender based upon a cash deposit, in a form acceptable to the City Attorney;

c. Irrevocable letter of credit from a South Carolina banking institution in a form acceptable to the City Attorney; or

d. Any other financial security found acceptable by the City Attorney.

(2) Length of Time of Guarantee

The term of the performance guarantee shall reflect any time limit for completing installation of required improvements that is included in the preliminary plat, but in any case, the term shall not exceed 18 months. The City Engineer, for good cause shown, may grant up to one extension of time, for a time period not exceeding one year.

(3) Amount of Guarantee

a. Performance guarantees for completion of grading, base preparation, and surfacing of a street proposed for dedication to the City shall be at least 150 percent of the cost of all materials and labor required for completion.

b. Performance guarantees for the completion of any other improvement shall be a minimum of 125 percent of the cost of the materials and labor required for completion.

(4) Final Plat

a. Where a performance guarantee is accepted by the City in-lieu of the completion of improvements in a subdivision, the final plat shall include the following statement:

> "THIS FINAL PLAT IS SUBJECT TO A PERFORMANCE GUARANTEE, WHICH MEANS THAT ALL REQUIRED PUBLIC IMPROVEMENTS ARE NOT COMPLETED. ISSUANCE OF BUILDING PERMITS PRIOR TO COMPLETION OF PUBLIC IMPROVEMENTS SUBJECT TO THE PERFORMANCE GUARANTEE SHALL OCCUR AT THE SOLE DISCRETION OF THE CITY OF COLUMBIA. IN THE EVENT THE DEVELOPER DEFAULTS AND THE CITY MUST COMPLETE THE IMPROVEMENTS, THE DEVELOPER WILL BE ASSESSED ANY DIFFERENCE BETWEEN THE AMOUNT OF THE PERFORMANCE GUARANTEE AND ACTUAL CONSTRUCTION COST."

b. All easements and rights-of-way shall be shown on the final plat and descriptions recorded prior to the filing of the final plat

(5) Release of Guarantees

a. Release

Release of a performance guarantee shall occur after the City Engineer determines that the improvements in-lieu of which the guarantee was accepted are complete.

b. Partial Release

A partial release of a performance guarantee is prohibited.

c. Release to be Recorded

The City shall record all releases of financial guarantees, or in the alternative, shall record a notice of the City's final acceptance of the public improvements with the Register of Deeds.

(6) Forfeiture of Security

a. Notice of Failure to Install or Complete Improvements

If a subdivider fails to properly install, repair, and/or maintain all required improvements within the term of the financial guarantee, as may be extended, the City shall give 30 days' written notice to the subdivider by certified mail, after which time the City may draw on the security and use the funds to complete the required improvements.

b. City Completion of Improvements

After completing the required public improvements, the City shall provide a complete accounting of the expenditures to the subdivider and, as applicable, refund all unused security deposited, without interest.

Sec. 17-6.4 Cluster Housing Development

(a) Purpose

The purpose of cluster housing development is to provide savings in infrastructure installation, land resources, and energy use through the concentration of dwellings, construction, and physical impact to specific areas of a tract. Cluster housing development permits variation in lot size, shape, and orientation without an increase in overall density of population or development.

(b) Applicability

An application for a subdivision designed for single-family detached dwellings located in the RSF-1, RSF-2, RSF-3, RM-1, RM-2, MU-1, MU-2, or O-I district may be submitted as a cluster housing development, and shall be submitted, reviewed, and decided as a major subdivision in accordance with Sec. 17-2.5(j)(5), Major Subdivision Procedure. All sketch plan, preliminary plat, and final plat applications for cluster housing developments shall include the required additional documentation identified in the Procedures Manual. A cluster housing development shall comply with the standards in this section.

(c) Cluster Housing Design Standards

(1) General

Unless explicitly stated otherwise in this section, a cluster housing development shall comply with the minimum design standards and other requirements in this Article.

(2) Dimensional Standards

Individual lots within a cluster housing development are not subject to minimum lot area, minimum lot width, minimum lot depth, or maximum lot coverage requirements established in Article 3: Zoning Districts, provided, siting of structures shall conform to the Preliminary Plat of subdivision approved by the Planning Commission in accordance with Sec. 17-2.5(j)(5), Major Subdivision Procedure.

(3) Screening

The Planning Commission may require that a cluster housing development include screening in addition to screening required by Sec. 17-5.3(i), Screening, on finding that such screening is necessary to accomplish the purpose of screening requirements set forth in Sec. 17-5.3(i)(1), Purpose.

(4) Open Space Set-Asides

A cluster housing development shall include open space set-asides in accordance with Sec. 17-5.5, Open Space, provided, a cluster housing development in the RSF-1 district shall provide open space set-asides in a minimum amount of 30 percent of the development site area.

(5) Off-Street Parking

Required off-street parking for dwelling units may be provided in a common area within the cluster housing development with approval by the Planning Commission.

Sec. 17-6.5 Cottage Neighborhood Development

(a) Purpose

The purpose of cottage neighborhood development standards is to establish a voluntary form of housing development in zoning districts identified in Sec. 17-4.2(b), Principal Use Table, that accommodates greater housing choice and options within infill and redevelopment contexts by mandating smaller homes built around common open space with off-street parking areas to the rear or in common areas.

(b) Applicability

An application for a subdivision designed for single-family detached dwellings may be submitted as a cottage neighborhood development where allowed in accordance with Sec. 17-4.2(b), Principal Use Table. A an application for a subdivision submitted as a cottage neighborhood development shall be submitted, reviewed, and decided as a major subdivision in accordance with Sec. 17-2.5(j)(5), Major Subdivision Procedure.

(c) Cottage Neighborhood Development Standards

A subdivision submitted as a cottage neighborhood development shall comply with the following standards in Sec. 17-4.2(c)(1)a.1, Cottage Neighborhood Development:

(1) Sec. 17-4.2(c)(1)a.1(i), Minimum Development Size;

(2) Sec. 17-4.2(c)(1)a.1(ii), Maximum Development Density;

(3) Sec. 17-4.2(c)(1)a.1(iii), Dimensional Requirements for Individual Lots;

(4) Sec. 17-4.2(c)(1)a.1(iv), Minimum Percentage of Dwellings Fronting Open Space;

(5) Sec. 17-4.2(c)(1)a.1(v), Common Open Space;

(6) Sec. 17-4.2(c)(1)a.1(vi), Transitional Buffer Yard;

(7) Sec. 17-4.2(c)(1)a.1(vii), Internal Streets;

(8) Sec. 17-4.2(c)(1)a.1(viii), Surface Parking;

(9) Sec. 17-4.2(c)(1)a.1(xi)(h), No-Build Easement; and

(10) Sec. 17-4.2(c)(1)a.1(xii), Homeowner's Association.

Article 7: Nonconformities

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ARTICLE 7: NONCONFORMITIES

Sec. 17-7.1 General

(a) Purpose and Intent

(1) Within the districts established by this Ordinance, there exist lots of record, structures, uses of land and structures, and signs, and other site features that were lawfully established before this Ordinance was adopted or amended, that now do not conform to the terms and requirements of this Ordinance. The purpose and intent of this Article is to regulate and limit the continued existence of those lots of record, structures, uses of land and structures, signs, and other site features that do not conform to the provisions of this Ordinance or any amendments thereto.

(2) It is the intent of this Article to permit these nonconformities to continue until they are removed, but not to encourage their survival except under the limited circumstances established in this Article. It is the further intent of this article that nonconformities shall not be enlarged upon, expanded or extended, reconstructed to continue nonconformity after major damage, or used as grounds for adding other structures or uses prohibited elsewhere in the same district. The provisions of this Article are designed to curtail substantial investment in nonconformities to preserve the integrity of this Ordinance.

(b) Authority to Continue

Nonconformities are allowed to continue in accordance with the requirements of this Article.

(c) Determination of Nonconformity Status

In all cases, the burden of establishing that a nonconformity lawfully exists shall be on the owner of the land on which the purported nonconformity is located. The Zoning Administrator may issue a Certificate of Zoning Compliance upon acceptance of reasonable proof that the nonconformity was lawfully in existence at the time of the effective date of this ordinance and has not been vacant, abandoned, or discontinued for any period of 12 consecutive months within the last six years.

(d) Minor Repairs and Normal Maintenance

(1) Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part of a building declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, signs, and other site features in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming use, structure, lot of record, or sign. For the purposes of this Section, "minor repair or normal maintenance" shall mean:

a. Repairs that are necessary to maintain a nonconforming use, structure, lot of record, sign, or other site feature in a safe condition;

b. Repairs that are necessary to correct any damage or deterioration to the structural soundness or interior appearance of a structure without altering the structure;

c. Maintenance of land areas to protect against health hazards and promote the safety of surrounding uses; and

d. Repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, whose costs do not exceed 25 percent of the replacement cost of the sign.

(2) Ordinary repairs, including repair or replacement of nonbearing walls, fixtures, wiring, and plumbing, may be done on any building devoted in whole or in part to a nonconforming use, if:

a. The cubic content of the building as it existed at the time the nonconformity was created by this Ordinance, or any amendment thereto, is not increased; and

b. A declaration of nonconforming use is filed with the Zoning Administrator prior to any work beginning.

(e) Change of Tenancy or Ownership

Changes of tenancy, ownership, or management of an existing nonconformity are permitted, and in such cases the nonconforming situation shall continue to be subject to the requirements of this Article.

Sec. 17-7.2 Nonconforming Uses

(a) General

Nonconforming uses are declared generally incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance. Nonconforming uses shall be subject to the standards in this Section.

(b) Reestablishment

(1) Except in accordance with subsection (2) below, a nonconforming use shall not be reestablished after vacancy, abandonment, or discontinuance for any period of 12 consecutive months, not including time during which the structure where the use was located is reconstructed, provided, the timing requirements for reestablishment of a nonconforming structure in Sec. 17-7.3(b), Reestablishment after Demolition, Damage, or Destruction, shall apply.

(2) Within the OV-5P, OV-ID, OV-NMC, or OV-CC district, a nonconforming use may be established after vacancy, abandonment, or discontinuance of a prior nonconforming use for an period of up to 36 consecutive months, if the Board of

Zoning Appeals issues a Special Exception Permit in accordance with Sec. 17-7.2(c), Change of Use.

(3) Where a nonconforming use has been replaced by a conforming use, the nonconforming use may not be reestablished at any time.

(c) Change of Use

A nonconforming use shall not be changed to any other nonconforming use unless the Board of Zoning Appeals approves a Special Exception Permit in accordance with Sec. 17-2.5(e), Special Exception Permit, for the proposed nonconforming use after finding that the proposed nonconforming use is more in character with the uses permitted in the district than the use it replaces. In permitting the change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with the purpose of this Article.

(d) Expansion and Enlargement

(1) Area Occupied by Nonconforming Use

A nonconforming use shall not be enlarged, expanded in area occupied, or intensified, except a nonconforming use may be enlarged into any area of the same structure in which it is located which was manifestly arranged or designed for such use prior to the date the use became a nonconformity, provided the use shall not be extended to occupy land outside the structure.

(2) Structure Devoted to Nonconforming Use

A structure devoted to a nonconforming use shall not be enlarged, extended, constructed, moved, or structurally altered except to change the use of the structure to a use permitted in the zoning district in which the structure is located.

(e) Temporary Nonconforming Uses

A Temporary Use Permit may be issued by the Zoning Administrator for an appropriate period of time not to exceed 12-month increments for nonconforming buildings, structures, or uses incidental to building construction or land development or deemed to be generally beneficial, provided that the owner of that temporary nonconforming use agrees to remove the temporary nonconforming use upon expiration of the Temporary Use Permit.

Sec. 17-7.3 Nonconforming Structures

(a) Enlargement

A nonconforming structure shall not be enlarged or expanded in a way that increases the degree of nonconformity. (For example, a structure that has a five-foot side yard setback where the Ordinance requires a ten-foot side yard setback cannot be enlarged so as to further encroach into the side yard setback.) Expansion of the structure in a way that complies with applicable dimensional standards or that decreases the degree of nonconformity is permitted.

(b) Reestablishment after Demolition, Damage, or Destruction

(1) A nonconforming structure shall not be reestablished as a nonconforming structure after demolition, damage, or destruction, except in accordance with subsection (2) below.

(2) A nonconforming structure that sustains damage exceeding 75 percent of the replacement cost of the structure at the time of damage shall not be rebuilt, altered, or repaired except in conformity with this Article, provided the rebuilding, alteration, or repair shall:

a. Begin within six months from the time of damage; and

b. Be completed within 12 months after the issuance of a building permit.

(c) Relocation

A nonconforming structure shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless upon relocation it conforms to the requirements of this Ordinance.

(d) Conversion to Another Use

The use of a structure which is nonconforming due to its failure to comply with intensity and dimensional standards in Article 3: Zoning Districts, (e.g., height, setbacks, lot area, etc.) may be changed to a use that is permitted in the district in which the structure is located, if no further encroachment is made as defined by the intensity and dimensional standards in Article 3: Zoning Districts, (e.g., into required yards).

Sec. 17-7.4 Nonconforming Lots of Record

(a) In any zoning district in which single-family detached dwellings are permitted, notwithstanding limitations imposed by other provisions of this Article, a single-family detached dwelling and customary accessory buildings may be erected on any single lot that is depicted as a discrete tax parcel upon a tax map within the 1999 editions of the Richland County or Lexington County Real Property Tax Map compilations. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zoning district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

(b) Conforming lots of record that are subject to governmental acquisition of part of the lot for a public purpose that results in the lot becoming nonconforming as to the dimensional standards of the zoning district in which it is located shall be determined conforming if:

(1) The use is permitted, or any required Conditional Use Permit or Special Exception Permit is approved;

(2) The development proposed complies with the dimensional standards of the applicable zoning district(s), to the maximum extent practicable;

(3) The development complies with Article 5: Development Standards, to the maximum extent practicable;

(4) The development complies with all other standards and requirements of this Ordinance; and

(5) The development is designed and located in a way that is compatible with surrounding development.

Sec. 17-7.5 Nonconforming Signs

(a) General

(1) Subject to the conditions set forth in this Section and Sec. 17-7.6, Nonconforming Site Features, a nonconforming sign may continue in operation and maintenance, provided a nonconforming sign shall not be:

a. Changed to or replaced with another nonconforming sign (this provision shall not prohibit a change in copy or graphics on the sign face of the sign);

b. Structurally altered so as to extend useful life;

c. Expanded;

d. Relocated, except in compliance with this Article; or

e. Reestablished after damage or destruction of more than 50 percent of the replacement value of the same type of sign at the time of such damage or destruction. Any damage to a nonconforming sign that is not repaired constitutes damage or destruction for purposes of this Subsection, and that damage shall be cumulative.

(2) With the exception of Sec. 17-7.5(a)(1)e above, this Section shall not prevent repairing or restoring to a safe condition any part of a nonconforming sign or sign structure, or normal maintenance operations performed on a nonconforming sign or sign structure.

(b) Signs Made Nonconforming Due to Condemnation

When a sign is located on land condemned for road right-of-way acquisition, the following standards shall apply:

(1) Any sign not located in and which does not overhang the land acquired for right-of-way may remain in place, subject to Sec. 17-7.5(a), General.

(2) Any sign relocated off the new right-of-way for a state or federal highway shall, at a minimum, comply with state standards for such relocation.

(3) Any sign relocated off the right-of-way acquired for a City street or for other purposes shall comply, to the maximum extent practicable, with the setbacks for signs established in this Ordinance.

(c) Replacement of Nonconforming Outdoor Advertising Signage

(1) The total number of outdoor advertising signs within the City shall not exceed the total number of outdoor advertising signs existing on February 1, 2000, except in the event that unincorporated areas are annexed into the City. If an area is annexed after February 1, 2000, the total number of allowable outdoor advertising signs shall be increased by the number of outdoor advertising signs existing within the land area annexed on the effective date of annexation. The replacement of nonconforming outdoor advertising sign display surface area shall be in conformance with the following ratios:

a. One square foot of new display surface area for each two square feet of existing nonconforming display surface area removed, where signage is removed for replacement anywhere except within the OV-OAS overlay district if the sign is adjacent to the interstate system and/or a freeway class highway; or

b. Two square feet of new display surface area for each one square foot of existing nonconforming display surface area removed for replacement, if the sign is located within the OV-OAS overlay district and adjacent to the interstate system and/or a freeway class highway; or

c. Three square feet of new display surface area for each one square foot of existing nonconforming display surface area removed from any sign having a sign face oriented toward a collector street (minor thoroughfare) that does not comply with Sec. 17-5.10(c)(6)b.4(iii), Required Buffers, where signage is removed for replacement within the OV-OAS overlay district and the replacement sign is adjacent to the interstate system and/or a freeway class highway.

(2) Outdoor advertising sign structures removed shall be dismantled and removed in their entirety. Applications for permits for replacement display area shall be submitted within 30 days of removal or else the display area is forfeited.

(3) The fixed display surface area of a legal nonconforming outdoor advertising sign may be replaced in whole or in part by display surface area with changeable copy, except under no circumstance is changeable copy permitted upon an outdoor advertising sign when that sign is within 300 feet of any residential base or planned development. For the purpose only of conversion to changeable copy on a sign adjacent to an interstate highway, spacing from any residential zoning district shall be measured across the interstate in a straight line to the residential district parcel line, and not the zoning district boundary line. The replacement of display surface area with changeable copy in accordance with this Subsection does not include the replacement of, or some other substantial alteration to, the sign support structure, except where existing metal sign support structures would be replaced with new metal sign support structures.

Sec. 17-7.6 Nonconforming Site Features

(a) General

(1) This Section establishes a mechanism for increasing compliance of nonconforming site features with the standards in this Ordinance as part of the alteration or expansion of a structure on the site.

(2) For purposes of this Article, the term "nonconforming site features" includes the following:

a. Nonconforming off-street parking (see Sec. 17-5.2);

b. Nonconforming landscaping (see Sec. 17-5.3); and

(3) Notwithstanding any provision in this Section, any replacement of nonconforming outdoor advertising sign display surface area shall comply with Sec. 17-7.5(c), Replacement of Nonconforming Outdoor Advertising Signage.

(4) An alteration, addition, or expansion of a building or structure in accordance with this section shall not increase the degree of nonconformity of a nonconforming site feature.

(b) Alterations of Buildings or Structures

(1) If an application for a building permit is submitted for the alteration of a building or structure on a site that has one or more nonconforming site features, and if the cost of the proposed alteration, combined with all alterations of the same building or structure during the preceding five-year period, exceeds 75 percent of the recorded taxable value of the building or structure at the beginning of the five-year period, the applicant shall bring the nonconforming site features into compliance in accordance with Table 17-7.6(b): Required Additional Nonconforming Site Feature Compliance for Alterations.

TABLE 17-7.6(B): REQUIRED ADDITIONAL NONCONFORMING SITE FEATURE COMPLIANCE FOR ALTERATIONS

EXTENT OF ALTERATION OF BUILDING OR STRUCTURE	REQUIRED ADDITIONAL COMPLIANCE OF NONCONFORMING SITE FEATURE
	Landscaping
Cost of the alteration is less than 75 percent of the value of the building or structure [1][2]	None
Cost of the alteration is 75 percent or more of the value of the building or structure [1][2]	Minimum landscaping standards that result in nonconformity, multiplied by the same percentage that determines the extent of the alteration of the building or structure, not to exceed full compliance, [3] except for the following standards: • Sec. 17-5.3(i), Screening: full compliance is required • Sec. 17-5.3(f)(4), Interior Planting Areas: no additional compliance is required • Sec. 17-5.3(h), Site Tree Density: no additional compliance is required

NOTES:
[1] The cost of the alteration consists of the cost of the proposed alteration combined with the cost of all alterations of the same building or structure during the preceding five-year period. Costs shall be as shown on the building permit application and shall include the costs of materials and labor.
[2] The value of the building or structure shall be the taxable value of the building or structure.
[3] For example, assume a site has 12 of 30 required parking spaces and the cost of remodeling is 50 percent of the value of the building. The number of additional parking spaces required would be determined by multiplying the total required (30 spaces) by 50 percent, or 15 spaces, bringing the number of parking spaces on the site to 27 (90 percent of the total required). If, instead of 12 spaces, the site initially had 20 spaces, only 10 additional parking spaces would be required, bringing the parking spaces on the site to 30 (100 percent of the total required).

(2) For purposes of this Subsection, the term "alteration of a building or structure" means any alteration, as defined in the Building Code, of a structure lawfully erected prior to August 30, 2021, excluding any reestablishment of a nonconforming structure in accordance with Sec. 17-7.3(b), Reestablishment after Demolition, Damage, or Destruction, and any repair (other than an addition), as defined in the Building Code.

(c) Additions and Expansions

(1) If an application for a building permit is submitted for the expansion of a building on a site that has one or more nonconforming site features, other than nonconforming signs, and if the increase in gross floor area, combined with all expansions of the building during the preceding five-year period, exceeds 25 percent of the total gross floor area of the building at the beginning of the five-year period, the applicant shall bring the nonconforming site features, other than nonconforming signs, into compliance in accordance with Table 17-7.6(c): Required Additional Nonconforming Site Feature Compliance for Expansions.

TABLE 17-7.6(C): REQUIRED ADDITIONAL NONCONFORMING SITE FEATURE COMPLIANCE FOR EXPANSIONS

EXTENT OF BUILDING EXPANSION	REQUIRED ADDITIONAL COMPLIANCE OF NONCONFORMING SITE FEATURE	
	Landscaping	**Parking**
Less than 25 percent increase in gross floor area [1]	None	
Increase in gross floor area of 25 percent or more but less than 75 percent [1]	Minimum off-street parking and landscaping standards that result in nonconformity, multiplied by the same percentage that determines the extent of the building expansion, not to exceed full compliance, [2] except for the following standards: • Sec. 17-5.3(i), Screening: full compliance is required • Sec. 17-5.3(f)(4), Interior Planting Areas: no additional compliance is required • Sec. 17-5.3(h), Site Tree Density: no additional compliance is required	
Increase in gross floor area of 75 percent or more [1]	Full compliance with all parking and landscaping standards is required	

NOTES:
[1] The increase in gross floor area consists of the gross floor area of the proposed expansion combined with the gross floor area of all expansions of the same building during the preceding five-year period. Gross floor area of an expansion shall be as shown on the building permit application.
[2] For example, assume a site requires a Type B transitional buffer yard, but the current buffer yard has a width of 10 feet and includes 6 shrubs and 5 caliper inches per 100 linear feet. Assume the expansion results in a 30 percent increase in the gross floor area. A compliant Type B transitional buffer yard could have a width of 20 feet, if it included 40 shrubs and 14 caliper inches per 100 linear feet. For the transitional buffer yard standard, one combination of additional width and plantings that would meet the requirements of this section would be an increase in width of 6 feet (20 feet x 30 percent), 12 shrubs (40 x 30 percent) and 4 caliper inches (14 X 30 percent) per linear foot. The result would be a transitional buffer that is 16 feet wide and contains 18 shrubs and 9 caliper inches per 100 linear feet.
[3] No structure shall be expanded into a transitional buffer yard.

Article 8: Enforcement

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ARTICLE 8: ENFORCEMENT

Sec. 17-8.1 Purpose

This article establishes procedures to ensure compliance with the provisions of this Ordinance and to obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this article are intended to encourage the voluntary correction of violations, where possible.

Sec. 17-8.2 Compliance Required

(a) General

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by any person owning, developing, managing, using, or occupying land or structures in the City.

(b) Receipt of Development Approval or Permit Required

All persons shall obtain all development approvals and permits required by this Ordinance prior to development.

(c) Development Approval or Permit Only Authorizes Development Approved

Permits or development approvals issued by a decision-making body or person authorize only the use, arrangement, location, design, density or intensity, and development set forth in such development approvals or permits.

Sec. 17-8.3 Violations

(a) General

Any failure to comply with this Ordinance, or the terms or conditions of any development approval, permit, or other authorization granted in accordance with this Ordinance shall constitute a violation of this Ordinance as provided in this article.

(b) Specific Violations

It shall be a violation of this Ordinance to undertake any development contrary to the provisions of this Ordinance, including but not limited to any of the following:

a. Develop land or a structure without first obtaining all appropriate development approvals and permits.

b. Develop land or a structure without complying with the terms or conditions of all development approvals and permits required to engage in development.

c. Occupy or use land or a structure without first obtaining all appropriate development approvals and permits.

d. Occupy or use land or a structure in violation of the terms or conditions of the development approvals or permits.

e. Subdivide land without first obtaining the appropriate development approvals or permits required to engage in subdivision.

f. Subdivide land without complying with the terms or conditions of the development approvals or permits required to engage in development.

g. Transfer title to any newly created lots or parts of a development unless the development plan or subdivision has received all development approvals or permits required under this Ordinance and an approved plan or plat, if required, has been filed in the appropriate County office.

h. Submit for recording with a County office any subdivision plat or other development plan that has not been approved in accordance with the requirements of this Ordinance.

i. Excavate, grade, cut, clear, or undertake any land disturbing activity without first obtaining the appropriate development approvals and permits, and complying with their terms and conditions.

j. Remove existing trees or other landscaping from a site or parcel of land without first obtaining the appropriate development approvals and permits, and complying with their terms and conditions, or fail to maintain trees or other landscaping as required by this Ordinance.

k. Install, create, erect, alter, or maintain any sign without first obtaining the appropriate development approvals and permits, and complying with their terms and conditions.

l. Fail to remove any sign installed, created, erected, or maintained in violation of this Ordinance, or for which the permit has lapsed.

m. Create, expand, replace, or change any nonconformity except in compliance with this Ordinance.

n. Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this Ordinance.

o. Increase the intensity or density of development, except in accordance with the standards of this Ordinance.

p. Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this Ordinance.

q. Through any act or omission, violate any term, condition of approval, or qualification placed by a decision-making body or person on a development approval or permit.

r. Violate any lawful order issued by any decision-making body or person in accordance with this Ordinance.

s. Obtain a development approval or permit through false or misleading information.

t. Obscure or obstruct a notice required to be posted or otherwise given in accordance with this Ordinance.

Sec. 17-8.4 Responsible Persons

Any person who violates this Ordinance shall be subject to the remedies and penalties set forth in this article.

Sec. 17-8.5 Enforcement Generally

(a) Responsibility for Enforcement

(1) The Zoning Administrator (abbreviated "ZA" in this Ordinance) shall be responsible for enforcing all provisions of this Ordinance that are not enforced by the Land Development Administrator in accordance with subsection (2) below.

(2) The Land Development Administrator (abbreviated "LDA" in this Ordinance) shall be responsible for enforcing Land Development (Subdivision) Standards, of this Ordinance.

(b) Enforcement Procedure

(1) Notice of Violation

a. If the ZA or LDA, as appropriate, finds that a provision of this Ordinance for which the ZA or LDA is responsible for enforcing is being or has been violated, the ZA or LDA, as applicable, shall deliver to the person that is the source of the violation, a written notice of violation that states the nature of the violation(s) and orders the action(s) necessary to correct it, including, but not limited to, discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; or discontinuance of illegal work being done. Such notification shall state a time period within which the ordered action must be completed.

b. If no one is present to accept the notice of violation, or if acceptance of the notification is refused, the ZA or LDA, as applicable, shall post the notice on a primary entrance to a principal building on the site of the violation. If the land is unimproved, the notice should be posted visibly on the subject property.

c. The ZA or LDA, as applicable, shall mail by certified mail, return receipt requested, a written notice containing the same information as the notice delivered or posted on the land, to the record owner of the land subject to the violation, or the record owner's authorized agent, and to any other person responsible for the violation.

d. If a violation is not corrected within the period of time stated in the notice of violation in accordance with subsection a above, the ZA or LDA, as applicable, shall take appropriate action, in accordance with Sec. 17-8.6, Remedies and Penalties, to ensure compliance with, or to prevent violation of, this Ordinance.

(2) Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a verbal complaint, stating fully the causes and basis of the alleged violation, with the ZA or LDA, in accordance with Sec. 17-8.5(a), Responsibility for Enforcement. The ZA or LDA, as applicable, shall promptly investigate the complaint and take action to correct or abate any violation, in accordance with this subsection.

(3) Inspections to Ensure Compliance

Upon presentation of proper credentials, the ZA or LDA, as applicable, may enter upon land or inspect any structure to ensure compliance with the provisions of this Ordinance. These inspections shall be carried out during normal business hours unless the ZA or LDA, as applicable, determines there is an emergency necessitating inspections at another time.

Sec. 17-8.6 Remedies and Penalties

(a) General

(1) The remedies provided for violations of this Ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

(2) Each day of continued violation of this Ordinance shall be considered a separate violation for purposes of computing cumulative civil or criminal penalties.

(3) An owner, tenant, or occupant of the land or structure that is in violation of this Ordinance, and any other person who participates in, assists, directs, creates, or maintains a situation that constitutes an Ordinance violation, including but not limited to an architect, engineer, builder, contractor, or agent, may each be found guilty of a separate offense and suffer the penalties provided in this subsection.

(b) Remedies Available to City

On behalf of the City, the ZA or LDA, in accordance with Sec. 17-8.5(a), Responsibility for Enforcement, may take any one or more of the following actions as a remedy for any violation of this Ordinance:

a. Withhold any pending or subsequent development approvals or permits required by this Ordinance;

b. Issue stop work orders against any work undertaken by any person not having a proper development approval or permit required by this Ordinance;

c. Issue stop work orders against any actions taken in violation of this Ordinance;

d. Revoke a development approval or permit if:

1. There is a failure to comply with the approved development approval, permit, plans, specifications, or terms or conditions required under the development approval or permit;

2. The development approval or permit was procured by false representation; or

3. The development approval or permit was issued in error;

e. Bring an action for an injunction (or, in appropriate cases, for mandamus) to prevent the violation or to prevent the occupancy or use of any site or structure involved in the violation;

f. Bring an action for injunction or mandamus to abate a violation;

g. Prosecute the violation as a misdemeanor; or

h. Take any other action at law or in equity to prevent or remedy any violation, or otherwise enforce the provisions of this Ordinance.

(c) Penalties

(1) Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to Sec. 1-5 of the Code of Ordinances.

(2) Nothing contained in this subsection shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

(d) Additional Remedies Available for Sign Violations

In addition to the remedies and penalties in subsections (b) and (c) of this section, the following provisions apply to signs that are in violation of this Ordinance:

(1) Impoundment

a. In addition to other remedies identified in this article, the ZA shall have the authority to remove and impound:

1. Any prohibited sign identified in Sec. 17-5.10(b)(4), Prohibited Signs, without notice to the owner; and

2. Any sign that is installed or used in any way that does not comply with the requirements of this Ordinance, provided that notice is given as set forth in Sec. 17-8.5(b)(1), Notice of Violation, and no action to correct the violation is taken by the owner within the specified period of time.

b. The owner of an impounded sign or sign structure may recover the impounded sign or sign structure upon the payment of $50.00 for each sign, plus the costs of removal. If the sign or sign structure is not claimed within

ten days after the date of impoundment, the ZA is authorized to dispose of the sign or sign structure without compensation to the owner.

(2) Posting of Violation Sticker

The ZA may post the sign with a sticker indicating that the sign is in violation of this Ordinance, which shall not be removed by anyone other than the ZA.

(e) Additional Remedy for Tree Protection Violation

Where a protected tree is removed without prior approval of a Tree Removal Permit, the City may require the planting of replacement trees in accordance with Sec. 17-5.4(c)(11), Replacement/Mitigation of Protected Trees.

(f) Private Civil Relief

An adjacent or neighboring landowner who would be specially damaged by any violation of this Ordinance may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the 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. This is in addition to the right of the City to bring an enforcement action.

Article 9: Definitions and Rules of Measurement

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ARTICLE 9: DEFINITIONS AND RULES OF MEASUREMENT

Sec. 17-9.1 General Rules for Construction and Interpretation

The rules in this section shall apply for construing or interpreting the terms and provisions of this Ordinance.

(a) Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Sec. 17-1.3, General Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance. When a specific section of these regulations gives a different meaning than the general definition provided in this article, the specific section's meaning and application of the term shall control.

(b) Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

(c) Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

(d) Computation of Time

(1) The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the day subsequent that is not a Saturday, Sunday, or holiday observed by the City. References to days are calendar days unless otherwise stated.

(2) Whenever a person has the right or is required to do some act within a prescribed period of time following the service of a notice or other document through mailed delivery, three days shall be added to the prescribed period.

(e) References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall mean a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

(f) Delegation of Authority

(1) Any act authorized by this Ordinance to be carried out by the ZA may be delegated by the ZA to a professional-level City employee.

(2) Any act authorized by this Ordinance to be carried out by the LDA may be delegated by the LDA to a professional-level City employee.

(g) Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the City of Columbia, South Carolina, unless otherwise indicated.

(h) Mandatory and Discretionary Terms

The words "shall," "must," "should" and "will" are mandatory, establishing an obligation or duty to comply with the particular provision. The word "may" is permissive.

(i) Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

a. "And" indicates that all connected items, conditions, provisions or events apply; and

b. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

(j) Tenses and Plurals

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

(k) Term Not Defined

If a term used in this Ordinance is not defined in this Ordinance, the ZA is authorized to interpret its meaning in accordance with Sec. 17-2.5(w), Interpretation – Zoning, unless the term is found exclusively in Land Development (Subdivision) Standards, in which case the LDA is authorized to interpret the meaning of the term in accordance with Sec. 17-2.5(x), Interpretation – Land Development (Subdivision). Such interpreted meaning shall be based upon the definitions used in accepted sources—including, but not limited to, A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions (all published by the American Planning Association), as well as general dictionaries such as Merriam-Webster, American Heritage, Webster's New World, and New Oxford American dictionaries.

Sec. 17-9.2 Rules of Measurement

(a) Measurement

Intensity and dimensional standards shall be measured in accordance with this subsection.

(1) Lot Area

Lot area shall be determined by measuring the total horizontal land area (in acres or square feet) within the lot lines of the lot, excluding public street rights-of-way and private street easements. For purposes of determining density or lot coverage, any part of the net lot area dedicated as recreation area, park, greenway, or other public open space in conjunction with or part of development approval in accordance with this Ordinance shall continue to be considered part of the lot area of the development site.

(2) Lot Coverage

Lot coverage (expressed as a percentage of lot area) shall be determined by measuring the total horizontal land area (in acres or square feet) covered by all structures on the lot, dividing that coverage area by the lot area, and multiplying the result by 100.

(3) Lot Width

a. Lot width means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard.

b. The width between side lot lines where they intersect with the street line shall not be less than 80 percent of the minimum lot width, and in the case of lots fronting on a cul-de-sac, the width between side lot lines at their foremost points shall not be less than 20 feet.

(4) Lot Depth

Lot depth shall be determined by measuring the distance from the center of the street frontage to the opposite property line.

(5) Density (Dwelling Units per Acre)

a. Density (expressed as dwelling units per acre) shall be determined by dividing the total number of dwelling units located or proposed on a lot by the lot area. If lot area is measured in square feet, that result shall be multiplied by 43,560. For purposes of determining maximum net density, an accessory dwelling unit shall not count as a dwelling unit.

b. Maximum density standards apply only to development comprised of dwelling uses (e.g., household living uses). For a mixed-use development containing dwelling units and nonresidential principal uses, net density shall be determined by dividing the total number of dwelling units located or

proposed on the lot by that portion of the net lot area allocated to the dwelling uses (and not allocated to nonresidential or non-dwelling uses).

(6) Setbacks

a. General

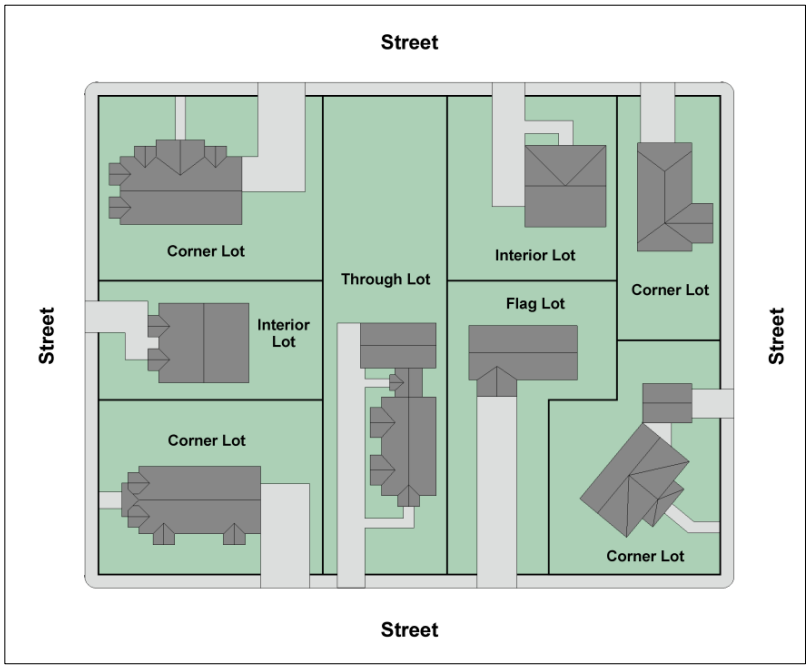
1. The area defined by a minimum setback is a required front, side, or rear yard (as appropriate). Allowable encroachments into required yards shall be ignored when measuring setbacks (see Sec. 17-9.2(b)(4), Allowable Encroachments into Required Yards.

2. The front of an interior lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided upon that basis taking into account any allowed reduction in accordance with Sec. 17-9.2(b)(2), Adjustment of Minimum or Maximum Setback Requirements to Block Face Average. Interior lots, corner lots, and through lots (see Figure 17-9.2(b)(6)b: Examples of Lot Types) are defined in Sec. 17-9.4, Definitions.

(a) In the case of corner lots, a front yard of the required depth shall be provided on the primary frontage. A second front yard of half the depth required generally for front yards in the district shall be provided on the other frontages.

(b) In the case of through lots, front yards of the required depth shall be provided on all frontages.

Figure 17-9.2(b)(6)b: Examples of Lot Types



b. Front Yard

A front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines, or, in the case of a corner lot, the foremost points of a side lot line and a front lot line, on any frontage. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without that rounding. Front and rear lines of a required front yard shall be parallel.

c. Side Yard

A side yard shall be measured at right angles to a straight line joining the ends of the front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established. In the case of through lots, side yards shall extend from the rear lines of the required front yards. In the case of corner lots, the yards remaining after front yards have been established shall be considered to be the side yards.

d. Rear Yard

A rear yard shall be measured at right angles to a straight line joining the rearmost points of the side lot lines. The forward rear yard line of a required rear yard shall be parallel to the straight lines so established.

(7) Building Height

The height of a building shall be determined by measuring from the average finished ground elevation at the base of the structure to the highest point of the roof of the structure.

(b) Exceptions and Variations

(1) Reduction of Minimum Lot Area or Width to Block Face Average

If the average area or width of existing lots located on the same block face and in the same zoning district is less than the minimum lot area or minimum lot width, as appropriate, applied to a lot by the standards in Article 3: Zoning Districts, the minimum lot area or minimum lot width, as appropriate, applicable to the lot shall be reduced to such average.

(2) Adjustment of Minimum or Maximum Setback Requirements to Block Face Average

If the average front yard, side yard, or rear yard on improved yards located on the same block face and in the same zoning district is less than the minimum or more than the maximum required front yard, side yard, or rear yard, as appropriate, applied to a lot by the standards in Article 3: Zoning Districts, the minimum or maximum required front yard, side yard, or rear yard, as appropriate, applicable to the lot may be adjusted to such average.

(3) Exceptions to Maximum Structure or Building Height

The maximum building or structure height limits established shall not apply to the structures or structural elements identified below.

a. Monuments, water towers, silos, granaries, barns, utility transmission towers, cooling towers, fire towers, and other similar structures not intended for human occupancy.

b. Spires, belfries, cupolas, domes, chimneys, elevator housings, water tanks, ventilators, skylights, mechanical equipment and appurtenances, and similar rooftop structures or structural elements not intended for human occupancy, provided they:

1. Cover not more than 25 percent of the roof area of the structure to which they are attached; and

2. Comply with applicable screening standards for mechanical equipment and appurtenances in Article 5: Development standards;

c. Antennas, provided they comply with height limits established for the specific use in Article 4: Use Regulations;

d. Roof-mounted small-scale solar energy collection systems, in accordance with standards in Sec. 17-4.3(d)(8), Solar Energy Conversion System (small scale).

e. Small-scale wind energy conversion systems, provided, the maximum height of the system (including any tower and extended blades) shall be the maximum height allowed in the zoning district plus 60 feet.

(4) Allowable Encroachments into Required Yards or Rights-of-Way

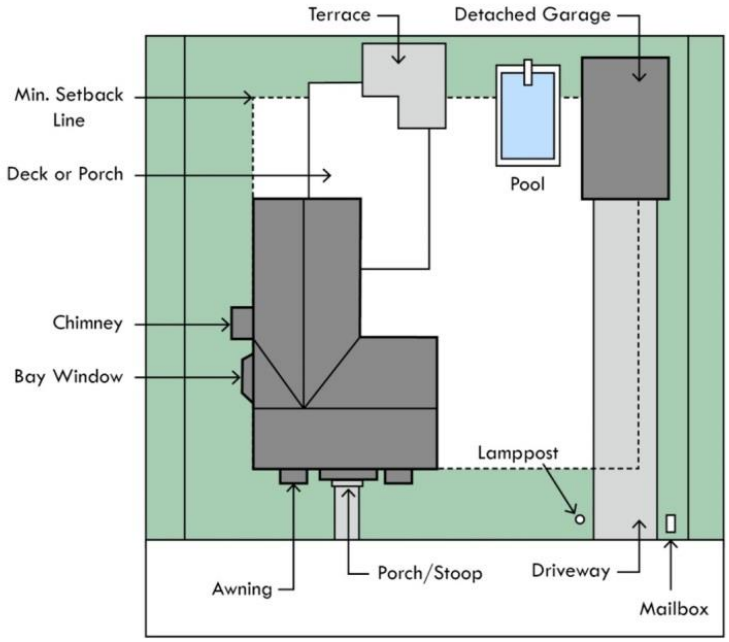
Every part of every required yard shall remain unoccupied and unobstructed by a structure or portion of a structure above 48 inches above the finished grade level of the ground, except as otherwise allowed in Table 17-9.3(b), Allowable Encroachments into Required Yards or Rights-of-Way, or allowed or limited elsewhere in this Ordinance (see Figure 17-9.2(b)(2): Examples of Allowed Encroachments into Required Yards).

TABLE 17-9.3(B): ALLOWABLE ENCROACHMENTS INTO REQUIRED YARDS OR RIGHTS-OF-WAY

FEATURE	EXTENT AND LIMITATIONS OF ENCROACHMENT
ENCROACHMENT INTO REQUIRED YARDS	
Required screening	May encroach into any required minimum yard.
Steps, open porches without roofs	May extend into any required minimum yard within three feet of an adjoining property line.
Eaves, cornices, gutters, chimneys and other minor architectural features	May extend up to 18 inches from the main portion of a building into any required minimum yard.
Awnings, canopies, and marquees	May encroach into any required minimum yard.

TABLE 17-9.3(B): ALLOWABLE ENCROACHMENTS INTO REQUIRED YARDS OR RIGHTS-OF-WAY	
FEATURE	**EXTENT AND LIMITATIONS OF ENCROACHMENT**
Open balconies and fire escapes	May extend up to five feet into any required minimum yard.
Bay windows	May extend up to three feet into any required minimum yard if no more than nine feet wide.
Fences and walls	May extend into or be located in any required minimum yard in accordance with Sec. 17-5.8, Fences and Walls.
Signs, projecting, free-standing, or attached to an awning, canopy, or marquee	May extend into or be located in any required minimum yard in accordance with Sec. 17-5.10**,** Signs.
Flagpole	May be located in any required yard if less than 20 feet high, set back from side and rear lot lines by at least ten feet, and set back from abutting street rights-of-way by a distance equal to the flagpole height.
Lighting fixtures, projecting or free-standing (including lampposts)	May be located in any required minimum yard.
Accessory structures other than those listed above	May be located in a required minimum side or rear yard if allowed in Sec. 17-4.3, Accessory Uses and Structures.
ENCROACHMENT INTO RIGHT-OF-WAY	
Awnings, canopies, and marquees	May project over the public rights-of-way subject to the following regulations: (1) Shall not extend more than two-thirds of the distance from the building to closer of the curbline or the edge of the street surface; (2) Shall not project closer than 12 inches from the closer of curb line or street edge; (3) Shall not be less than eight feet above the surface of the right-of-way, except that the free-hanging valance of an awning or canopy may extend to seven feet; and (4) Prior to the issuance of a permit, the owner/operator shall place on file with the city clerk a proof of continuous general liability insurance naming the city as an additional insured in an amount not less than $600,000.00 per occurrence for personal injury and property damage.
Signs on awnings, canopies, and marquees and projecting signs	May project over the public rights-of-way in accordance with Sec. 17-5.10**,** Signs.

Figure 17-9.2(b)(2): Examples of Allowed Encroachments into Required Yards



Sec. 17-9.3 Use Classification and Interpretation

(a) Principal Use Classification System

(1) Purpose

This subsection is intended to provide a systematic framework for identifying, describing, categorizing, consolidating, and distinguishing land uses in a way that makes it easier to determine whether a particular use, activity, or combination of activities should be considered a form or example of a use listed as an allowable principal use in the use tables in Sec. 17-4.2(b), Principal Use Table, or is subject to other use-specific provisions in this Ordinance. This subsection is also intended to guide interpretations of how a particular unlisted use should be categorized and to address future additions to the use tables.

(2) Structure of Principal Use Classification System

The following three-tiered hierarchy of use classifications, use categories, and use types is used to organize allowable uses listed in Sec. 17-4.2(b), Principal Use Table, and the use-specific standards set out in Sec. 17-4.2(c), Standards for Specific Principal Uses.

a. Use Classifications

Use Classifications are very broad and general (e.g., Residential Uses, Commercial Uses, and Industrial Uses).

b. Use Categories

1. Use Categories represent major subgroups of the use classifications that have common functional, product, or physical characteristics, such as the type and amount of activity, type of occupants or users/customers, or operational characteristics. For example, the Commercial Uses classification is divided into multiple use categories, including Retail Sales Uses and Eating and Drinking Establishment Uses.

2. Each use category is described in terms of the common characteristics of included uses (including common or typical accessory uses), examples of common use types included in the category, and, for a number of use categories, exceptions—i.e., those uses that might appear to fall within the use category, but are included in another use category.

c. Use Types

Use Types identify specific principal land uses whose characteristics are considered to fall within the various use categories. For example, arboretum or botanical garden, cemetery, and park or greenway are use types within the Parks and Open Space Use Category. Each use type is defined in this Section. While the Residential and Public, Civic, and Institutional use classifications tend to include relatively specific and well–defined use types, the Commercial and Industrial use classifications tend to include broader uses types, reflecting the wider range and ever-growing variety of commercial and industrial uses existing in the community.

(3) Residential Uses Classification

a. Household Living Uses

The Household Living Uses category includes use types providing for the residential occupancy of a dwelling unit by a single family. Tenancy is generally arranged on a month-to-month or longer basis. Use types include: live-work dwelling, mixed-use dwelling, multifamily dwelling, single-family detached dwelling, townhouse dwelling, two-family dwelling, and mobile home park. This use category does not include residential use types that generally involve some level of managed personal care for a larger number of residents (e.g., continuing care retirement community or residential care facility), which are categorized as Group Living Uses category. Accessory uses common to Household Living Uses include recreational activities, raising of domestic pets, hobbies, swimming pools, and parking of the occupants' vehicles. Some accessory uses (e.g., home occupations and accessory dwelling units) are subject to additional regulations (see Sec. 17-4.3, Accessory Uses and Structures).

1. Dwelling, live-work

A building or portion of a building combining a dwelling unit with an integrated work space principally used by one or more of the dwelling unit residents.

2. Dwelling, mixed-use

A building containing at least one dwelling unit and having its street-level frontage used exclusively for non-residential purposes, such as retail, office, or service related establishments.

3. Dwelling, multifamily

A building containing three or more dwelling units, with each unit sharing common vertical walls and/or horizontal floors and ceilings with another dwelling unit. For the purposes of this Ordinance, "multifamily dwelling" includes apartments, tenements, condominiums, cooperatives and similar types of structures, but not townhouse dwellings.

4. Dwelling, single-family detached

A building containing exactly one dwelling unit, not physically attached to any other principal structure, and specifically excluding mobile homes.

5. Dwelling, townhouse

Three or more single-family dwelling units, each with its own outside entrance, which share a common exterior wall and are joined together by fire resistive party walls extending at least from the lowest floor level to the roof. Triplexes and quadraplexes are included in this definition.

6. Dwelling, two-family

A building, commonly known as a “duplex,” that contains exactly two dwelling units and is not physically attached to any other principal structure.

7. Mobile home park

A lot used, designed or intended to be used for the purpose of supplying parking space for two or more occupied mobile homes, and which includes buildings, structures, vehicles or enclosures used or intended to be used as part of that mobile home park. Sales or storage lots for unoccupied mobile homes are not considered to be mobile home parks.

b. Group Living Uses

The Group Living Uses category includes use types providing for the residential occupancy of a group of living units by persons who typically do not constitute a single family (but not always) and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities (even though some do have such facilities), but unlike a hotel or motel, are generally occupied on a monthly or longer basis. Use types include: continuing care retirement

community, private dormitory, public dormitory, fraternity or sorority house, residential care facility, and rooming house or boardinghouse. Although continuing care retirement communities include household living uses (e.g., dwellings) and health care uses (e.g., nursing homes), they are categorized as a group living use because of their focus on the present or future provision of personal care to senior citizens and their integration of various uses as a single cohesive development. This use category does not include use types where persons generally occupy living units for periods of less than 30 days (e.g., hotel or motel), which are categorized in the Visitor Accommodations Uses category. It also does not include use types where residents or inpatients are routinely provided more than modest health care services (e.g., nursing care facility), which are categorized in the Health Care Uses category. Accessory uses common to group living uses include recreational facilities, administrative offices, and food preparation and dining facilities.

1. Continuing care retirement community (CCRC)

An age-restricted development that provides a continuum of accommodations and care, from independent living to convalescence care and long-term skilled nursing care, and enters into contracts to provide lifelong care. A CCRC typically includes a full range of living arrangements from independent living, congregate housing, residential care and skilled nursing and sometimes hospice care. CCRCs provide a range of ancillary facilities and services such as health care, meals with common dining facilities, physical therapy, education, recreation, and other social and cultural activities.

2. Dormitory, private

A building not owned or operated by a college or university that contains bedrooms for students attending a college or university. Each bedroom shall have an individual private bathroom with a bath or shower. Bedrooms may be arranged around a common area with a kitchen which is shared by students renting the bedrooms, or along a hall which provides access to a common kitchen space. Bedrooms shall be rented to the student on an annual basis or for an academic semester or summer term. Accessory uses may include fitness facilities, pools, parking areas, and similar facilities.

3. Dormitory, public

A building or part of a building operated by a college or university containing rooms forming one or more habitable units which are used or intended to be used by residents of the institution for living and sleeping.

4. Fraternity or sorority house

A building used by a college or university fraternity or sorority as a principal place of residence for its members.

5. Residential care facility

A facility where accommodation, board, and personal assistance in feeding, dressing or other essential daily living activities are provided for a period exceeding 24 consecutive hours to two or more individuals who are not related to the administrator or owner of the facility within the third degree of consanguinity and who, by reason of age or physical or mental infirmity, are unable to care sufficiently or properly for themselves or manage their own affairs but do not require the daily services of a registered or licensed practical nurse. A community residential care facility includes any chemical abuse residential treatment facility, such as a halfway house, and other facilities providing inpatient or detoxification services. For purposes of this Ordinance, "residential care facility" does not include a home serving nine or fewer mentally or physically handicapped persons, if the home provides care on a twenty-four hour basis and is approved or licensed by a State agency or department or under contract with the agency or department for that purpose.

6. Rooming house or boardinghouse

A dwelling that is not a hotel or motel or bed and breakfast, in which more than three but less than ten rooms for living and sleeping but not for cooking or eating purposes are provided to persons who are not members of the owner's or operator's family, for compensation. Meals may or may not be provided. Any dwelling in which such accommodations are offered in ten or more rooms shall be considered to be a hotel or motel.

(4) Public, Civic, and Institutional Uses Classification

a. Communication Uses

The Communication Uses category includes uses and facilities providing regional or community-wide communications services, such as wireless communications and radio and television broadcasting, and newspaper or magazine publishing. Services may be publicly or privately provided and may include on-site personnel. Use types include: broadcasting studio, newspaper or periodical publishing establishment, and wireless telecommunication facility. Accessory uses may include offices, monitoring, storage areas, or data transmission equipment.

1. Broadcasting studio

Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings.

2. Newspaper or periodical publishing establishment

An establishment primarily involved in carrying out operations necessary for producing and distributing newspapers, including gathering news; writing news columns, feature stories, and editorials;

selling and preparing advertisements; and publishing of newspapers in print or electronic form. Not included are establishments primarily engaged in printing publications without publishing (categorized as manufacturing and production uses) or education or membership organizations incidentally engaged in publishing magazines or newsletters for distribution to their membership.

3. Wireless communication facility

The principal use that consists of a wireless communication antenna, support structure, and/or an equipment building or cabinet, also commonly known as a cell tower.

(i) Wireless Communication Antenna

Any components of a wireless communication facility that directly radiate and/or receive any signal related to AM, FM, two-way, private, and commercial-free radio services; to television services; to telephone, pager, and beeper services; and to data or internet services.

(ii) Equipment Building or Cabinet

An accessory structure that contains equipment necessary for the proper operation of wireless communication antenna.

(iii) Support Structure

A structure that supports wireless communication antenna and/or an equipment building or cabinet including but not limited to an existing structure, guy-wire communication tower, lattice communication tower, a monopole communication tower, and stealth wireless communication facility.

b. Community Service Uses

The Community Service Uses category includes use types of a public, nonprofit, or charitable nature providing a local service (e.g., child care, cultural, recreational, counseling, training, religious) directly to people of the community or performing a specialized government function. Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. The category does not include uses with a residential component. Use types include: community recreation center, correctional facility, cultural facility, day care facility, government office, library, membership organization facility, place of worship, public safety facility, social services facility, and zoo. This use category does not include private or commercial health clubs or recreational facilities (categorized in the Recreation/Entertainment Uses category), or counseling in an office setting (categorized in the Office Use category), or passenger terminals for surface transportation services (categorized in the Transportation Uses category). Accessory uses may include offices, meeting areas, food preparation and dining areas, health and therapy areas, and indoor and outdoor recreation facilities.

1. Community recreation center

A place, building, area, or other facility used for providing social and recreation programs. The facility may be private or the facility may be open to the general public and designed to accommodate and serve significant segments of the community.

2. Correctional facility

A publicly or privately operated facility to house persons awaiting trial or persons serving a sentence after being found guilty of committing a crime.

3. Cultural facility

A facility for displaying or preserving objects of interest, or providing facilities for one or more of the arts or sciences, to the public (e.g. museum).

4. Day care facility

A state licensed, registered or approved facility which provides care, supervision or guidance for any person who is not related by blood, marriage or adoption to the owner or operator of such a facility, whether or not the facility is operated for profit and whether or not the facility makes a charge for services offered by it. This definition includes but is not limited to day nurseries, nursery schools, pre-kindergarten programs, day care centers, group day care homes and family day care homes. For purposes of this Ordinance, "day care facility" does not include:

(i) Any education facility, whether private or public, which operates solely for educational purposes for grades kindergarten or above.

(ii) Facilities operated in connection with a shopping center, industrial or office building or service, or other facility, where the same children are cared for while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and immediately available.

(iii) Summer resident or day camps.

(iv) Bible schools normally conducted during vacation periods.

5. Government office

A facility used for the conduct of business of a unit of government. For purposes of this Ordinance, “government offices” includes offices of City, County, State and federal government agencies that provide administrative and/or direct services to the public, executive offices, legislative offices, and courts.

6. Library

A facility for the use, but not sale, of literary, historical, scientific, musical, artistic, or other reference materials. Accessory uses include offices and storage facilities used by staff and meeting rooms.

7. Membership organization facility

A facility, not open to the general public, operated by a membership-based organization for civic, social, cultural, religious, literary, political, or like activities, for the benefit of the organization's members and not primarily for profit or to render a service that is customarily carried on as a business.

8. Place of worship

A building, or portion thereof, where people regularly assemble to conduct religious worship, ceremonies, rituals, and related education. The structure and its accessory buildings and uses shall be maintained and controlled by a religious body or organization. Places of worship include chapels, churches, synagogues, mosques, shrines, tabernacles, temples, and other similar religious places of assembly. Accessory uses may include administrative offices, classrooms, meeting rooms, schools, day care facilities, cooking and eating facilities, cemeteries, other accessory uses customary to the operation of a religious institution, and a dwelling for persons who regularly participate in the operation of the place of worship.

9. Public safety facility

A police station, fire station, or emergency medical service facility.

10. Social services facility

A facility where social or welfare services are provided to those in need, for no fee or compensation, or at a fee recognized as being significantly less than charged by profit-making organizations. Services may include but are not limited to information and referral services, counselling, skill development, aid through the provision of food or clothing, life skill and personal development programs, alcohol, drug, or substance abuse counselling center, and drop-in or activity space.

11. Zoo

A facility, indoor or outdoor, where animals are kept for viewing by the public. Accessory uses may include office, retail, and other commercial uses commonly established in such facilities and related parking structures.

c. Education Uses

The Education Uses category includes use types such as public schools and private schools (including charter schools) at the elementary, middle, or high school level that provide state-mandated basic education or a comparable equivalent. This use category also includes colleges, universities, and other

institutions of higher learning, such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification. Accessory uses at schools may include offices, play areas, recreation and sport facilities, cafeterias, auditoriums, and before- or after-school day care. Accessory uses at colleges or universities may include offices, dormitories, food service, laboratories, health care facilities, recreation and sports facilities, theaters, auditoriums, arenas, sports stadiums, meeting areas, maintenance facilities, and supporting commercial uses (e.g., eating establishments, bookstores).

1. College or university

An institution authorized to provide post-secondary courses of study and grant degrees, certificates, and/or diplomas.

2. Elementary, middle, or high school

A public or private institution that satisfies the compulsory education laws of the State of South Carolina for kindergarten through grade 12, or some combination of those included years.

3. School, business or trade

An establishment, other than a college or university, that provides specialized on-site training and education beyond the high school level, principally in business, commercial, or trade skills, that does not provide lodging or dwelling units for students or faculty, and that has programs that typically result in the awarding of a certificate.

d. Health Care Uses

The Health Care Uses category includes use types providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, nursing care, preventative care, diagnostic and laboratory services, and physical therapy. Care may be provided on an inpatient, overnight, or outpatient basis. Use types include: hospital, medical or dental clinic/office, medical or dental laboratory, and nursing care facility. This use category does not include community residential care facilities, which focus on providing personal care rather than medical care to residents, and are categorized in the Group Living Uses category. Accessory uses may include food preparation and dining facilities, recreation areas, offices, meeting rooms, teaching facilities, maintenance facilities, staff residences, and limited accommodations for members of patients' families.

1. Hospital

An institution receiving inpatients and outpatients, that renders medical care on a 24-hours-per-day basis. The use includes general hospitals, sanitariums, sanatoriums, and institutions in which service is limited to special fields, such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin, cancer, mental, tuberculosis, chronic disease, and obstetrics. Hospital facilities may include rooms for

patients, surgery facilities, laboratories, offices of medical practitioners, and facilities for outpatient care, ambulatory care, respite care, training, medical day care and day care for sick children, gift shops, restaurants, and other accessory uses. For purposes of this Ordinance, hospitals do not include day care facilities, residential care facilities, or medical or dental clinics/offices.

2. Laboratory, medical or dental

Facilities and offices for performing services to provide information or materials for use in the diagnosis, prevention, or treatment of a disease or a medical or dental condition. Such services include, but are not limited to, the examination of bodily fluids or tissues and the production or repair of prosthetic dentures, bridges, or other dental appliances. Such facilities may be a part of doctor's or dentist's office.

3. Medical or dental clinic/office

A small-scale facility or office where patients are admitted for examination and treatment by one or more physicians, dentists, or other health practitioners on a short-term basis. The use includes the offices of physicians, dentists, chiropractors, optometrists, podiatrists, audiologists, speech pathologists, physical therapists, therapeutic massage clinics, acupuncturists, psychologists, and other health practitioners. It also includes facilities providing short-term outpatient care and treatment (which may or may not be overnight), such as urgent care centers, kidney dialysis centers, ambulatory surgical clinics, outpatient pain therapy clinics, biofeedback centers, sleep disorder clinics, family planning clinics, community health clinics, health maintenance organization (HMO) medical clinics, drug and alcohol treatment facilities, and hospice care facilities. Such facilities that provide overnight care and treatment may include sleeping rooms for care workers and members of patients' families. This use does not include hospitals (which are much larger in scale).

4. Nursing care facility

A facility where inpatient nursing and rehabilitative services are provided to patients who require continuous health care, but not hospital services.

e. Parks and Open Space Uses

The Parks and Open Space Uses category includes use types focusing on open space areas largely devoted to natural landscaping and outdoor recreation, and tending to have few structures. Use types include: parks (including recreational and natural area parks), greenways, arboretums and botanical gardens, and cemeteries. This use category does not include athletic fields (unless part of a public park), golf courses, golf driving ranges, or other primarily outdoor recreational uses (categorized in the Recreation/Entertainment Uses category). Accessory uses may include

caretaker's quarters, clubhouses, statuary, fountains, maintenance facilities, concessions, and parking.

1. Arboretum or botanical garden

Land where trees, shrubs, and/or other living plants are grown, exhibited or labeled for scientific, educational, conservation, or passive recreational purposes, not including the harvest of plants or their produce.

2. Cemetery

A place used for the permanent interment of dead human bodies (or their cremated remains) or pet animal bodies. A "Cemetery" may include a mausoleum or columbarium but does not include a crematory.

3. Park or greenway

A park consists of land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks. A public park that includes athletic fields, swimming pools, playgrounds, and similar facilities is included in this definition. A greenway is a linear park that links various parts of the community with facilities such as bicycle paths and footpaths.

f. Transportation Uses

The Transportation Uses category includes use types providing for the landing and takeoff of airplanes and helicopters, including loading and unloading areas and associated aircraft sales, repair, fuel sales, and flight instruction uses. It also includes passenger terminals for surface transportation. Accessory uses may include freight handling areas, concessions, offices, maintenance, limited storage, and fueling facilities. Use types include: airport, parking lot, park and ride, parking structure, passenger terminal for surface transportation, and railroad facility. This use category does not include transit–related infrastructure such as bus stops and bus shelters (deemed minor utilities under the Utility Uses category).

1. Airport

A place where aircraft may take off or land, discharge or receive cargo or passengers, be repaired or serviced, take on fuel, or be stored. The place shall include landing areas, runways, and other facilities designed, used, or intended to be used for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces, as well as terminals, parking facilities, and passenger loading and unloading areas. Accessory uses include offices, eating establishments, eating and drinking establishments, convenience and gift shops, and similar uses.

2. Park and ride

An off-street parking facility designed or intended to provide peripheral collection and storage of motor vehicles and bicycles to accommodate commuter traffic into or out of the community via a transit station or terminal located within convenient walking distance of the facility. Accessory structures may include passenger shelters.

3. Parking lot (as a principal use)

An off-street, hard-surfaced, ground level area that is used exclusively for the temporary storage of motor vehicles.

4. Parking structure (as a principal use)

A structure composed of one or more levels or floors that is used exclusively for the temporary storage of motor vehicles. A parking structure may be totally below grade or partially or totally above grade, with levels either being open to the sides (deck) or enclosed (garage).

5. Passenger terminal, surface transportation

Any structure or transit facility that is primarily used as part of a transit system for the purpose of loading, unloading, or transferring of passengers or accommodating the movement of passengers from one mode of transportation to another. This use does not include bus stops and bus shelters, which are classified under "Utility, minor."

6. Railroad facility

A facility owned or operated by a railroad company or rail company for transportation by rail. Railroad facilities include railroad tracks, sidings, signal devices and structures, shops and yards for maintenance and storage of rail machinery, loading platforms, and passenger and freight terminals. This use does not include light rail passenger terminals, which are classified under "Passenger terminal, surface transportation."

g. Utility Uses

The Utility Uses category includes both major utilities, which are infrastructure services that provide regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near where the service is provided. Large-scale solar energy conversion systems that constitute a principal use of a lot are included as a special type of major utility use. Services may be publicly or privately provided and may include on-site personnel. Accessory uses may include offices, monitoring, and storage areas.

1. Solar energy conversion system (large scale)

A system consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects solar energy

and converts it into electricity. As a principal use, a solar energy conversion system is designed to meet demands for a large area and is typically mounted on the ground.

2. Utility facility, major

A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility facilities include potable water treatment plants, water towers, wastewater treatment plants, solid waste facilities, gas compressor stations, and electrical substations. This use does not include telecommunications facilities or towers.

3. Utility facility, minor

A structure or facility that by itself is a relatively minor component of an infrastructure system providing community- or region-wide utility services and that needs to be in or near the neighborhood or use type where the service is provided. Examples of minor utility facilities include water and sewage pipes and pump stations, stormwater pipes and retention/detention facilities, telephone lines and local exchanges, electric lines and transformers, gas transmission pipes and valves, CATV lines, and bus stops or shelters.

(5) Commercial Uses Classification

a. Animal Care Uses

The Animal Care Uses category is characterized by use types related to the provision of medical services, general care, and boarding services for household pets and domestic animals. Use types include animal shelter, kennel (that provide boarding), veterinary hospital or clinic, and similar uses.

1. Animal shelter

A facility used to house and care for stray, homeless, abandoned, or neglected animals that is owned, operated, or maintained by a public body or an established humane society or other private or nonprofit organization.

2. Kennel

An establishment where more than four animals commonly kept as pets, such as cats or dogs, are boarded overnight. This does not include a veterinary hospital or clinic that provides boarding of animals as a regular, but not primary, focus of its business.

3. Veterinary hospital or clinic

A facility used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals and preventive care for healthy animals. Accessory uses may include animal grooming services, short-term boarding that is incidental to medical care or treatment, and limited retail sales of pet-related merchandise.

b. Commercial Services Uses

The Commercial Services Uses category consists of establishments that provide services such as cleaning, repair, maintenance, rental, fabrication, or construction that may be appropriate for businesses or individuals. This category does not include establishments primarily engaged in the provision of financial, professional, or business services in an office setting (categorized in the Office Uses category) or the provision of frequent or recurrent needed services of a personal nature (categorized in the Personal Services Uses category). Use types include: equipment rental; testing or research laboratory; lawn, tree, or pest control services; linen or uniform supply; self-service storage facility; and sign fabrication establishment.

1. Equipment rental service

The rental of supplies and large equipment primarily intended for use by construction, general, landscaping, or industrial contractors, including but not limited to hoists, lifts, forklifts, and commercial capacity generators and compressors, but not including car or truck rentals.

2. Laboratory, testing or research

A facility or area for conducting scientific research, investigation, testing, or experimentation, but not including facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

3. Lawn, tree, or pest control services

An establishment primarily engaged in providing lawn care services (e.g., mowing, aeration, seeding, fertilizer, landscaping), tree services (e.g. pruning, removal), or pest control services (e.g., inspection, extermination).

4. Linen or uniform supply

Establishments primarily engaged in supplying to commercial establishments or household users, on a contractual basis, such laundered items as uniforms, other work-related clothing, gowns, table linens, bed linens, towels, and similar items.

5. Self-service storage Facility

A facility primarily engaged in providing for rent individual, self-contained units or areas leased for self-service storage of personal property. The storage units or areas are designed to allow private access by the tenant for storing or removing personal property. This use does not include a transfer and storage business not involving individual storage areas and where employees are the primary movers of property being stored or transferred (see the Freight Movement, Warehousing, and Wholesale use category). Accessory uses may include leasing offices, outdoor storage of boats and recreational vehicles, incidental sales or rental of moving supplies and equipment, and living quarters

for a resident manager or security guard. Use of the storage areas for sales, service, repair, or manufacturing operations is not considered accessory to self-service storage. The rental of trucks or equipment is also not considered accessory to the use.

6. Sign fabrication establishment

An establishment primarily engaged in the fabrication and/or repair of signage for off-site installation.

c. Eating and Drinking Establishment Uses

The Eating and Drinking Establishment Uses category consists of establishments primarily engaged in the preparation and serving of food and/or beverages. Use types include eating establishments only, Type 1 eating and drinking establishments, and Type 2 eating and drinking establishments. Accessory uses may include areas for outdoor seating, drive-through service facilities, facilities for live entertainment, and valet parking services.

1. Eating establishment only

An establishment having as its predominant use the preparation, serving and consumption of food and/or beverages. No alcohol shall be served on the premises. Entertainment may be provided on-site.

2. Eating and drinking establishment, Type 1

An establishment operating no later than 12:00 AM, having as its predominant use the preparation, serving, and consumption of food and/or beverages. Alcohol may be consumed and entertainment may be provided on the premises. Excluded from Type 1 eating and drinking establishments are sexually-oriented businesses and other uses in the Entertainment use category, hotels and motels, and community recreation centers.

3. Eating and drinking establishment, Type 2

An establishment operating later than 12:00 AM, having as its predominant use the preparation, serving, and consumption of food and/or beverages. Alcohol may be consumed and entertainment may be provided on the premises. Excluded from Type 2 eating and drinking establishments are sexually-oriented businesses and other uses in the Entertainment use category, hotels and motels, and community recreation centers.

d. Funeral Mortuary Services Uses

The Funeral and Mortuary Services Uses category consists of establishments that provide services related to the death of a human being. Use types include crematory and funeral home or mortuary.

1. Crematory

A facility with a furnace for cremating dead bodies, either animal or human.

2. Funeral home or mortuary

A building used for human funeral services. A funeral home may contain facilities for:

(a) Embalming and other services used in the preparation of the dead for burial;

(b) The display of the deceased;

(c) The performance of ceremonies in connection with a funeral;

(d) The performance of autopsies and similar surgical procedures;

(e) The sale and storage of caskets, funeral urns, and other related funeral supplies; and

(f) The storage of funeral vehicles.

e. Office Uses

The Office Uses category includes office buildings housing activities conducted in an office setting, usually with limited contact with the general public, and generally focusing on the provision of business services, professional services (e.g., lawyers, accountants, engineers, architects), or financial services (e.g., lenders, brokerage houses, tax preparers). Use types include business/professional office and contractor's office. This use category does not include offices that are a component of or accessory to a principal use in another use category, such as administrative government services (categorized in the Community Service Uses category), medical/dental offices (categorized in the Health Care Uses category), or banks (Commercial Services Uses category). Accessory uses may include cafeterias, recreational or fitness facilities, incidental commercial uses, or other amenities primarily for the use of employees in the business or office park.

1. Business/Professional office

An establishment characterized by activities generally focusing on business, professional, insurance, or financial services conducted in an office setting. Examples include advertising agencies, graphic design services, computer and data processing services, legal services, accounting services, financial services, engineering services, and architectural services. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

2. Contractor's office

A building or portion of a building used by a building, heating and air conditioning, plumbing, or electrical contractor, or contractor providing similar services, both as an office and for the storage of a limited quantity of materials, supplies, and equipment inside the building. If

outdoor storage of materials, supplies, or equipment is associated with the office, the use is considered a contractor's yard.

f. Personal Services Uses

The Personal Services Uses category consists of establishments primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Use types include: retail bank, beauty salon or barbershop, body piercing or tattoo services, dry cleaning pick-up, coin-operated laundry, nail salon, non-depository personal credit institution, and repair of personal goods.

1. Bank, retail

An establishment that provides retail banking services, mortgage lending, or similar financial services. Accessory uses may include automated teller machines and drive-through facilities. This use does not include non-depository personal credit institutions.

2. Beauty salon or barbershop

A facility that provides haircuts, hair styling, hair coloring, facials, and other similar salon services. A beauty salon may also include a "day spa" that offers massage treatment or other services related to hygiene or body care, or similar services, but does not include a massage therapy establishment.

3. Body piercing or tattoo establishment

An establishment wherein designs, letters, figures, body piercing, or other marks are placed upon the skin of any person, using ink or other substances that result in the permanent coloration, or piercing of the skin by means of use of needles or other instruments designed to contact or puncture the skin.

4. Dry cleaning pick-up

A facility where retail customers drop off or pick up laundry or dry cleaning and where the cleaning processes may take place on-site.

5. Laundry, coin operated

An establishment where coin-operated automatic washing machines, clothes dryers, or dry-cleaning machines are provided for use by the general public (or in the case of a laundromat accessory to a multifamily dwelling, mobile home park, marina, or campground, by the occupants or patrons of those uses).

6. Nail salon

An establishment that primarily offers fingernail and toenail care services such as manicures, pedicures, and nail enhancements.

7. Non-depository personal credit institution

An establishment that provides loans to individuals with personal checks or titles as collateral, but that does not engage in deposit banking.

8. Repair of personal goods

An establishment that provides repair services for personal goods, such as shoe repair shops; tailor and alteration shops; watch, clock, and jewelry repair; and radio and television repair.

9. Car Wash

An establishment that washes, cleans, or otherwise protects the exterior or interior surfaces of personal vehicles.

g. Recreation/Entertainment Uses

The Recreational/Entertainment Uses category includes use types providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include: amusement park; arena, stadium, or outdoor theater; banquet hall; performing arts center; indoor recreation facility; outdoor recreation facility; and sexually-oriented business. It does not include recreational facilities that are accessory to parks (categorized as Parks and Open Space uses), or that are reserved for use by a particular residential development's residents and their guests (e.g., accessory community swimming pools and other recreation facilities). Accessory uses may include offices, concessions, snack bars, and maintenance facilities.

1. Amusement park

An outdoor facility designed for entertainment purposes which may include structures or buildings, motorized or non-motorized rides, games, and booths for the conduct of sporting events or games. Accessory uses may include office, retail and other commercial uses commonly established in such facilities and related parking facilities.

2. Arena, stadium, or outdoor theater

A building or structure designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings. Such uses may or may not include lighting facilities for illuminating the field or stage area, concessions, parking facilities, and maintenance areas. Examples include sports stadiums, amphitheaters, and drive-in movie theaters.

3. Banquet hall

A facility available for lease by individuals or groups for private events such as banquets, weddings, or other similar functions, where access by the general public is restricted.

4. Performing arts center

A facility for the viewing of live performances of theater, dance, music, or other similar arts.

5. Recreation facility, indoor, not elsewhere listed

A commercial establishment that provides indoor facilities for recreation or entertainment-oriented activities by patrons or members, including but not limited to bowling alleys, billiard or pool halls, health clubs or gyms, swimming pools (indoor), dance studios, movie theaters, arcades, and bingo parlors.

6. Recreation facility, outdoor, not elsewhere listed

A commercial establishment that provides outdoor facilities for recreation or entertainment-oriented activities by patrons or members, including but not limited to golf courses, swimming pools (outdoor), athletic fields, miniature golf courses (outdoor), and baseball batting ranges. This does not include facilities categorized as Parks and Open Space Uses.

7. Sexually-oriented business

An "adult arcade," an "adult bookstore or adult video store," an "adult cabaret," an "adult motel," an "adult motion picture theater," "escort agency," a "semi-nude model studio," or a "sexual device shop."

(i) Adult arcade

Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

(ii) Adult bookstore or adult video store

A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas." A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

(a) At least 30 percent of the establishment's displayed merchandise consists of said items; or

(b) At least 30 percent of the wholesale value of the establishment's displayed merchandise consists of said items; or

(c) At least 30 percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items; or

(d) At least 30 percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items; or

(e) The establishment maintains at least 30 percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in "floor space" maintained for the display, sale, or rental of said items); or

(f) The establishment maintains at least 500 square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in "floor space" maintained for the display, sale, or rental of said items); or

(g) The establishment regularly offers for sale or rental at least 1,000 of said items; or

(h) The establishment regularly features said items and regularly advertises itself or holds itself out, by using "adult," "adults-only," "XXX," "sex," "erotic," "novelties," or substantially similar language, as an establishment that caters to adult sexual interests.

(iii) Adult cabaret

A nightclub, bar, restaurant, bottle club, or similar commercial establishment which regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.

(iv) Adult motel

A hotel, motel or similar commercial establishment which:

(a) Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;

(b) Offers a sleeping room for rent for a period of time that is less than ten hours; or

(c) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

(v) Adult motion picture theater

A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas" are regularly shown to more than five persons for any form of consideration.

(vi) Escort agency

A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

(vii) Semi-nude model studio

A place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:

(a) By a college, junior college, or university supported entirely or partly by taxation;

(b) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(c) In a structure:

(a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and

(b) Where, in order to participate in a class a student must enroll at least three days in advance of the class.

(viii) Sexual device shop

A commercial establishment that regularly features sexual devices. This definition shall not be construed to include any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services, or any establishment that does not limit access to its premises or a portion of its premises to adults only.

h. Retail Sales Uses

The Retail Sales Uses category includes use types involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer. Use types include: building supplies and equipment store, consumer goods store, convenience store, farmers' market, fuel sales (bulk), grocery store or food market, liquor store, and pawn shop. This use category does not include sales or service establishments related to vehicles (the Vehicle Services and Sales Uses category), establishments primarily selling supplies to contractors or retailers (categorized as the Wholesale Uses category), the provision of financial, professional, or business services in an office setting (categorized in the Office Uses category), uses providing recreational or entertainment opportunities (categorized in the Recreation/Entertainment Uses category), uses that provide personal services (like barbershops or beauty salons, dry cleaning or laundry establishments, laundromats, or product repair or services for consumer goods (categorized in the Personal Services Uses category), or uses involving the sales, distribution, or presentation of materials or activities featuring specific sexual activities or nudity (categorized in the Sexually-Oriented Business use type). Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, concessions, ATM machines, and outdoor display of merchandise.

1. Building supply and equipment store

An establishment that sells lumber and may also sell roofing, siding, shingles, wallboard, paint, brick, tile, cement, sand, gravel, and other building materials and supplies, to the general public.

2. Consumer goods store

An establishment that sells consumer goods at retail, such as department stores; variety stores; apparel and accessory stores; used merchandise stores; tobacco products stores; newspaper and magazine stores; florists; retail nurseries and lawn and garden supply stores; paint, glass, and wallpaper stores; hardware stores; and furniture and home furnishing stores.

(i) Apparel and accessory store

Retail stores primarily engaged in selling new clothing, shoes, hats, underwear, and related articles for personal wear and adornment. Furriers and custom tailors carrying stocks of materials are included.

(ii) Department store

Retail stores generally carrying a general line of apparel, such as suits, coats, dresses, and furnishings; home furnishings, such as furniture, floor coverings, curtains, draperies, linens, and major household appliances; and housewares, such as table and kitchen appliances, dishes, and utensils. These and other merchandise lines are normally arranged in separate sections or departments

with the accounting on a departmentalized basis. The departments and functions are integrated under a single management.

(iii) Drugstore

A retail store engaged in the filling and sale of prescription drugs and the sale of medical supplies, nonprescription medicines, and related goods and services. It may also sell nonmedical goods such as cosmetics, toiletries, cards, and candy. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

(iv) Florist

Establishments primarily engaged in the retail sale of cut flowers and growing plants.

(v) Furniture and home furnishing stores

Retail stores selling goods used for furnishing the home, such as furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances. Establishments selling electrical and gas appliances are included in this group only if the major part of their sales consists of articles for home use.

(vi) Hardware stores

Establishments primarily engaged in the retail sale of a number of basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances, and cutlery.

(vii) News dealers and newsstands

Establishments primarily engaged in the retail sale of newspapers, magazines, and other periodicals.

(viii) Paint, glass, and wallpaper stores

Establishments engaged in selling primarily paint, glass, and wallpaper, or any combination of these lines, to the general public.

(ix) Retail nurseries and lawn and garden supply stores

Establishments primarily engaged in selling trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public.

(x) Tobacco products store

Establishments primarily engaged in the retail sale of cigarettes, cigars, tobacco, and smokers' supplies.

(xi) Used merchandise store

Stores primarily engaged in the retail sale of used merchandise, antiques, and secondhand goods, such as clothing and shoes, furniture, books and rare manuscripts, musical instruments, office

furniture, phonographs and phonograph records, and store fixtures and equipment.

(xii) Variety store

Establishments primarily engaged in the retail sale of a variety of merchandise in the low and popular price ranges. Sales usually are made on a cash-and-carry basis, with the open-selling method of display and customer selection of merchandise. These stores generally do not carry a complete line of merchandise, are not departmentalized, do not carry their own charge service, and do not deliver merchandise.

3. Convenience store

A retail store of 5,000 square feet or less in gross floor area, which carries a range of merchandise oriented to daily convenience and travelers' shopping needs. These stores may be part of a gasoline service station or an independent facility.

4. Farmers' market

A collection of vendors using private or publicly owned property or property owned by a not-for-profit organization for the sale of agricultural and horticultural products grown by the vendor, or for the sale of baked, canned, or preserved foods prepared by the vendor. If the farmers' market occurs regularly for all or most of the year, it is considered a principal use. If the farmers' market occurs only occasionally or periodically for only a limited time period during the year, it is considered a temporary use.

5. Fuel sales (bulk)

An establishment primarily engaged in the retail sale of bottled or bulk liquefied petroleum gas, fuel oil, coal, wood, or other fuels. This does not include gasoline service stations.

6. Grocery store or food market

A store that is primarily engaged in selling food at retail for home preparation and consumption, such as grocery stores, fruit and vegetable markets, and retail bakeries and other specialty food products stores. A grocery store or food market may sell non-food commodities, such as beverages, dairy, dry goods, fresh produce, and other perishable items, frozen foods, household products, and paper goods; may sell beer, wine, and/or liquor sales for consumption off the premises with the appropriate beverage license; may include a drugstore; may include a delicatessen, and prepare minor amounts of food on site for immediate consumption; and may have a restaurant as an accessory use.

7. Liquor store

Establishments primarily engaged in the retail sale of packaged alcoholic beverages, such as ale, beer, wine, and liquor, for consumption off the premises.

8. Mobile home sales

Establishments primarily engaged in the retail sale of new and used mobile homes, parts, and equipment.

9. Pawn shop

An establishment that: 1) lends money on the security of tangible personal property, other than vehicles requiring a license under State Law, choses in action, title, securities, or printed evidences of indebtedness, that is deposited with or left in the possession of a pawnbroker, or 2) purchases tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

i. Vehicle Sales and Services Uses

The Vehicle Sales and Service Uses category includes uses that provide for the sale, rental, maintenance, or repair of new or use vehicles and vehicle equipment.

The Vehicle Sales and Services Uses category includes use types involving the direct sale, rental, and servicing of motor vehicles, including automobiles, trucks, motorcycles, and recreational vehicles, as well as trailers, whether for personal transport, commerce, or recreation. Use types include: commercial fuel depot, commercial vehicle repair and maintenance, commercial vehicle sales and rentals, gasoline service station, personal vehicle repair and maintenance, personal vehicle sales and rentals, vehicle equipment supplies sales and rentals, vehicle paint and finishing shop, and vehicle towing and wrecker service. Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display, and vehicle storage.

1. Commercial fuel depot

A fuel dispensing facility that dispenses fuel to businesses, organizations, and municipalities that maintain a fleet of vehicles. This use does not include any retail sale of gasoline to the general public and does not include any store sales, vehicle service, or vending operations.

2. Commercial vehicle repair and maintenance

An establishment, excluding vehicle paint finishing shops, that repairs, installs, or maintains the mechanical components or the bodies of large trucks (payload capacity of over 5,000 pounds), mass transit vehicles, large construction or agricultural equipment, or commercial boats. Truck stops and fueling facilities are included.

3. Commercial vehicle sales and rentals

An establishment that sells or provides rental of large trucks (payload capacity of over 5,000 pounds), mass transit vehicles, large construction or agricultural equipment, or other similar vehicles.

4. Gasoline service station

An establishment engaged in the retail sale of vehicle fuels.

5. Personal vehicle repair and maintenance

Establishments, excluding vehicle paint finishing shops, that repair, install, or maintain the mechanical components or the bodies of autos, small trucks or vans (payload capacity not exceeding 5,000 pounds), motorcycles, motor homes, or recreational vehicles including recreational boats.

6. Personal vehicle sales and rentals

Establishments that provide for the sale (including auctions) or rental of new or used autos, small trucks or vans (payload capacity not exceeding 5,000 pounds), trailers, motorcycles, motor homes, or recreational vehicles including recreational boats. Typical examples include automobile dealers, auto malls, and car rental agencies.

7. Vehicle equipment supplies sales and rentals

Establishments related to the sale, lease, or rental of new or used parts, tools, or supplies for the purpose of repairing or maintaining vehicles, including distribution of products from the same premises that sells, leases, or rents vehicles.

8. Vehicle paint and finishing shop

Uses that apply paint to the exterior or interior surfaces of vehicles by spraying, dipping, flow-coating, or other similar means.

9. Vehicle towing and wrecker service

An establishment providing the service of transporting individual motor vehicles and providing temporary storage of the vehicles, whether operable or temporarily inoperable, in an impound yard or storage area. This does not include junk, salvage, scrap, or wrecking yards.

j. Visitor Accommodation Uses

The Visitor Accommodation Uses category includes use types providing lodging units or rooms for short-term stays of typically less than 30 days for rent, lease, or interval occupancy. Use types include: bed and breakfast, campground, and hotel or motel. This use category does not include rooming houses or boardinghouses, which are generally occupied for tenancies of a month or longer, and are categorized in the Group Living Uses category. Accessory uses may include pools and other recreation facilities, restaurants, bars, limited storage, laundry facilities, gift shops, supporting commercial activities, meeting facilities, and offices.

1. Bed and breakfast

An owner-occupied single-family detached dwelling offering lodging accommodations, including breakfast, for periods of two consecutive weeks or less to paying guests.

2. Campground

An outdoor facility designed for overnight accommodation of persons in tents, rustic cabins and shelters for recreation, education, naturalist, or vacation purposes. Accessory uses may include office, retail, and other commercial uses commonly established in such facilities and related parking facilities.

3. Hotel or motel

A building or group of buildings providing lodging accommodations to paying guests in individual guest rooms or suites and related services and facilities including but not limited to: linen/housekeeping services, meeting rooms, ballrooms, beverage rooms, and food services. A bed and breakfast or

(6) Agricultural Uses Classification

a. Agriculture and Forestry Uses

The Agriculture/Forestry Uses category is characterized by activities related to: the production of field crops, fruits, vegetables, ornamental and flowering plants, and the breeding, raising, or keeping of livestock, poultry, swine, or other animals for food or other marketable products. The Agriculture/Forestry Uses category also includes forestry or silvicultural activities related to the planting, management, protection, and harvesting of trees for timber or other forest products. Use types include: agriculture and forestry uses, community garden, crop production, and forestry. The use category does not include the processing of animal or plant products for wholesale or retail sale purposes, which is generally considered an industrial manufacturing use type. Accessory uses may include offices, storage areas, barns, irrigation systems, and repair facilities related to the agricultural and forestry activities.

1. Agriculture and forestry uses, not elsewhere listed

Agriculture and forestry uses not elsewhere listed include ornamental floriculture and nursery products; aquaponics; fishing, hunting, and trapping; and commercial fishing.

2. Community garden

A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person, household, family, or non-profit organization for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by

members of the group and may include common areas maintained and used by group members.

3. Crop production and processing

The production of crops, plants, vines, and trees (excluding forestry operations), including but not limited to grain and vegetable farms, horticulture, greenhouses, orchards, tree nurseries, hydroponics, and aquaponics. This does not include incidental vegetable gardening or landscaping.

4. Forestry

The use of land whereby forests are tended, harvested for commercial purposes, and reforested either by natural or artificial reforestation, and where timber is cut and sorted on-site.

(7) Industrial Uses Classification

a. Freight Movement, Warehousing, and Wholesale Uses

The Freight Movement, Warehousing, and Wholesale Uses category includes use types involving the storage or movement of goods for themselves or other firms or businesses and the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. Goods may be delivered to other firms or the final consumer or may be sold on-site. Sales to the general public, if any, are limited. Use types include: contractor's yard, motor freight facility, petroleum bulk station or terminal, warehouse distribution and storage, and wholesale sales. This use category does not include refuse processing facilities (categorized in the Waste-Related Use category) or uses primarily involving sales to the general public or on a membership basis (uses in the Retail Sales Uses category). Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas, offices, product repair, warehouses, minor fabrication services, outdoor storage, and repackaging of goods.

1. Contractor's yard

A lot or portion of a lot or parcel used for outdoor storage and maintenance of construction equipment and other materials and facilities customarily required in the building trade by a construction contractor.

2. Motor freight facility

A facility used as a relay station for the transfer of a load from one vehicle to another or one party to another. The facility may include storage areas for trucks, buildings or areas for the repair of trucks associated with the terminal, and areas for the temporary storage of loads in the process of being transferred.

3. Petroleum bulk station or terminal

Establishments primarily engaged in the wholesale distribution of crude petroleum and petroleum products, including liquefied petroleum gas, from bulk liquid storage facilities.

4. Warehouse distribution and storage

A facility primarily engaged in the storage and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

5. Wholesale sales, not elsewhere listed

Establishments or places of business primarily engaged in selling merchandise to retail, industrial, commercial, institutional, or professional business users or to other wholesalers, but not to the public at-large. Such use generally includes facilities for storage and distribution of goods, and may include display areas.

b. Manufacturing Uses

The Manufacturing Uses category includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, made for transfer to other plants, or made to order for firms or consumers. This use category includes light, medium, and heavy manufacturing use types, based on the general extent of off-site impacts and extent of outdoor storage. Goods are generally not displayed or sold on-site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the site. Accessory uses may include limited retail sales and wholesale sales, offices, cafeterias, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, and security and caretaker's quarters.

1. Manufacturing, assembly, or fabrication, light

An establishment primarily engaged in manufacturing uses that involve the mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Including but not limited to: food products processing and manufacturing; professional and scientific instruments manufacturing, apparel manufacturing, and furniture manufacturing.

2. Manufacturing, assembly, or fabrication, medium

An establishment primarily engaged in a manufacturing use identified as causing a medium level of noise, smoke, vapors, fumes, dust, glare, odor, or vibration, including but not limited to textile mills; lumber and

wood products manufacturing; chemicals manufacturing; drug manufacturing; rubber and plastic products manufacturing; stone, clay, glass, and concrete products manufacturing; paper manufacturing; metal smelting and refining; and machinery manufacturing.

3. Manufacturing, assembly, or fabrication, heavy

An establishment primarily engaged in a manufacturing use identified as potentially causing a high level of noise, smoke, vapors, fumes, dust, glare, odor, or vibration, including but not limited to tobacco products manufacturing, petroleum refining and products manufacturing, vehicle manufacturing, and leather production and products manufacturing.

c. Resource Extraction Uses

The Extraction Uses category is characterized by activities related to the extraction of naturally occurring materials. This use category does not include facilities for the drop-off or collection, and temporary holding, of household or business recyclables (classified as minor utility facility in the Utility Uses category). Accessory uses may include offices, storage areas, and vehicle washing facilities.

1. Mining

The extraction of rock, sand, or gravel from a mine and/or the process of crushing of mined sand or gravel material, screening the materials by size and washing them with the use of water sprays, and stockpiling and dewatering them.

d. Waste-Related Uses

The Waste-Related Uses category includes use types receiving solid or liquid wastes from others for on-site disposal, storage, processing, or transfer to another location for processing or disposal, or uses that manufacture or produce goods or energy from the composting of organic material or reuse, recycling, or processing of scrap or waste material. This use category also includes use types that receive hazardous wastes from others. Use types include: composting facility; junk, salvage, scrap, or wrecking yard; recycling center; refuse processing facility; and refuse disposal. This use category does not include wastewater treatment plants and potable water treatment plants (classified as a major utility facility in the Utility Uses category) or facilities for the drop-off or collection, and temporary holding, of household or business recyclables as a principal use (classified as minor utilities in the Utility Uses category). Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.

1. Composting facility

A facility where organic matter derived primarily from off-site is processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection,

transportation, staging, composting, curing, storage, marketing, or use of compost.

2. Junk, salvage, scrap, or wrecking yard

A use involving storage or processing of inoperable, unused, dismantled or wrecked vehicles, equipment or machinery or the storage or processing of scrap metal, waste paper, rags, food processing wastes, construction wastes, industrial wastes, secondhand building materials, or other scrap, salvage, waste or junk materials.

3. Recycling center

A facility to recycle, process, or treat recoverable resources (such as paper, glass, metal, and plastic products) to return them to a condition in which they can be reused for production. This term does not include automobile salvage and recycling.

4. Refuse disposal

Facility for the disposal of refuse using incinerators, waste treatment plants, landfills, or other means of disposal.

(b) Interpretation of Unlisted Uses

(1) Procedure for Interpreting Unlisted Uses

The Zoning Administrator may interpret a particular principal use or accessory use or structure not expressly listed in the use tables in Article 4: Use Regulations, as allowable in a particular zone—as a permitted or Special Exception use—based on the standards in subsection (2) or (3) below, as appropriate, and in accordance with the procedures in Sec. 17-2.5(w), Interpretation – Zoning.

(2) Criteria for Allowing Unlisted Principal Uses

The Zoning Administrator shall interpret an unlisted principal use as a permitted use or Special Exception use in a particular zone only after finding that the nature, function, and duration of the use and the impact of allowing it in the zoning district are so similar to those of a use type or use category that is allowed in the zoning district that the unlisted use should be deemed allowed in the same manner (i.e., as a permitted use or a Special Exception use) as the similar use type or use category and subject to the same use-specific standards. In making such interpretation, the Zoning Administrator shall consider the relevant characteristics of the unlisted use relevant to the those of listed and defined use types and/or of the use categories described in this section, the purpose and intent statements in this Ordinance concerning the zoning district (see Article 3: Zoning Districts), and the character of use types allowable in the zone. The relevant characteristics of the unlisted use that should be considered in making this interpretation include, but are not limited to, the following:

1. Actual or projected characteristics of each activity likely to occur as part of the unlisted use;

2. The type, size, orientation, and nature of buildings, and structures devoted to each activity;
3. Vehicles used and their parking requirements, including the ratio of the number of spaces required per unit area or activity;
4. Relative amounts of sales from each activity;
5. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building, and the predominant types of items stored;
6. Customer type for each activity;
7. How the use is advertised, including signage;
8. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
9. Any special public utility requirements for serving the use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
10. The impact on adjacent lands created by the use, which should not be greater than that of other use types allowed in the zoning district

(3) Criteria for Allowing Unlisted Accessory Uses and Structures

The Zoning Administrator shall interpret an unlisted use or structure as an allowable accessory use or structure to a principal use allowed in a particular zoning district only after finding that:

1. The use or structure is accessory to the principal use, in accordance with the definitions of "accessory use" and "accessory structure" in this Article, and the example accessory uses listed in the definition of the principal use or the description of the relevant use category in Sec. 17-9.3(a), Principal Use Classification System;
2. The nature, function, and potential impacts of the use or structure are so similar to those of uses or structures that are accessory to the principal use, or of accessory uses allowable in the zoning district, that the unlisted use or structure should be deemed allowable in the same manner as the similar accessory uses or structures;
3. The use or structure is compatible with the character of principal and accessory uses allowable in the zoning district; and
4. Allowing the use or structure as an accessory use or structure is consistent with the purpose and intent statements in this Ordinance concerning the zoning district (see Article 3: Zoning Districts).

(4) Effect of Allowing Unlisted Uses as Permitted Use or Special Exception Use

On interpreting an unlisted use or structure as allowed in a zoning district, and finding that the use or structure is likely to be common or would lead to confusion if it remains unlisted, the Zoning Administrator may initiate an application for a text amendment to this Ordinance in accordance with Sec. 17-2.5(b), Text Amendment, to list the use or structure in Article 4: Use Regulations, as a permitted or Special Exception principal use or accessory use/structure, as appropriate. Until final action is taken on the text amendment application, the interpretation of the Zoning Administrator shall be binding and shall be maintained in the record of interpretations in accordance with Sec. 17-2.5(w), Interpretation – Zoning.

Sec. 17-9.4 Definitions

The following words, terms, and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section.

ABUTTING

The condition of two adjoining lots having a common boundary including cases where two or more lots adjoin a corner, but not including cases where adjoining lots are separated by a street or alley.

ACCESSORY BUILDING OR USE

A building or use that is:

(a) Subordinate to and serves a principal building or principal use;

(b) Subordinate in area, extent or purpose to the principal building or principal use served;

(c) Designed for the comfort, convenience or necessity of occupants of the principal use served; and

(d) Located on the same lot as the principal building or principal use served, with the exception of such accessory off-street facilities as are permitted to locate elsewhere than on the same lot with building or use served.

ACCESSORY DWELLING UNIT

An ancillary or secondary living unit to a single-family detached dwelling use that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit. For purposes of determining maximum density, an accessory dwelling unit shall not count as a dwelling unit.

ADJACENT

A parcel of land that shares all or part of a common lot line or boundary with another parcel of land, or a parcel of land that would abut another parcel of land, but for the fact a street or right-of-way divides the parcels.

ADMINISTRATIVE ADJUSTMENT

See Sec. 17-2.5(r), Administrative Adjustment.

AGGREGATE CALIPER INCHES (ACI)
The combined total number of inches of existing and proposed trees used to meet a landscape requirement within a required landscape area (see "Caliper").

AGRITOURISM ACTIVITY
Events and activities conducted on a working farm offered to the public or to invited groups for the purpose of recreation, education, or active involvement in the farm operation, and that are related to agriculture or natural resources and directly associated with and incidental to on-going agricultural activity on-site. Agritourism activities include, but are not limited to, farm tours, hayrides, corn mazes, petting zoos, classes related to agricultural products or skills, and picnic and party facilities offer in conjunction with such activities.

AIRPORT
Owens Field airport.

AIRPORT ELEVATION
The highest point of an airport's usable landing area, measured in feet above mean sea level (194.0 feet).

ALLEY
A minor right-of-way used or intended to be used primarily for vehicular service access to the rear or side of properties otherwise abutting a street.

ALTERNATIVE NICOTINE PRODUCT
A product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. An "Alternative Nicotine Product" does not include tobacco products, or any product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, which is being marketed and sold solely for that approved purpose.

ANTENNA
A device for radiating or receiving electromagnetic radiation. This definition shall specifically include, but is not limited to, all radio, television, microwave and satellite dish antennas.

APPEAL – LAND DEVELOPMENT (SUBDIVISION)
See Sec. 17-2.5(v), Appeal – Land Development (Subdivision).

APPEAL – ZONING
See Sec. 17-2.5(u), Appeal – Zoning.

APPLICANT
Any person who submits an application for review and/or approval in accordance with this Ordinance.

APPLICATION OR DEVELOPMENT APPLICATION
The completed form and all accompanying documents, exhibits, materials, and fees required of an applicant by this Ordinance and the Procedures Manual as part of the review on an application for a development approval or permit.

AQUAPONICS
The cultivation of aquatic animals and plants together in a constructed, re-circulating system utilizing natural bacterial cycles to convert the aquatic animal wastes to plant nutrients.

ARBORIST
A specialist in the care and maintenance of trees. Certified Arborists are individuals who have achieved a level of knowledge in the art and science of tree care through experience and by passing a comprehensive examination developed by some of the nation's leading experts on tree care.

ARCHITECTURAL CONSERVATION DISTRICT
Any area designated by the City Council in accordance with Sec. 17-2.5(c), Zoning Map Amendment, as an area containing any physical features or improvements, or both, which:

(a) Are of historical, social, cultural, architectural or aesthetic significance to the city; and

(b) Cause such area to constitute a distinctive section of the city.

ARTERIAL STREET
A freeway, expressway, arterial street, or highway which is used or intended to be used for moving either heavy vehicular traffic volumes or high speed traffic, or both, or which has been designated as arterial under the provisions of *Part 5, Specifications for Roadway Design, City of Columbia Regulations.*

AS-BUILT DRAWINGS
The approved construction plans properly revised to graphically depict the location, size and other pertinent details of the actual installation of improvements (water, sewer, storm drainage, and streets).

ASSEMBLY AREA
A portion of a facility in which the public or membership gathers for public presentations, events, education, worship, or civic activities.

AUTHORIZED AGENT
A person with express written consent to act upon another person's behalf.

AUTOMATED TELLER MACHINE (ATM)
A mechanized device operated by or on behalf of a bank or financial institution that allows customers to conduct automated banking or financial transactions. Where an ATM is provided at the site of a bank or financial institution for use by customers in motor vehicles, the ATM is considered a drive-through service accessory use. At other locations, an ATM may be considered a separate accessory use to the principal use(s) of the location.

AUTOMATIC CAR WASH (AS AN ACCESSORY USE)
A structure providing the exterior washing of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes.

AWNING
A roof-like cover, often of fabric, metal or glass designed and intended to either protect from the weather or as a decorative embellishment, and which is supported and projects from a wall or parapet of a structure over a window, walk, door, or a similar feature.

BED AND BREAKFAST (AS ACCESSORY TO A SINGLE-FAMILY DETACHED DWELLING)
Lodging accommodations, including breakfast, provided to paying guests for periods of two consecutive weeks or less within an owner-occupied single-family detached dwelling, that is an accessory use to the residential use of the dwelling.

BEDROOM
Any room or space used or intended to be used for sleeping purposes.

BERM
A man-made landscape feature generally consisting of a linear, raised mound of soil covered with grass lawn or other permanent, living ground cover. Temporary soil stockpiles and retaining walls are not berms.

BICYCLE PARKING AREA
An area containing bicycle parking spaces.

BICYCLE PARKING RACK
A stand used for mounting and securing bicycles when not in use.

BICYCLE PARKING SPACE
An area and facility used for securing a bicycle (see Sec. 17-5.2(i), Bicycle Parking Standards).

BICYCLE PARKING SPACE, LONG-TERM
A bicycle parking space that complies with Sec. 17-5.2(i)(4), Short-Term Bicycle Parking Standards.

BICYCLE PARKING SPACE, SHORT-TERM
A bicycle parking space that complies with Sec. 17-5.2(i)(5), Long-Term Bicycle Parking Standards.

BLOCK
The smallest unit of land entirely bounded by streets, railroad rights-of-way, or watercourses.

BLOCK FACE
Two sides of one street between intersecting streets.

BOARD OF ZONING APPEALS
The Board of Zoning Appeals of the City of Columbia, South Carolina (see Sec. 17-2.3(c)).

BOARD OF ZONING APPEALS – FORM-BASED CODES
The Board of Zoning Appeals – Form-based Codes of the City of Columbia, South Carolina (see Sec. 17-2.3(d)).

BOLLARD LAMP
An outdoor luminaire that is a short (usually about 2-4 feet in height) post with the light source located at or near the top.

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

BUILDING PERMIT
An approval statement signed by the Building Official authorizing the construction, alteration, reconstruction, or demolition of all or part of any building because the proposed development complies with this Ordinance and the Building Code.

BUSINESS DAY
A day during which the majority of City offices are open for business for any period of time shall be counted as a business day.

CALIPER
The standard for trunk diameter measurements of nursery stock. Caliper of the trunk is measured six inches above the ground for four-inch or smaller caliper trees and 12 inches above the ground for larger sizes. The caliper size of a multi-trunk tree shall be deemed to be the average caliper size of the largest three leaders.

CAMBIUM
The layer of formative cells between the wood and bark in woody plants.

CANNABIS
Any derivatives, compounds, extracts, cannabinoids, isomers, acids, salts, or salts of isomers of the species Cannabis Sativa L., excluding marijuana as defined by S.C. Code Ann. § 44-53-110(27)(a), with a tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis, or the THC concentration for hemp as defined in 7 U.S.C. § 5940, whichever is greater. “Cannabis” includes, but is not limited to, full-spectrum Cannabidiol (CBD), Delta-8 THC, Delta-9 THC, Delta-10 THC and HHC.

CANOPY (AS ACCESSORY TO A NONRESIDENTIAL USE)
An accessory structure to a nonresidential principal use, such as gas station or a bank with a drive-through facility, that consists of a rigid horizontal roof-like structure made of fabric, metal, or other material supported by an attached building or columns or posts, is largely open along its sides, and is intended to provide shelter to people or motor vehicles, or as a decorative feature on a building wall.

CENTERLINE, STREET
The centerline of a street right-of-way as determined by the City Engineer.

CERTIFICATE OF DESIGN APPROVAL – DESIGN DISTRICTS
See Sec. 17-2.5(h), Certificate of Design Approval – Design Districts.

CERTIFICATE OF DESIGN APPROVAL – HISTORIC DISTRICTS AND LANDMARKS
See Sec. 17-2.5(g), Certificate of Design Approval – Historic Districts and Landmarks.

CHANGEABLE COPY
Sign copy that generally changes more often than once every 24 hours, either by hand or by an automated process.

CHARACTERIZED BY
For purposes of Sec. 17-4.2(c)(3)d.5, Sexually-Oriented Businesses, describing the essential character or quality of an item. No business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

CHIP HOME PROGRAM
The Certified High Performance Home program of the High Performance Building Council of the Building Industry Association of Central South Carolina, which is based on the ANSI-approved National Green Building Standard.

CIRCUIT COURT
The Circuit Court of Richland County, South Carolina.

CITY
The City of Columbia, South Carolina.

CITY CLERK
The City Clerk of the City of Columbia, South Carolina.

CITY COUNCIL
The City Council of the City of Columbia, South Carolina (see Sec. 17-2.3(a)).

CITY ENGINEER
The City Engineer of the City of Columbia, South Carolina.

CITY MANAGER
The City Manager of the City of Columbia, South Carolina.

CIVIC GREEN
An open space available for unstructured recreation that is landscaped with grassy areas and trees.

CLEAR CUTTING
The removal of all trees from a property, whether by cutting or other means, excluding stream buffer requirements.

CLUBHOUSE
A building or room used for social or recreational activities by members of a club (e.g., golf course clubhouse) or occupants of a residential or other development.

CODE OF ORDINANCES
The Code of Ordinances of the City of Columbia, South Carolina.

COIN OPERATED LAUNDRY (AS ACCESSORY TO A MULTIFAMILY DWELLING, MOBILE HOME PARK, DORMITORY, OR CAMPGROUND)
An establishment where coin-operated automatic washing machines, clothes dryers, or dry-cleaning machines are provided for use as an accessory to a principal use.

COLLECTOR STREET
A street which is used or intended to be used for moving traffic from minor or local streets to arterial streets, including the principal entrance and circulation streets of a residential development.

COMMERCIAL MESSAGE
Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

COMMERCIAL SERVICE STREET
A street whose use or intended use is somewhat less than that of an arterial and somewhat greater than that of a collector. It will generally be located in industrial/commercial areas or be used to provide access for heavy vehicles or heavy vehicular volumes to such areas.

COMMERCIAL TIMBER OPERATION
Activities occurring on tracts of land five acres or more in size devoted to the production of marketable forest products through generally accepted silvicultural practices including, but not limited to, harvesting, site preparation, and regeneration.

COMMUNICATION TOWER
A communication tower is a guy-wire communication tower, a lattice communication tower, or a monopole communication tower only.

COMMUNITY GARDEN (AS AN ACCESSORY USE)
An accessory use consisting of a private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person, household, family, or non-profit organization for personal or group use, consumption, or donation.

COMMUNITY RECREATION FACILITY (AS ACCESSORY TO A RESIDENTIAL DEVELOPMENT)
A private recreational facility for use solely by the residents and guests of a particular residential development, including residential subdivisions, multifamily, townhouse, and mixed use developments.

COMPOSTING, SMALL-SCALE
An enclosed area at least 100 square feet in area that contains a compost tumbler or similar apparatus designed for the purpose of converting household kitchen and yard waste into fertilizer.

COMPREHENSIVE PLAN
The Comprehensive Plan adopted by the City of Columbia, South Carolina.

CONDITIONAL USE PERMIT
See Sec. 17-2.5(l), Conditional Use Permit.

CONSTRUCTION
The erection of any building or structure or any preparations (including land-disturbing activities) for the same.

CONSTRUCTION-RELATED BUILDING, STRUCTURE, OR USE
A temporary structure, facility, or space associated with the staging, management, and security of new construction—including an office building, security building, storage buildings, construction waste and recycling receptacles, temporary sanitation facilities, outdoor storage, and employee parking areas—and located on or adjacent to the construction site.

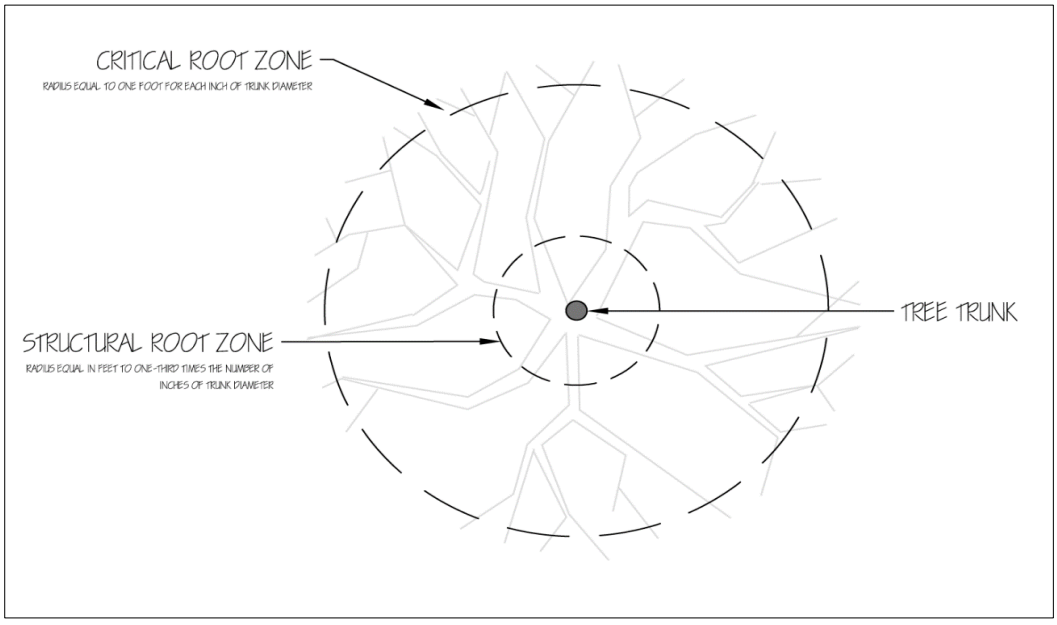
CONTIGUOUS
Abutting directly or immediately adjacent to a boundary or separated only by a right-of-way or water body.

CONTRIBUTING
Any building, structure, or object, generally 50 years old or older, which adds to the historical integrity or architectural qualities that make the historic district significant.

CORNICE
A horizontal decorative projection located at the top of a building.

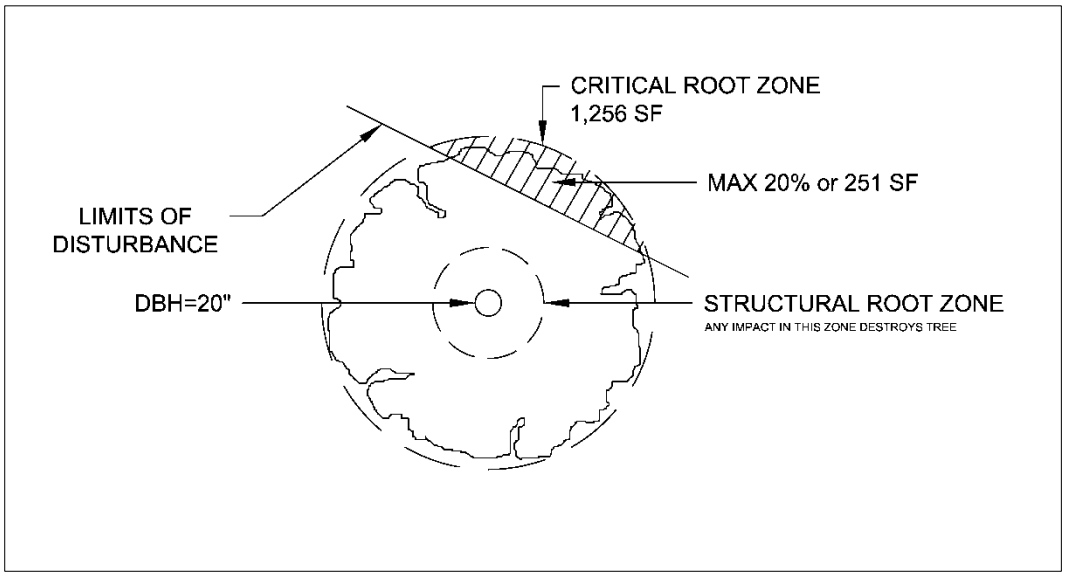
COUNTY
Richland County, South Carolina and/or Lexington County, South Carolina.

CRITICAL ROOT ZONE
The minimum area beneath a tree which should be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. This area is located within a distance of one foot for each one inch of tree diameter (measured at four and one-half feet above ground level) of the tree.



CRITICAL ROOT ZONE, NET

In urban environments where root zones may sometimes be obstructed with barriers, i.e. roads and building foundations, etc., the root zone may be reduced in size. The reduced root zone after impact is called the Net Critical Root Zone and is used to determine whether a tree is saved or lost. In order for a tree to be preserved, the net critical root zone may be no greater than 20 percent.



CUL-DE-SAC

A street having one end open to traffic and the other end terminated by a vehicular turnaround; a dead-end street.

DAMAGE OR ABUSE (TO VEGETATION)

Any intentional or negligent act that endangers survivability of a tree or other plant material, including but not limited to, such damage inflicted upon the root system of a tree by application of toxic substances, the operation of machinery, the change of natural grade by excavation or filling above the root system or around the trunk of a tree, pruning, damages from injury or fire inflicted on trees that result in or permit pest infestation, or actual cutting of the tree.

DATUM

The term "the datum" used in Sec. 17-3.7(c), OV-A: Airport Safety Overlay District , shall mean sea level elevation unless otherwise specified.

DBH

See “Diameter-at-Breast-Height (DBH)”

DDRC

See “Design Development Review Commission.”

DECIDUOUS

A plant which sheds its foliage at the end of each growing season. Not evergreen.

DECORATIVE LIGHTING
Light fixtures used for decorative effects, like accent lights for buildings.

DEMOLITION
The razing of any exterior architectural feature or structure, including its ruin by neglect of necessary maintenance or repairs, or either.

DESIGN DEVELOPMENT REVIEW COMMISSION
The Design Development Review Commission of the City of Columbia, South Carolina (see Sec. 17-2.3(e)).

DEVELOPER
Any person, including a governmental agency, undertaking development.

DEVELOPMENT AGREEMENT
See Sec. 17-2.5(f), Development Agreement.

DEVELOPMENT LOT AS A WHOLE
The entire parcel proposed for a two-family or townhouse development, containing all parcels proposed to be owned in common and all proposed individual lots under two-family or townhouse units.

DHEC
The South Carolina Department of Health and Environmental Control.

DIAMETER-AT-BREAST-HEIGHT (DBH)
The diameter of a tree measured in inches 54 inches above the ground. If the tree splits into multiple trunks at a height below 54 inches, but above the ground, the diameter is measured at the narrowest point beneath the split.

DISPLAY AREA
An outdoor area for storage or display of merchandise for sale or lease, whether permanent or temporary, containerized or openly displayed.

DISPLAY SURFACE AREA
That area of a sign including the entire area within a regular geometric shape or combination of regular geometric shapes enclosing all of the elements of informational or representational matter displayed, including blank masking or any surface shape intended to convey ideas, information or meaning. Sign support structures not bearing informational or representational matter shall not be included in computation of display surface area. Only one side of a double-faced sign shall be included in calculating the display surface area.

DRIP LINE
The perimeter of a tree's spread measured at the outermost tips of the branches and extending downward to the ground.

DRIVE-THROUGH FACILITY
A facility used to provide products or services to customers who remain in their vehicles, whether through a window or door in a building, a machine in a building or detached structure (e.g., ATM), or via a mechanical device (e.g., a pneumatic tube system). In

addition to the pick-up window or door, drive-through service facilities also may include remote menu boards and ordering stations. Use types that commonly have drive-through service include banks, fast food restaurants, and drugstores.

DRIVEWAY
An area improved in accordance with Sec. 17-5.2(c), General Standards for Off-Street Parking and Loading Areas , leading from a street or alley to a parking space.

DRUGSTORE (AS AN ACCESSORY USE)
The filling and sale of prescription drugs and the sale of medical supplies, nonprescription medicines, and related goods and services, as an accessory use.

DWELLING
Any building or part of building designed, occupied or intended for human occupancy, not to include a hotel or motel, lodging house, hospital or other accommodation used more or less for transient occupancy.

DWELLING UNIT
Any dwelling designed, occupied or intended for occupancy by a single-family unit. A structure or part of a structure shall be considered a dwelling unit where any one of the following elements are proposed or present:

(1) A full bath, except where (a) the full bath is the primary use of the structure, and (b) no other area of the structure may be readily inhabited (i.e. a stand-alone bath house);

(2) A range, oven, stove, broiler, or other like cooking appliance generally designed for permanent installation;

(3) A separate power meter, except where the building official has determined that power could not be safely supplied from an existing meter; or

(4) A separate water meter or connection to a well.

EASEMENT
A grant by a landowner to another landowner or to the public, of a right to occupy or use designated land for specific purposes, such as access, drainage, conservation, the location of public improvements, or other specified purpose. An easement does not constitute fee simple ownership of the land.

ELECTRIC VEHICLE (EV) LEVEL 1, 2, OR 3 CHARGING STATION
A vehicle parking space served by an electrical component assembly or cluster of components assemblies (battery charging station) designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy.

A Level 1 charging station is a slow-charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit.

A Level 2 charging station is a medium-speed-charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt Alternating Current circuit.

A level 3 charging station is an industrial grade charging station that operates on a high-voltage circuit to allow for fast charging.

ENCROACHMENT INTO RIGHT-OF-WAY
A physical extension or intrusion into the right-of-way. See Sec. 17-9.2(b)(4), Allowable Encroachments into Required Yards or Rights-of-Way.

ENTERTAINMENT
For purposes of uses in the Eating and Drinking Establishments use category, any activity or game that is live, broadcast, or recorded, including, but not limited to, dancing, music, theater or comedy performance, sporting events, trivia games, and games of skill or chance.

ENTERTAINMENT, OUTDOOR
For purposes of uses in the Eating and Drinking Establishments use category, any activity or game that is live, broadcast, or recorded, including, but not limited to, dancing, music, theater or comedy performance, sporting events, trivia games, and games of skill or chance, when conducted outside a permanent enclosed area, contained by permanent walls and a permanent roof.

ESCORT
For purposes of Sec. 17-4.2(c)(3)d.5, Sexually-Oriented Businesses, a person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESTABLISH OR ESTABLISHMENT
For purposes of Sec. 17-4.2(c)(3)d.5, Sexually-Oriented Businesses, any of the following:

(1) The opening or commencement of any sexually oriented business as a new business;

(2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

(3) The addition of any sexually oriented business to any other existing sexually oriented business; or

(4) The relocation of any sexually oriented business.

EVERGREEN
A plant that keeps its leaves or needles year round for more than one growing season.

EXOTIC SPECIES
A plant introduced from another geographic region to an area outside its natural range. For the purpose of this code, this term shall be used primarily to describe conventionally cultivated and hybridized species of non-native plants that are non-invasive and regarded as suitable for and applicable to local landscaping.

EXOTIC INVASIVE SPECIES
A noxious exotic plant reproducing outside its natural range and outside cultivation that disrupts naturally occurring plant communities by altering structure, composition, natural processes or habitat quality; and whose introduction does or is likely to cause economic or environmental harm or harm to human health.

EXTERIOR ARCHITECTURAL FEATURE
The site improvements and general architectural arrangement, or either, of such portion of the exterior of any structure as is designed to be open to view from any public street or way, including but not limited to:

(1) The kind, color and texture of the material of such portion so open to view;

(2) The type and design of all windows, doors, lights, signs and other fixtures appurtenant to such portion; and

(3) The location, adequacy and treatment of any vehicular access to such structure and open to view.

FAÇADE
The front, sides or rear faces of a building.

FACTORY-FABRICATED TRANSPORTABLE BUILDING (TEMPORARY USE)
A building constructed in a factory that is designed to arrive at a site ready for occupancy (except for minor unpacking and connection to utilities) and to be readily relocated to another site immediately following its use.

FAIR OR BETTER CONDITION
A tree is in fair or better condition if:

(1) Its trunk is relatively sound and solid with no extensive decay or hollow and less than 20 percent of the cambium is dead. (See "Cambium");

(2) It contains no more than one major and several minor dead limbs; and

(3) It has no major insect or pathological problem.

FAMILY
An individual; two or more persons related by blood, marriage, or adoption; or a group of three or fewer individuals not related by blood, marriage, or adoption, living together in a dwelling unit as a single housekeeping unit.

FAMILY CHILD CARE HOME (AS ACCESSORY TO A SINGLE-FAMILY DWELLING)
The provision of childcare as an accessory use in a single-family dwelling that constitutes a “family childcare home” as that term is defined in State law.

FARMERS’ MARKET, TEMPORARY
A collection of vendors using private or publicly owned property or property owned by a not-for-profit organization for the sale of agricultural and horticultural products grown by the vendor, or for the sale of baked, canned, or preserved foods prepared by the vendor. If the farmers’ market occurs regularly for all or most of the year, it is considered a principal use. If the farmers’ market occurs only occasionally or periodically for only a limited time period during the year, it is considered a temporary use.

FENCE OR WALL
An artificially erected freestanding barrier used to enclose (and protect) an area, restrict or prevent access to an area, to conceal or screen an area, and/or for decorative purposes. A fence may be open or solid and generally consists of wood, metal, concrete, or plastic posts

connected by boards, rails, panels, wire, or mesh. A wall is generally solid and consists of masonry, stone, brick, tile, concrete, or plaster. Natural growth barriers such as hedges are not considered fences or walls.

FESTOON
A string of ribbons, tinsel, flags, pennants, or pinwheels.

FILLING OR FILL
Fill means any organic material including but not limited to earth, clay, sand, wood chips, bark, or other organic material of any kind that is placed or stored upon the surface of the ground resulting in an increase in the natural surface elevation. Filling means the placement of fill.

FIXTURE OR LUMINAIRE
For purposes of Sec. 17-5.9, Exterior Lighting, a complete lighting unit including the lamps, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

FLAGPOLE AND FLAG
A pole displaying a fabric, banner, or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision, corporate or commercial entity, or institution.

FLEA MARKET, TEMPORARY
The temporary and occasional collection of vendors using stalls, booths, or tables on property owned by a public agency or a not-for-profit organization for the sale of merchandise, collectibles, crafts, antiques, and other items, excluding automobiles, automobile parts, and nonportable household appliances.

FLOOD
A temporary rise of water level in lakes, streams, natural drainage courses, artificial drainage courses or other waterways that results in inundation of areas not ordinarily covered by water.

FLOOD FREQUENCY
The average length of time between flood occurrence, statistically determined, for which it is expected that a specific flood level will be equaled or exceeded.

FLOODPLAIN
Areas subject to periodic inundation by large floods which occur with calculable flood frequency and subject to flooding which may reasonably be expected to cause damage or hazard of damage sufficient to justify protection. Floodplain boundaries are generally lateral to the boundaries of floodways or the adjacent drainage course.

FLOODWAY
The portion of the floodplain that conveys the regulatory flood at velocities that pose significant hazards to people and property.

Floodlighting

FLOOR SPACE
For purposes of Sec. 17-4.2(c)(3)d.5, Sexually-Oriented Businesses, the floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.

FOOT CANDLE
A unit of measure of the intensity of light falling on a surface. It is often defined as the amount of illumination that the inside surface of a one-foot-radius sphere would be receiving if there were a uniform point source of one candela in the exact center of the sphere. One footcandle is equal to one lumen per square foot.

FORESTRY PERMIT
See Sec. 17-2.5(n), Forestry Permit.

FORM-BASED CODE
A Planned Development or base zoning district identified by the City Council as being subject to the Board of Zoning Appeals – Form-based Codes in the ordinance establishing the Planned Development or base zoning district. The Bull Street Planned Unit Development is an example of a Form-based Code.

FULL CUT-OFF
A light fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane of the fixture.

GARAGE OR CARPORT
A structure used or designed to provide shelter for the parking and storage of motor vehicles or boats. A garage is an enclosed building whereas a carport is a roofed structure open on one or more sides. Garages and carports are commonly attached to and considered part of a dwelling or other principal building, but may exist as a detached accessory structure.

GARAGE/YARD SALE
The temporary and occasional use of the premises of a dwelling for the sale, open to the public, of new or used personal property.

GRAND TREE
A grand tree is any tree in fair or better condition that equals or exceeds the following diameter sizes:

- Large hardwoods (e.g. Oak, Hickory, Tulip Poplar, Beech): 24 inches DBH
- Large softwoods (e.g. Pine, Deodar Cedar, Red Cedar): 30 inches DBH
- Small hardwoods (e.g. Dogwood, Redbud, American Holly): 10 inches DBH
- Any tree considered rare or unusual species, of exceptional quality, or of historical significance

GRAND TREE STAND
A contiguous grouping of trees that has been determined to be of value by the zoning administrator. Determination is based on any of the following criteria: maturity (even-

aged); purity of species composition; rare or unusual nature of the species; historical significance; or exceptional aesthetic quality.

GREEN ROOF
A vegetative layer grown on a rooftop.

GREENHOUSE
A structure made of glass, plastic, or fiberglass in which temperature and humidity can be controlled for the cultivation of plants.

GREENWAY SYSTEM
A series of linear parks, typically beside a road or stream, that contain and are connected by shared use trails or similar pedestrian and bicycle pathways.

GROSS FLOOR AREA
The total horizontal area of all floors of a building, including exterior balconies, mezzanines, and porches but excluding stairways and elevator shafts, measured from the interior faces of the exterior walls of a building.

GROUND FLOOR ACTIVITY ZONES
Ground floor activity zones are sub-districts within the Innovista Design Overlay (OV-ID) zoning district. The OV-ID design guidelines, which are incorporated into this Ordinance by reference, includes a map (see page 5, *Innovista Design District Guidelines*) titled *Ground Floor Activity Zones*, which identifies specific areas within the OV-ID district where a minimum percentage of the ground floor of buildings shall be occupied by uses that contribute to an active street frontage (see Sec. 17-3.7(g)(4)b, Ground Floor Uses).

GROUNDCOVER
Low-growing plants that grow in a spreading fashion to form a more or less solid mat of vegetation, generally planted to provide decorative landscaping or permeable cover for bare earth that prevents soil erosion.

GUY-WIRE COMMUNICATION TOWER
A ground-mounted tower supported by guys extending from various points upon the tower to anchors at the base of the tower that supports wireless communication antenna.

HARDWOOD TREE
A broad-leaved tree as opposed to a needle-bearing coniferous tree.

HAZARD TO NAVIGATION
Related to airport operations, an obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.

HEALTH DEPARTMENT
The South Carolina Department of Health and Environmental Control and subordinate health agencies having jurisdiction over the land area in which a proposed subdivision is located.

HELIPAD (AS AN ACCESSORY USE)
A facility located on the roof of an office or other building (like a hospital) that accommodates the landing and taking-off of helicopters.

HISTORIC COMMERCIAL DISTRICT
Any area designated by the City Council in accordance with Sec. 17-2.5(c), Zoning Map Amendment, as an area containing physical features or improvements, or both, which:

(a) Were originally constructed for commercial use;

(b) Are of historical, social, cultural, architectural or aesthetic significance to the City; and

(c) Cause such an area to constitute a distinctive section of the City.

HOME GARDEN
An on-site garden planted by an owner or occupant of a dwelling unit for the purpose of growing vegetables or fruit for consumption by occupants of the dwelling unit only.

HOME HOUSING FOR POULTRY
The keeping of poultry for domestic purposes and associated structures used for feeding, shelter and confinement.

HOME OCCUPATION
An occupation, profession or trade customarily and commonly carried out by an occupant in a dwelling unit as a secondary use which is clearly incidental and subordinate to the residential character of the dwelling unit.

ILLUMINANCE, HORIZONTAL
The intensity of artificial light falling on a horizontal surface, measured in foot candles.

ILLUMINATION
The casting of artificial light onto the ground or another surface.

INCIDENTAL OR ANCILLARY USE
A display or sale by a grocery store, supermarket, convenience store, gas station, or similar retail business that uses no more than two percent (2%) of its gross floor area, or 200 square feet, whichever is less, for the display, sale, distribution, delivery, offering, furnishing, or marketing of one or more of the following: tobacco products, alternative nicotine products, cigarettes containing cannabis, smoking paraphernalia, and/or vape products. For any grocery store, market, retail kiosk or similar business consisting of 250 square feet or less, “Incidental or Ancillary Use” is defined as no more than five (5) square feet being used for the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco products, cigarettes containing cannabis, smoking paraphernalia, and/or vape products.

INFLUENTIAL INTEREST
For purposes of Sec. 17-4.2(c)(3)d.5, Sexually-Oriented Businesses, any of the following:

(1) The actual power to operate the sexually oriented business or control the operation, management or policies of the sexually oriented business or legal entity which operates the sexually oriented business,

(2) Ownership of a financial interest of 30 percent or more of a business or of any class of voting securities of a business, or

(3) Holding an office (e.g., president, vice president, secretary, treasurer, managing member, managing director, etc.) in a legal entity which operates the sexually oriented business.

INTERPRETATION – LAND DEVELOPMENT (SUBDIVISION)
See Sec. 17-2.5(x), Interpretation – Land Development (Subdivision).

INTERPRETATION – ZONING
See Sec. 17-2.5(w), Interpretation – Zoning.

INVASIVE SPECIES
See "Exotic Invasive Species"

IRRIGATION SYSTEM
A permanent underground piping and distribution system designed using industry standard methods to provide efficient water coverage over a landscaped area.

LAND
The earth, water, and air, above, below, or on the surface, and including any improvements or structures customarily regarded as land.

LAND DEVELOPMENT ADMINISTRATOR
The City employee to whom the City Manager has delegated the responsibility of enforcing Land Development (Subdivision) Standards, of this Ordinance (see Sec. 17-2.3(g)).

LANDMARK
Any physical feature or improvement designated by the City Council (see Appendix A, Appendix B, and Appendix C) as a physical feature or improvement which in whole or part has historical, social, cultural, architectural or aesthetic significance to the city and the state, or the region, or the nation, and has been in existence for no fewer than 20 years.

LANDMARK DISTRICT
Any area designated by the City Council in accordance with Sec. 17-2.5(c), Zoning Map Amendment, as an area containing any physical features or improvements, or both, which are of historical, social, cultural, architectural or aesthetic significance to the city, state, region, or nation, and cause such area to constitute a distinctive section of the city.

LANDOWNER
A person who holds legal title to a property or the authorized agent of such a person.

LANDSCAPE ARCHITECT
A person practicing landscape architecture and licensed in the State of South Carolina pursuant to the requirements of Section 40-28-10, et. seq., of the South Carolina Code of Laws, as amended.

LANDSCAPE ARCHITECTURE
A multi-disciplinary field, incorporating aspects of urban design, architecture, geography, ecology, civil engineering, structural engineering, horticulture, environmental psychology,

industrial design, soil sciences, botany, and fine arts for the purpose of the performance of professional services, such as consultation, investigation, research, planning, design, preparation of drawings and specifications, and responsible inspection in connection with the development of land areas where, and to the extent that, the dominant purpose of the services is the preservation, enhancement, or determination of proper site design, natural land features, planting, naturalistic and aesthetic values, the settings and approaches to structures or other improvements, the setting of grades and determining drainage and providing for drainage structures, and the consideration and determining of environmental problems.

LANDSCAPE AREA
An area of land where landscaping is provided in accordance with Sec. 17-5.3, Landscaping.

LANDSCAPING PLAN
A plan, which may be associated with a subdivision, site plan, parking plan, or other plan or application for a development approval or permit, that shows the placement of trees, shrubs, ground cover, and affiliated structures and improvements on a site, and includes specifications, species, quantities, and installation. A landscaping plan must be prepared by a landscape architect or, in limited cases, by another design professional. See Sec. 17-5.3(b)(4), Landscaping Plan Required.

LATTICE COMMUNICATION TOWER
A ground-mounted, many-legged, self-supporting tower created by the joining of structural members that supports wireless communication antenna.

LDA
See "Land Development Administrator."

LICENSEE
For purposes of Sec. 17-4.2(c)(3)d.5, Sexually-Oriented Businesses, a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual or individuals listed as an applicant on the application for a sexually oriented business license.

LIGHT, WALL PACK
A light fixture mounted to an exterior wall of a building.

LIMITED FUEL/OIL/BOTTLED GAS DISTRIBUTION
The distribution, for compensation, of fuel oil or bottled gases such as propane of liquid petroleum in containers no greater than five gallons in volume.

LOADING AREA
An area where loading berths are provided in accordance with Sec. 17-5.2(j), Loading Area Standards.

LOT DEPTH
The distance from the street frontage to the lot line opposite the street frontage (see Sec. 17-9.2, Rules of Measurement).

LOT FRONTAGE
Any side of a lot adjacent to a street shall be considered frontage, and yards shall be provided upon that basis. The phrase "street frontage" shall be interpreted to have the same meaning as the phrase "lot frontage."

LOT LINE
A line forming the boundary of a lot.

LOT OR LOT OF RECORD
For purposes of Article VI: Land Development (Subdivision) Standards, a portion of a subdivision intended as a unit for transfer of ownership or for development or both. The word "lot" includes the word "plot" or "parcel." For all other purposes, an area of land clearly defined by plat or metes and bounds description duly recorded with the Register of Deeds.

LOT WIDTH
The distance between straight lines connecting front and rear lot lines at each side of the lot (see Sec. 17-9.2, Rules of Measurement).

LOT, CORNER
A lot located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost point of the lot lines to the foremost point of the lot (or an extension of the lot where it has been rounded by a street radius) meet at an interior angle of less than 135 degrees.

LOT, INTERIOR
A lot, other than a corner lot, with only one frontage on a street.

LOT, THROUGH
A lot, other than a corner lot, with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots.

LUMEN
A quantitative unit measuring the amount of light emitted by a light source.

MAJOR ALTERATION
A significant change to a structure or site that may include but is not limited to enclosing a porch, building an addition, removing or adding openings, removing or altering large amounts of original material, and other alterations determined by the Design Development Review Commission or the Land Development Administrator to be significant for the building or site.

MANUFACTURING, ASSEMBLY, OR FABRICATION, LIGHT (AS AN ACCESSORY USE)
An accessory use involving the mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration.

MARQUEE
A permanent roofed structure attached to and supported by a building.

MASONRY WALL
A wall constructed of brick, stone or stucco.

MAXIMUM EXTENT PRACTICABLE
No feasible or practical alternative exists, as determined by the decision-maker, and all possible efforts to comply with the standards or regulation to minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent practicable."

MINOR ALTERATION
A change to a building or site that does not qualify as a major alteration, as determined by the Design Development Review Commission or the Land Development Administrator.

MIXED-USE DEVELOPMENT
A tract of land or structure developed for both residential and nonresidential uses. Such uses may be vertically integrated within a multi-story building or horizontally integrated within a single story building or on a lot or development site.

MOBILE HOME
A movable or portable dwelling unit over 32 feet in length and over eight feet in width, constructed to be towed on its own chassis, designed without a permanent foundation, and capable of supporting year round occupancy, which may include one more components that can be retracted for towing purposes and subsequently expanded, or which may consist of two or more units separately towable but designed to be joined into one integral unit. The term "mobile home" shall not include prefabricated, modular or unitized dwellings placed on permanent foundations, nor shall it include travel trailers, campers or similar units designed for recreation or other short term uses.

MODEL SALES HOME/UNIT
A dwelling, dwelling unit, or other marketable unit of a new development that is used for real estate sales or leasing activities associated with the development pending construction of the development and the initial sales of homes or units in the development.

MONOPOLE COMMUNICATION TOWER
A ground-mounted, pole-shaped, self-supporting tower that supports wireless communication antenna.

MULCH
A protective covering consisting of organic materials (layer of wood chips, pine straw, hay or other material) placed on the surface of the soil around plants to retain moisture, inhibit weeds growth, impede erosion, shield roots from freezing and aid in plant growth.

NATIVE SPECIES
A plant that is a part of the balance of nature that has developed over hundreds or thousands of years in a particular region or ecosystem. This includes species that are

considered indigenous, occurring in natural associations with habitats that existed prior to significant anthropogenic impacts and alteration to the landscape.

NATURALIZED PLANT
A non-native plant that does not need human help to reproduce and maintain itself over time in an area where it is not native.

NET CRITICAL ROOT ZONE
See Critical Root Zone, Net.

NONCOMMERCIAL MESSAGE
Any sign wording, logo, or other representation that is not defined as a commercial message.

NONCONFORMING
A term applied to lots of record, structures, uses of land or structures, signs, and other site features which were lawful before the passage of this Ordinance or before an amendment of this Ordinance, but which are prohibited by this Ordinance or which are not in compliance with the requirements of this Ordinance.

NONCONFORMING LOT OF RECORD
A lot of record that was legally created before this Ordinance, or an amendment thereto, was adopted, that is rendered non-compliant with the dimensional standards in this Ordinance.

NONCONFORMING SIGN
A sign that was legally established before this Ordinance, or an amendment thereto, was adopted, that is rendered non-compliant with the signage standards in this Ordinance.

NONCONFORMING SITE FEATURE
Any off-street parking, or landscaping that was legally established before this Ordinance, or an amendment thereto, was adopted, that is rendered non-compliant with the standards in this Ordinance.

NONCONFORMING STRUCTURE
A structure that was legally established before this Ordinance, or an amendment thereto, was adopted, that is rendered non-compliant with the dimensional standards of the zoning district in which it is located or any other standards in this Ordinance.

NONCONFORMING USE
A use that was legally established before this Ordinance, or an amendment thereto, was adopted, that is rendered non-compliant with the use regulations in this Ordinance.

NON-CONTRIBUTING
Any building, structure, or object, less than 50 years old, which does not possess the historical integrity or architectural qualities that make the historic district significant, or a property or building 50 years old or older that has been significantly altered, or properties not associated with the period of significance for the district.

NON-NATIVE PLANT
A plant introduced with human help (intentionally or accidentally) to a new place or new type of habitat where it was not previously found. Note: Not all non-native plants are invasive.

NONRESIDENTIAL
Not providing any dwellings for occupation other than on a transient basis (such as hotels).

NOTICE OF VIOLATION
A notice indicating an alleged violation of this Ordinance. See Sec. 17-8.5(b)(1), Notice of Violation.

NUDITY
The showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

NURSERY AND GARDEN CENTER (AS ACCESSORY TO AN AGRICULTURAL USE)
Structures or an area of land located on land used for agricultural production that is used for the display and sale of nursery stock or garden supplies. This use does not include a "produce stand."

OBSTRUCTION
Related to airport operations, any structure, growth or other object, including a mobile object, which exceeds a limited height set forth in this section.

OFFICIAL ZONING MAP
See Sec. 17-1.7, Official Zoning Map.

OFF-STREET PARKING
Parking spaces that are located completely within the boundaries of the lot, and completely off of public or private rights-of-way or alleys or any interior surface access easement for ingress and egress.

OPEN SPACE SET-ASIDE
The portion of a proposed development required for reservation as a permanent open space in accordance with Sec. 17-5.5, Open Space.

OPERATOR
For purposes of Sec. 17-4.2(c)(3)d.5, Sexually-Oriented Businesses, any person on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business regardless of whether that person is an owner, part owner, or licensee of the business.

ORIENTED TOWARD
Placed with the most important parts facing toward.

OUTBUILDING
A shed, garage, or other building that is accessory to a principal use on the same lot.

OUTDOOR DISPLAY OF MERCHANDISE (AS ACCESSORY TO A RETAIL SALES USE OR WHOLESALE SALES)
Outdoor display of merchandise is the placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

OUTDOOR ENTERTAINMENT
See "Entertainment, Outdoor."

OUTPARCEL
A remaining parcel platted in a commercial subdivision but set aside for future development or some other purpose specified on the plat.

PARAPET
That portion of a wall that extends above the roof line.

PARCEL
See "Lot."

PARKING AREA
An outdoor area containing off-street parking, including any appurtenant driving areas, such as aisles and driveways.

PARKING LOT
See "Surface Parking or Parking Lot."

PARKING SPACE
An area provided for parking a licensed motorized vehicle in operating condition in accordance with Sec. 17-5.2, Off-Street Parking, Bicycle Parking, and Loading.

PD
See "Planned Development."

PERSON
For the purposes of enforcing this Ordinance in accordance with Enforcement, "person" includes an individual, corporation, government agency, government official, business trust, partnership, two or more persons having a joint interest, or any other legal entity. Persons subject to the remedies and penalties established in Enforcement, for violating this Ordinance shall include the owner, tenant, or occupant of the land or structure that is in violation of this Ordinance and any other person who participates in, assists, directs, creates, or maintains a situation that constitutes an Ordinance violation, including but not limited to an architect, engineer, builder, contractor, or agent.

For all other purposes, "person" means any individual, corporation, government agency, business trust, partnership, two or more persons having a joint interest, or any other legal entity.

PILASTER
An element used to give the appearance of a supporting column and to articulate an extent of wall, with only an ornamental function.

PLANNED DEVELOPMENT
See Sec. 17-2.5(d), Planned Development.

PLANNED DEVELOPMENT DISTRICT
See Sec. 17-3.6, Planned Development Districts.

PLANNING COMMISSION
The Planning Commission of the City of Columbia, South Carolina (see Sec. 17-2.3(b)).

PLAZA
A public square or similar open area intended as a gathering space that is typically paved and includes pedestrian elements such as benches, seating, fountains, landscaping, and public art.

PORTABLE SHIPPING CONTAINER
A large metal or wooden container, typically intended for transport by large truck, train, or ship, that is used for the temporary storage and or transport of personal property.

PREMISES
For purposes of Sec. 17-4.2(c)(3)d.5, Sexually-Oriented Businesses, the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a sexually oriented business license.

PRIMARY FRONTAGE
On a corner lot, the frontage on the street having the highest traffic volume, or, if no such street can be identified, the street frontage having the greatest lot width.

PRINCIPAL STRUCTURE
A structure or building having significant or primary use and justifying its own utilization (such as a dwelling or office building) as contrasted to accessory structures which are incidental or subordinate to primary structures and do not alone justify their utilization (such as a tool shed or auto garage used in conjunction with a dwelling). Certain structures may be either principal or accessory, depending upon utilization, such as a parking garage as an accessory structure to a high-rise apartment or as a principal structure when operated commercially in a business area.

PRINCIPAL USE
The significant or primary activity carried out within a structure or upon land (such as retail sales within a store or occupancy of a dwelling unit as a residence) as contrasted to accessory uses which are incidental or subordinate to primary uses (such as sale of soft drinks at an automobile service station). Certain uses may be either principal or accessory, depending upon their relationship with other uses, as for example a newsstand as an accessory use within a hotel lobby or as a principal use within a separate structure.

PROCEDURES MANUAL
A manual compiled by the Zoning Administrator and Land Development Administrator containing all requirements for application contents and forms, submission schedules, and fees established in accordance with this Ordinance. The Procedures Manual may contain additional information relevant to the submittal, review, and decision of development applications.

PROTECTED LOT
A vacant lot or a lot upon which a single-family detached dwelling or two-family dwelling is located, that requires compliance with the standards in Sec. 17-5.6, Neighborhood Compatibility (see Sec. 17-5.6(b), Applicability).

PROTECTED TREE
Refer to Sec. 17-5.4. Tree Protection (c) General

PROTECTED ZONE
Portions of a property required by permit to remain in open space; areas required by permit to be landscaped areas and transitional buffer yards.

PROTECTION AREA
Any area designated by the City Council in accordance with Sec. 17-2.5(c), Zoning Map Amendment, as an area which is contiguous to and constitutes an essential part of the physical environment of any architectural conservation district, landmark, or landmark district, or constitutes an area of significance in fostering good principles of urban design as applied to the city, or is an area of historical, social, cultural, architectural or aesthetic significance to the city.

PUBLIC ART
Art that is located so as to be visible to persons in public places, including but not limited to streets, sidewalks, and parks, and which does not:

(1) Contain characteristics of an advertising sign;

(2) Identify or draw attention to a business, profession, or industry; or

(3) Identify or draw attention to the type of products sold, manufactured, or assembled or to the type of services or entertainment offered on the premises or in the City.

PUBLIC BICYCLE-SHARING SERVICE
A system operated under the auspices of a program administered and/or approved by the City of Columbia whose function is to provide the general public with opportunities to rent bicycles on a short-term basis for use within the city or region.

PUBLIC BICYCLE-SHARING STATION
A bicycle sharing facility placed or constructed by a Public Bicycle-Sharing Service on public or private property where bicycles are stored and from which members of the publc may rent bicycles as part of a Public Bicycle-Sharing Service including objects or equipment necessary for or appurtenant to its operation.

PUBLIC HEARING
A meeting that is open to the public and advertised in advance as required by the S.C. Code and this Ordinance, at which members of the public are allowed to speak on the subject of the public hearing. Advisory and decision-making bodies are required to conduct public hearings before a decision is made on certain applications.

QUORUM
The minimum number of City Council, Planning Commission, Board of Zoning Appeals, Board of Zoning Appeals – Form-based Codes, or Design Development Review Commission members that must be present in order to conduct official business or take official action.

RAINWATER CISTERN OR BARREL
A catchment device to capture rain water from a roof or other surface before it reaches the ground, which may be either above or below ground level.

RECYCLING DROP-OFF STATION
A location providing designated containers (commonly known as drop-off stations) for the collection of recyclable materials. Materials are stored in containers temporarily until they are transported to a separate processing facility.

REGISTER OF DEEDS
The Register of Deeds for Richland County, South Carolina, or the Register of Deeds for Lexington County, South Carolina. May be abbreviated *ROD*.

REGULARLY
For purposes of Sec. 17-4.2(c)(3)d.5, Sexually-Oriented Businesses, the consistent and repeated doing of an act on an ongoing basis.

REGULATORY FLOOD
A flood that is expected to occur in the future and cause damage, based on past flooding events.

REGULATORY FLOOD PROTECTION ELEVATION
The elevation of the regulatory flood, which can be influenced by topography, anticipated hydraulic conveyance capacity, and encroachment into areas subject to flooding.

RELOCATION
For purposes of Sec. 17-2.5(g), Certificate of Design Approval – Historic Districts and Landmarks, the moving of a building, structure, or object on the same lot or to another lot.

RESUBDIVISION
A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use or any lot, or if it affects any map or plat legally recorded prior to the adoption of any regulations controlling subdivisions.

RETAIL SALES (AS AN ACCESSORY USE)
Small-scale retail sales or service uses on the premises of a principal use that offer convenient goods and other goods and services (not major purchase items) serving the day-to-day needs of individuals, or the offering of products associated with a manufacturing,

warehouse, or wholesale use for retail sale to the general public on the premises of the manufacturing, warehouse, or wholesale use. An example is an outlet or seconds shop located at a manufacturing plant.

RIGHT-OF-WAY
A strip or parcel of land occupied or intended to be occupied by a street, road, railroad or other special use. Fee simple title is usually granted to the agency or entity acquiring the right-of-way. For purposes of Article 6: Land Development (Subdivision) Standards, every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots and parcels. Right-of-way intended for roads, railroads, streets and similar uses shall be dedicated by the property owners on whose property such rights-of-way are established to the entity accepting responsibility for their maintenance.

ROOF PITCH
The amount of slope of a roof expressed in terms of feet of rise per feet of run (e.g. 3:12).

ROOT BALL
The network of roots and the soil clinging to them when a plant is lifted from the soil or removed from a container is called its root ball.

RUNWAY
Related to airport operations, the runway is a defined area within an airport prepared for landing and takeoff of aircraft along its length.

S.C. CODE OR SOUTH CAROLINA CODE
The Code of Laws of the State of South Carolina.

SANDWICH BOARD SIGN
An A-frame sign consisting of two boards hinged at the top hanging back to back. Such signs are generally oriented to pedestrians.

SCREENING
A visual shield against a higher impact land use created in a buffer transition yard with plantings, walls, fencing, etc.

SEARCHLIGHT
A device, consisting of a powerful light source (traditionally a carbon arc lamp with a mirrored parabolic reflector), that projects a powerful beam of light in a particular direction, that can typically be swiveled.

SECONDARY FRONTAGE
On a corner lot, any frontage other than a primary frontage.

SEMI-NUDE OR SEMI-NUDITY
The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a

bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

SETBACK LINE
The setback line is the same as the depth or width of any required yard. Such line defines the minimum distance between any structure and an adjacent lot boundary and is not necessarily the same as the building line, which is the distance between the actual structure and an adjacent lot boundary.

SEXUAL DEVICE
Any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

SHADE TREE
An evergreen or deciduous tree of a species with an expected mature height of over 40 feet and an expected crown spread of over 30 feet.

SHRUB
A woody plant, usually maturing at less than 12 feet, having several permanent stems, instead of a single trunk.

SIDEWALK
A paved area within or adjacent to the public right-of-way running generally parallel to the street for the purposes of pedestrian travel and to facilitate pedestrian access to adjacent streets, buildings, and land.

SIGHT AREA
The space between three and eight feet in height, maintained clear of objects such as hedges, fences, and other obstructions for visibility purposes, located directly above the triangle formed by a line connecting intersecting property lines at rights-of-way or sections of driveway at rights-of-way at the following distances:

(1) 12 feet at residential and commercial driveways; and

(2) 25 feet at intersecting property lines at rights-of-way.



SIGN
Any structure, fixture, placard, or device used to visually convey direction, information, or identification, or to visually advertise or promote any business, product, goods, activity, services, or interests.

SIGN COPY
All words, letters, numbers, figures, characters, artwork, symbols or insignia that are used on a display surface area.

SIGN PERMIT
See Sec. 17-2.5(o), Sign Permit.

SIGN SUPPORT STRUCTURE
Any base, foundation, pedestal, pole, post, upright, brace, bracket, bar, rod, strut, cross-piece, frame, scaffold, girder, or other similar item designed to support the load and/or force of a sign's display surface area, regardless of whether or not such items are permanently attached to the ground.

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

SIGN, INFLATABLE
A sign that holds its shape by receiving a one-time or continuous supply of air or other gas, including balloons.

SIGN, MOBILE
A sign which is not permanently affixed to the ground and is equipped for transporting by motor vehicle, including signs referred to as trailer signs. Any mobile sign used on the same lot for more than 45 days per year will be considered a freestanding sign.

SIGN, OFF-PREMISE
A sign which relates in its subject matter to buildings, businesses, establishments, occupants, uses, functions, addresses and other like identifying elements, products, accommodations, services, or activities found, located, sold, or offered elsewhere than

upon the premises on which the sign is located. Mobile signs may be off-premise signs, and off-premise signs include but are not limited to those signs commonly referred to as outdoor advertising signs, billboards or poster boards.

SIGN, OFF-PREMISE WEEKEND DIRECTIONAL
An off-premise sign placed only on the weekend, the purpose of which is limited exclusively to the identification of a use or occupancy located elsewhere and which tells the location of or route to such use or occupancy.

SIGN, ON-PREMISE
A sign which relates in its subject matter to the buildings, businesses, establishments, occupants, uses, functions, or premises on which it is located, or to products, accommodations, services or activities offered, sold or engaged in or on the premises on which it is located.

SIGN, OUTDOOR ADVERTISING
A permanent, off-premise sign.

SIGN, PERMANENT
A sign that is intended for other than temporary use or a limited period. A permanent sign is usually affixed or attached to the exterior of a building or to a pole or other structure by adhesive or mechanical means or is otherwise characterized by anchoring, construction materials, or a foundation indicative of an intent to display the sign for more than a limited period.

SIGN, PROJECTING
A sign, other than a wall sign, which projects from and is supported by a building.

SIGN, TEMPORARY
A sign not permanently installed or not intended or designed for permanent display. Temporary signs are usually made of a relatively lightweight and inexpensive material, such as cloth, canvas, light fabric, cardboard, corrugated plastic, or other light material.

SIGN, WALL
Any sign attached flat and parallel to the exterior wall or surface of a building or other structure and which projects not more than 12 inches from that wall or surface.

SIGN, YARD
A temporary sign that does not contain a commercial message and that is installed in the ground, usually on a wooden post or a thin support made of metal.

SITE PLAN
See Sec. 17-2.5(i), Site Plan.

SITE PLAN REVIEW TEAM
See Sec. 17-2.3(i), Site Plan Review Team.

SITE PLAN, MAJOR
See Sec. 17-2.5(i)(3)b, Major Site Plan.

SITE PLAN, MINOR
See Sec. 17-2.5(i)(3)a, Minor Site Plan.

SITE SPECIFIC DEVELOPMENT PLAN
Those documents that comprise a complete application for a zoning permit, certificate of zoning compliance, variance, special exception, planned development, sketch plat or plan, or other similar approval that authorizes the developer or landowner to proceed with investment in grading, installation of utilities, streets, and other infrastructure, and to undertake other significant expenditures necessary to prepare for application for a building permit.

SMALL-MATURING TREE
An evergreen or deciduous tree with a mature height of over 15 feet but no greater than 25 feet.

SMOKE OR VAPE SHOP
Any retail store located within the City of Columbia, with more than an incidental or ancillary use, that displays, sells, distributes, delivers, offers, furnishes or markets one or more of the following: 1) alternative nicotine products; 2) vape products; 3) tobacco products; 4) cigarettes, cigars, dried or shredded plant material, flowers, smoking blends, and similar products that are smoked or inhaled and contain Cannabis or Synthetic Cannabinoids; or 5) smoking paraphernalia.

SMOKING PARAPHERNALIA
Any paraphernalia, equipment, device, or instrument that is designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco products, cannabis products, synthetic cannabinoids, or controlled substances as defined in S.C. Code Ann. § 44-53-110. Items classified as smoking paraphernalia include but are not limited to: pipes, ice pipes or chillers, air-driven pipes, water pipes, bongs, water bongs, hookahs, punctured metal bowls, and roach clips.

SOLAR ENERGY CONVERSION SYSTEM (SMALL-SCALE)
Equipment for the collection of solar energy or its conversion to electrical energy for use on the same property, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property. Components are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures, or on the ground.

SOFTWOOD TREE
A coniferous (cone-bearing) tree such as pine, cedar and bald cypress.

SPECIAL EXCEPTION PERMIT
See Sec. 17-2.5(e), Special Exception Permit.

SPECIAL FLOOD HAZARD AREA
An area of special flood hazard as defined in Chapter 21 of the Code of Ordinances.

SPECIFICATIONS FOR ROADWAY DESIGN
Part 5, Specifications for Roadway Design, of the City of Columbia Regulations.

SPECIFIED ANATOMICAL AREAS

(1) Less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SQUARE

Formal open space that provides safe and accessible places for the public to meet or gather. A square may include shelters, benches, landscaping, public art, plantings, hardscape, and greens or other flat level surfaces.

STABLE, PRIVATE (AS AN ACCESSORY USE)

A building or land where horses are, sheltered, fed, or kept for personal use, accessory to a single-family detached dwelling.

STATE

The State of South Carolina.

STEALTH WIRELESS COMMUNICATION FACILITY

A structure fabricated in a manner that aesthetically masks its appearance as a wireless communication facility, including but not limited to a flagpole, tree, light standard, and bell tower.

STOP WORK ORDER

An order directing the person responsible for the development of land to cease and desist all or any portion of the activity which violates the provisions of this Ordinance.

STORAGE SHED

An uninhabitable accessory structure used or designed to be used to provide shelter for or storage of materials, or as a small workshop. Storage sheds may be enclosed or open and may be attached to a principal building or exist as a detached structure.

STOREFRONT

The entrance facade of a building housing a commercial use that faces a street, sidewalk, or other pedestrian way.

STREET

A public thoroughfare designed to provide the principal means of access to abutting property, or designed to serve as a roadway for vehicular travel, or both, but excluding alleys.

STREET, ARTERIAL

A freeway, an expressway or an arterial street or highway which is used or intended to be used for moving either heavy vehicular traffic volumes or high speed traffic, or both, or which has been designated as arterial under the Specifications for Roadway Design.

STREET, COLLECTOR
A street which is used or intended to be used for moving traffic from minor or local streets to arterial streets, including the principal entrance and circulation streets of a residential development.

STREET, INDUSTRIAL OR COMMERCIAL SERVICE
A street whose use or intended use is somewhat less than that of an arterial and somewhat greater than that of a collector. It will generally be located in industrial/commercial areas or be used to provide access for heavy vehicles or heavy vehicular volumes to such areas.

STREET, LOCAL RESIDENTIAL
A street in a residential and/or commercial area used primarily for access to abutting properties and to feed traffic to collector streets. This classification includes streets located parallel and adjacent to limited access streets or highways which provide access to abutting properties and protection from through traffic.

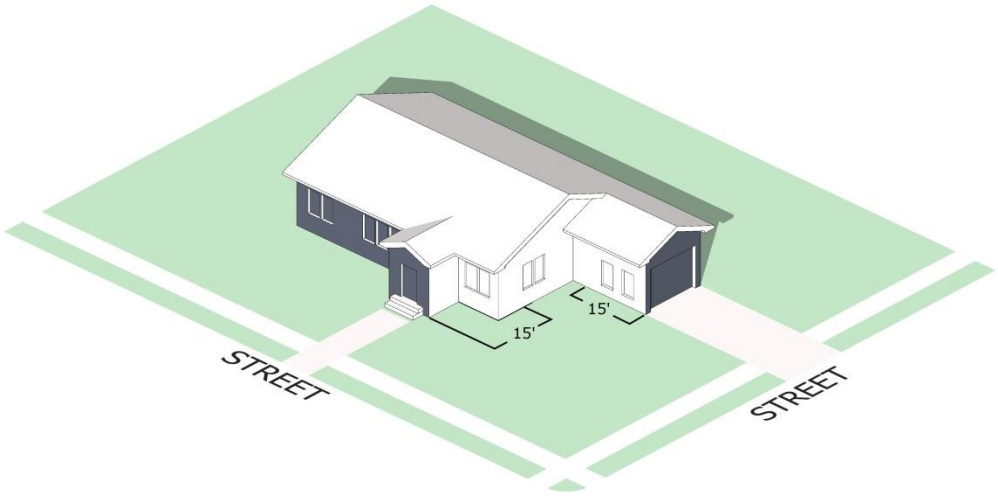
STREET, MINOR RESIDENTIAL
A street which carries no through traffic and which is used or intended to be used primarily for access to abutting residential lots which provide a minimum of two off-street parking spaces, and serving not more than 40 units, or, if a cul-de-sac, serving not more than 20 units.

STREET-FACING FAÇADE
Any façade of a principal building which approximately parallels a lot line abutting a street, and which:

(1) Has a minimum width of ten feet; and

(2) Is the façade of the principal building closest to such lot line or is located within 15 feet of such lot line.

The figure below is an illustration of street-facing façades:



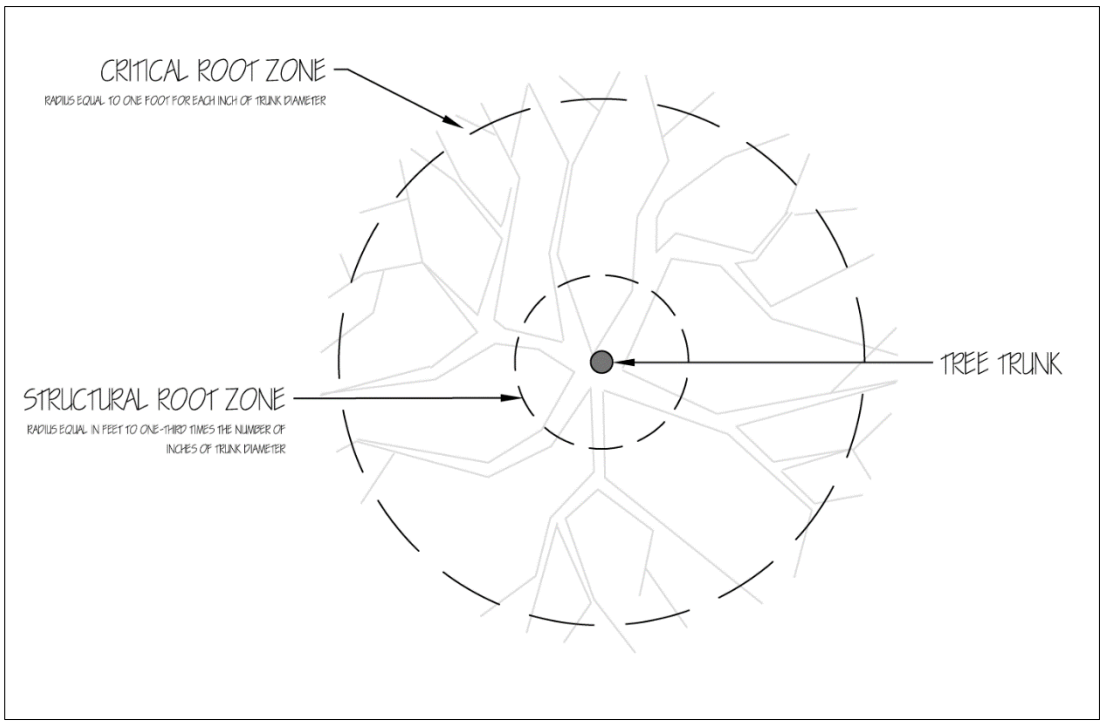
shading indicates street-facing façades of a building

STREET FRONTAGE
See "Lot Frontage."

STREET PROTECTIVE YARD
A landscaped area planted with trees and other vegetation that is parallel and adjacent to the recorded or proposed public street right-of-way.

STREET TREES
Trees located in the public right-of-way between the edge of the street and the edge of the right-of-way or in the street median.

STRUCTURAL ROOT ZONE
The zone of rapid root taper that provides the tree stability against wind throw. The radius of the structural root zone is proportional to the stem diameter (DBH) of a tree: 1/3 of the diameter of the tree at breast height (DBH) in feet. Disturbance, including trenching, in this area will cause catastrophic tree failure.



STRUCTURE
For purposes of Sec. 17-3.7(c), OV-A: Airport Safety Overlay District , structure means an object (including a mobile object), including but not limited to, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.

For all other portions of this Ordinance, structure means anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground, including mobile homes, travel trailers, signs, mobile signs, tubs, swimming pools or other bathing facilities, portable signs and antennas, but excluding from

definition as structures the following: minor landscaping features such as ornamental pools, planting boxes, birdbaths, paved surfaces, walkways, driveways, recreational equipment, flagpoles and mailboxes.

SUBDIVIDER
Any person who undertakes the subdivision of land in accordance with Sec. 17-2.5(j), Subdivision.

SUBDIVISION
Any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or development—including any division of land involving a new street or change in existing streets, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, any re-subdivision involving the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law, and the combination of record lots—provided, however, that the following are excepted from this definition:

(a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this Ordinance;

(b) The division of land into parcels of five acres or more where no new street is involved and plats of these exceptions are received as information by the City, which shall indicate that fact on the plats;

(c) The combination or recombination of entire lots of record where no new street or change in existing streets is involved; and

(d) The partition of land by court decree.

SUBDIVISION, MAJOR
See Sec. 17-2.5(j)(3)b, Major Subdivision.

SUBDIVISION, MINOR
See Sec. 17-2.5(j)(3)a, Minor Subdivision.

SUBDIVISION, RESIDENTIAL
A subdivision designed exclusively for residential development.

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY-ORIENTED BUSINESS
The increase in floor areas occupied by a sexually-oriented business by more than 25 percent, as the floor areas exist on July 1, 1990.

SURFACE PARKING OR PARKING LOT
An off-street, hard-surfaced, ground level area that is used exclusively for the temporary storage of motor vehicles.

SWIMMING POOL (AS AN ACCESSORY USE)
A man-made enclosure at least three feet deep at the deep end that is filled with water and used for wading or swimming, and that is accessory to a principal use.

SYNTHETIC CANNABINOIDS
A class of artificially-made chemicals that are cannabinoid receptor agonists intended to replicate, mimic, or cause a similar reaction to the psychoactive effects of marijuana. These compounds may be found in products marketed as incense, herbal blends or mixtures, synthetic marijuana, or potpourri, and labeled as Spice, K2, Green Giant, Smacked, Wicked X, AK-47, Geeked Up, Ninja, Caution, Red Giant, Keisha Kole, XXX Ultra, Skunk, Atomic and other names, however named.

TANDEM PARKING
Two parking spaces placed end-to-end, rather than side-by-side, where one parking space does not abut a driveway or access aisle.

TEMPORARY USE OF AN ACCESSORY STRUCTURE AS A PRINCIPAL DWELLING AFTER A CATASTROPHE
A temporary use of an accessory structure as a principal dwelling after a catastrophe is the temporary use of an existing structure that is accessory to an existing principal dwelling as the principal dwelling pending repair or reconstruction of the principal dwelling, where the principal dwelling has been damaged or destroyed by a fire, hurricane, or other physical catastrophe

TEMPORARY USE PERMIT
See Sec. 17-2.5(p), Temporary Use Permit.

TEXT AMENDMENT
See Sec. 17-2.5(b), Text Amendment.

THOROUGHFARE, MAJOR
A street designated by the City as an arterial street.

TIMBER HARVESTING
The felling of trees for timber products. This term may include both clear-cutting and the thinning of timber.

TOBACCO PRODUCT
Any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including but not limited to cigarettes; cigars; cheroots; stogies; perique; granulated, plug-cut, crimp-cut, ready rubbed and other smoking tobacco; snuff; snuff flowers; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco, prepared in such a manner as to be suitable for chewing or smoking in a pipe, or other tobacco related devices. Tobacco products do not include any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

TPZ
See “Tree Protection Zone.”

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY-ORIENTED BUSINESS

(1) The sale, lease or sublease of a sexually-oriented business;

(2) The transfer of securities which constitute an influential interest in a sexually-oriented business, whether by sale, exchange, or similar means; or

(3) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of a sexually-oriented business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

TRANSITIONAL BUFFER

A landscaped transitional area intended to separate and screen adjacent differing land uses. A transitional buffer is located within the property to be screened and is adjacent to the lot lines of the property but not to lot lines abutting the right-of-way (see "Street Protective Yard").

TREE

A self-supporting woody perennial plant with a trunk diameter of at least two inches measured at six inches above ground level, with a mature height of at least 12 feet, and usually having one main stem or trunk and many branches.

- Canopy Tree: a redundant term as all Trees have canopies; analogous to the term Shade Tree.
- Coniferous Tree: any Tree with needle leaves and a woody cone fruit.
- Ornamental Tree: an Understory Tree planted primarily for its aesthetic value and as a landscape focal point, as opposed to its function of shading or screening even though it may perform all three functions.
- Shade Tree: An evergreen or deciduous tree of a species with an expected mature height of over 40 feet and an expected crown spread of over 30 feet. Primarily planted for its overhead canopy and quality of the shade it provides.
- Small/ Medium/ Large (Tree or Shrub): a means of categorizing Trees or Shrubs based upon their canopy or spread at maturity assuming proper maintenance and normal growing conditions and which serves the purpose of allowing for their proper spacing in landscape plans.
- Street Tree: a Tree planted that is an element of a Thoroughfare assembly.
- Specimen Tree: a particularly impressive or unusual example of a species due to its size, shade, age, or any other trait that epitomizes the character of the species.
- Understory Tree: a small to medium sized Tree with an expected mature height less than thirty feet and a canopy which may or may not offer a sufficient clearance height for pedestrians beneath.

TREE ASSESSMENT

Information on a site plan that confirms tree species from the survey critical to the application of this subchapter, grades the conditions of trees to aid in retaining quality trees, identifies invasive exotic species on site for removal, confirms the tree survey is

complete, identifies any unique features of trees such as leans or lower canopy heights, identifies trees just off site that may require design considerations, and ultimately makes the designer more aware of the site and its character. This analysis shall be performed by either a certified arborist or registered South Carolina landscape architect, and submitted with all development submittals.

TREE INVENTORY
A tally of the number, species, approximate size, and approximate location of existing trees on a site, obtained through photographs, including aerial photographs. A tree inventory may be verified by on-site viewing by City staff authorized to perform the verification.

TREE LAWN
The linear space between the back of curb and sidewalk for planting trees, flowers, grass and shrubs. Tree lawns may be existing, reclaimed or newly developed. Because they are set aside for landscaping, tree lawns shall not be used for ornaments, fencing, lighting, artwork, or parking.

TREE PROTECTION ZONE
With respect to a protected tree, unless otherwise specified in Sec. 17-5.4, Tree Protection, the largest of the following:

(1) The area located within a distance of one foot for each one inch of tree diameter (measured at four and one-half feet above ground level) of the tree;

(2) The area located within a distance of one-half the tree's height of the tree; or

(3) The area within a distance of six feet of the tree.

This term may be abbreviated “TPZ” in this Ordinance.

TREE REMOVAL PERMIT
See Sec. 17-2.5(m), Tree Removal Permit.

TREE REPLACEMENT SCHEDULE
A plan showing the location, species and sizes of all replacement trees; and a table listing removed applicable protected, significant, and historical trees, as noted in this section, with total replacement caliper inches required.

TREE SURVEY
A survey completed by a registered land surveyor, usually as part of a site plan, of the location, size (as DBH), and species of the existing trees on a site. For purposes of this ordinance, this survey shall include grand trees, trees of six inches or greater DBH in any protected zones, and any other trees identified to meet the required density factor for the site. A tree survey may be verified by on-site viewing by City staff authorized to perform the verification.

TURFGRASS
A continuous plant coverage consisting of a grass species that is regularly mowed to maintain a desired height.

TYPE 1, TYPE 2, OR TYPE 3 LANDMARK
Landmarks listed in appendices to this Ordinance (see Appendix A: Type 1 Landmarks, Appendix B: Type 2 Landmarks, and Appendix C: Type 3 Landmarks) which contribute to the City's visual and cultural history. Type 1, Type 2, and Type 3 landmarks are distinguished by standards that require varying degrees of conservation to the interior and/or exterior of the structure (see Sec. 17-3.7(j), OV-HP: Historic Preservation Overlay District).

UTILITY SERVICE AREA
An area that contains a utility box, booster box, switching station, lift station, substation, transformer, pedestal, or similar above-grade device used to serve an underground utility.

VACANT LOT
A lot or parcel of land on which no improvements have been constructed.

VALET PARKING
Typical practices associated with, and the act of, driving another person's vehicle to and from a parking location so that said person and any passengers originally within the vehicle may unload and load at or near their immediate destination.

VAPE PRODUCT
Any non-combustible product, which may or may not use or contain a cannabis product, alternative nicotine product, or synthetic marijuana, that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from a liquid solution or any other form. "Vape Product" includes devices called e- cigarettes, electronic cigars, electronic pipes, vaporizers, vaporizer cartridges, vapes, e-hookahs, vape pens, pod mods, box mods, puff bars, tanks or mods, sub-ohm tanks, vaporizers, dab pen, or similar product or device. "Vape Product" also includes e-juice, vape juice, and e-liquid containing an alternative nicotine product, cannabis, or synthetic cannabinoids. "Vape Product" does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the United States Food, Drug, and Cosmetic Act.

VARIANCE – LAND DEVELOPMENT (SUBDIVISION)
See Sec. 17-2.5(t), Variance – Land Development (Subdivision).

VARIANCE – ZONING
See Sec. 17-2.5(s), Variance – Zoning.

VEHICULAR DISPLAY AREA
An area where vehicles are stored and displayed for sale or lease.

VEHICULAR SURFACE AREA
An area where motor vehicles are either stored or driven, including private driveways, private streets built in accordance with this Ordinance, parking lots, rental lots, and depots.

VENDOR, TEMPORARY
A person who sells merchandise, goods, services, or forms of amusement from a temporary structure, such as a tent, awning, canopy, umbrella, stand, booth, cart, or trailer, from a vehicle, or from his person. A temporary vendor does not include a person who conducts

the majority of his business from within a permanent and enclosed building located upon the same lot.

WALL OFFSET
Projections or recesses organized in a random or repeating pattern along a building wall used to visually interrupt the mass of the façade plane.

WAREHOUSING (AS AN ACCESSORY USE)
As an accessory use, the storage and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

WIND ENERGY CONVERSION SYSTEM (SMALL-SCALE)
A facility consisting of one or more rotating wind turbines and related equipment that converts the kinetic energy in wind into mechanical energy. A small-scale wind energy conversion system as an accessory use is intended to primarily reduce on-site consumption of utility power for a home or business.

XERISCAPE
A method of landscaping that emphasizes water conservation, accomplished by following sound horticultural and landscaping practices, such as planning and design, soil improvement, limited turf areas, use of mulches, use of low-water demand plants, efficient irrigation practices and appropriate maintenance.

YARD
A required open space unoccupied and unobstructed by any structure or portion thereof from a height of 48 inches above the finished grade level of the ground (see Sec. 17-9.2, Rules of Measurement).

YARD, FRONT
A yard extending between side lot lines across the front of a lot (see Sec. 17-9.2, Rules of Measurement).

YARD, REAR
A yard extending across the rear of the lot between the inner side yard lines (see Sec. 17-9.2, Rules of Measurement).

YARD, SIDE
A yard extending from the rear line of the required front yard to the rear lot line (see Sec. 17-9.2, Rules of Measurement).

ZA
See “Zoning Administrator.”

ZONING ADMINISTRATOR
The City employee to whom the City Manager has delegated the responsibility of administering and enforcing all provisions of this Ordinance except those enforced by the Land Development Administrator (see Sec. 17-2.3(f)). The Zoning Administrator is the person referred to as “zoning administrator” in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (S.C. Code § 6-29-310 et seq.).

ZONING DISTRICT
An area delineated on the Official Zoning Map within which a prescribed set of use requirements and development standards are applied to various types of development. See Zoning Districts.

ZONING DISTRICT, BASE
Those zoning districts grouped into Residential Districts, Activity and Corridor Districts, Institutional and Campus Districts, and Industrial Districts, and which are described in Sec. 17-3.2, Residential Base Zoning District.

ZONING MAP AMENDMENT
See Sec. 17-2.5(c), Zoning Map Amendment.

ZONING MAP, OFFICIAL
See "Official Zoning Map."

ZONING PERMIT
See Sec. 17-2.5(q), Zoning Permit.

APPENDIX A: TYPE 1 LANDMARKS

Type I Landmarks are established in Table A: Type 1 Landmarks.

TABLE A: TYPE 1 LANDMARKS	
LOCATION	**NAME**
Assembly Street	
1519	Burial Ground St. Peter's Church
1513-1533	St. Peter's Catholic Church
Barnwell Street	
1301	French Consulate
Blanding Street	
1419	Clarke-Shealy House
1502	Crawford-Clarkson House
1610-16	Ainsley Hall Mansion
1615	Hall-Hampton-Preston Mansion
Bull Street	
2000-2100 Blks. E.	State Hospital grounds:
	Mills Building
	S. Gate and Wall
	Barton House
	Babcock Building—Center portion only
Elmwood Avenue	
300-500 N.	Old Section Elmwood Cemetery
301	Randolph Cemetery
815	Logan Elementary School
Gadsden Street	
1600 Blk. W.	Hebrew Benevolent Society Cemetery
Garners Ferry Road	
	Millwood
Gervais Street	
1100-1200 S.	State House
1231	South Carolina Supreme Court Building
	Gervais Street Bridge
1527	Dunbar Funeral Home
Gregg Street	
1326-1328	Gregg Street
1330	Gregg Street
Hampton Street	
1000	The Big Apple
1306	First Baptist Church

TABLE A: TYPE 1 LANDMARKS	
LOCATION	**NAME**
1705	Woodrow Wilson House
1718	Chestnut Cottage
1727	Lorick-Baker House
Harden Street	
415	Wallace-McGee House
Henderson Street	
1830	Fields Cottage
Laurel Street	
1100	United States Courthouse
1401	Debruhl-Marshall Mansion
Lincoln Street	
1802	Palmetto Iron Works & Armory
Main Street	
1210-14	Commercial Street
1338	Barringer Building
1500	Sylvan's
1508	Kress Building
1613	Lever Building
1644 1722-24	Tapp's Department Store Building
1737	Federal Courthouse-City Hall
4201	Lutheran Theological Seminary
401 S.	Union Station
Marion Street	
1300	First Presbyterian Church
1300	Burial Ground First Presbyterian Church
Monticello Road	
3904	Eau Claire Town Hall and Survey Publishing Company Building
Oak Street	
1618	Old Dwelling, Benedict College Property
Pendelton Street	
1431	Cheves-McCord House
Pickens Street	
1332	Dr. Von Zimmerman House
1336	Probable Von Zimmerman School
Pulaski Street	
1201	Confederate Printing Plant
1205	Dispensary Building
Richland Street	

TABLE A: TYPE 1 LANDMARKS	
LOCATION	**NAME**
800	Governor's Mansion
803	Robertson House
829	Caldwell-Hampton-Boylston House
1307	Ebenezer Lutheran Chapel
1307	Burial Ground Ebenezer Lutheran
1415	Two-Story Dwelling
1518	Maxcy Gregg House
1601 Rear	Hale-Elmore-Seibels Kitchen
1700 Blk. N.	Taylor Burial Ground
River Drive	
2800 Blk. W.	Site—Surrender of Columbia
Senate Street	
1505	Taylor House-Columbia Art Museum
1527	Horry-Guignard House
Seneca Avenue	
1917	Gudmudson House
Sumter Street	
800-900 Blks. E.	S.C. University Campus:
	Maxcy Monument
	Leiber House
	President's Home
	Rutledge College
	DeSaussure College
	McCutchen House
	Caroliniana Library
	Flinn Hall
	Old Gym
	Old Observatory
1012	Town Theater
1100	Trinity Episcopal Church
1100	Burial Ground Trinity Episcopal Church
1528	Bethel AME Church
1720	Ladson United Presbyterian Church
Two Notch Road	
2658	Peckham-Beard-Erlicke House
Washington Street	
803-805	Zion Baptist Church
1208	Republic National Bank
2221	Bishop's Memorial Church

TABLE A: TYPE 1 LANDMARKS	
LOCATION	**NAME**
1401	Washington Street Methodist Church
1323	Old Columbia High School
Wildwood Avenue	
801	Ensor-Keenan House
Williams Street	
	South Carolina State Museum (Mount Vernon Mill)

APPENDIX B: TYPE 2 LANDMARKS

Type 2 Landmarks are established in Table B: Type 2 Landmarks.

TABLE B: TYPE 2 LANDMARKS	
LOCATION	**NAME**
Assembly Street	
1320-22	Star Music
1324-28	Bonded Loan Office
Barnwell Street	
2025	—
Belmont Drive	
1316	Huger-Trenholm-Heyward-Sylvan House
Blanding Street	
603	Cottage
1315	Ehrlich House
1316	Boozer-Davis Cottage
1512	Good Shepherd Episcopal Church
1531	Howe House
Bull Street	
2000-2100 Blks. E.	Male and Female Dining Halls
Calhoun Street	
1421	Cottage
Gervais Street	
1316	Gray House-Dora Gray Shop
Gregg Street	
915	Pressley-Spiegner House
1414	—
Hampton Street	
1401	TMS #11402-03-03
1416	Heise-Meehan-Guignard House
1611	Moore-Mann House
Harden Street	
2150	Parker Annex Building TMS #11501-01-01(p)
Heathwood Circle	
No. 21	Heathwood Hall
	Seibels-Wilson House
Henderson Street	
816	Old Trinity Rectory
Heyward Street	
339	—
Lady Street	

TABLE B: TYPE 2 LANDMARKS	
LOCATION	**NAME**
1321	TMS #11401-01-05
Laurel Street	
721	Civil Cottage
1511-13	Sims-Stackhouse House
Laurens Street	
930	TMS #11405-11-23
Main Street	
1530	Old State Bank-Eckerds
1537	—
1556	—
1601	—
1607	—
1614	TMS #09014-04-16
1626	TMS #09014-04-18
Marion Street	
1012	Phillips House
2025	Cottage
Myrtle Court	
	Myrtle Court Fountain
Park street	
1325	TMS #09013-12-09
1416	—
Richland Street	
1301	Ebenezer Lutheran Church
1403	Simons Cottage
1430	Orchard House
1501	Wade-Campbell-Wright House
1522	Victorian Cottage
1601	Hale-Elmore-Seibels House
Saint Clair Drive	
4203	Dovilliers-Manning-Magoffin Cottage
Saluda Avenue	
203	Heslep House
Stratford Road	
2626	—
Sumter Street	
1230	(1310 Lady Street) TMS #11401-03-01(p)
Taylor Street	
2027	—

TABLE B: TYPE 2 LANDMARKS	
LOCATION	**NAME**
Washington Street	
1316	—
Wateree Avenue	
207	Wilburn Plan Book House
Wilmot Avenue	
2300	TMS #11311-04-01
Fort Jackson Reservation	
	Dozier House

APPENDIX C: TYPE 3 LANDMARKS

Type 3 Landmarks are established in Table C: Type 3 Landmarks.

TABLE C: TYPE 3 LANDMARKS	
LOCATION	**NAME**
Albion Street	
832	—
Blanding Street	
614	Cottage
1328	Heinish House
1327-29	Willis House
1528	Bryce House-Hair Real Estate
Bull Street	
1814	Two-Story House (Trans Modern)
Calhoun Street	
714	Cottage
1710	Cottage
1731	Flora Barringer House
Fig Street	
1701	Laundry Building
Gadsden Street	
1328	Cottage
1721	TMS # 09010-10-09
Gervais Street	
700	Possibly Wayside Hospital Site
1811	McDuffie's Antiques, Cottage
2218	Cottage
2221	Cottage
2531	Woodson Family Store
2537	—
Hampton Street	
1404	Cantwell House
1426	Heise-Tunnander Cottage
1601	Berry Home
Harden Street	
1500 Blk. E	Allen University Campus:
	Building South Corner
	Building Center Block
	Building North Corner
Henderson Street	
1826	Two-Story "Stick Style" House

TABLE C: TYPE 3 LANDMARKS	
LOCATION	**NAME**
1921	Cottage
Kortright Street	
1100	Mid Century Modern Doctor's Office
Lady Street	
1522	Edwards-Anderson House
Laurel Street	
1422	Two-Story Late Victorian House
1521-25	Black House
1527-29	Crumpler House
Lincoln Street	
2012	Cottage
Main Street	
1332	Arcade Building
1400	Palmetto Building
1620	TMS #09014-04-17.
1631	TMS #09014-09-01
1633 and 1635	TMS #09014-10-08
1637	TMS #09014-10-07
1730-32	Commercial Building
1813	Klondike Building
3702	Two-Story House
Pendleton Street	
1611	Kirkland Apartments
1619	The Black House (Cain-Matthews-Tompkins)
1629	Cottage
Richland Street	
1507	Cottage
1523	Cottage
Scott Street	
1208	Cottage
Taylor Street	
1531	Commercial Building
Senate Street	
1800	Hampton House
Washington Street	
1013	Two-story over English basement
Woodrow Street	
702	Sutphen House
	Lower Cemetery, TMS #07314-02-05 and 09007-01-04(p)

TABLE C: TYPE 3 LANDMARKS	
LOCATION	**NAME**
	Penitentiary Cemetery, TMS #09008-01-05.

APPENDIX D: HISTORIC SUB-DISTRICT BOUNDARIES

The historic sub-district boundaries for each district are listed below. Type 1, 2, and 3 landmarks have individual addresses which may be found in Appendices A-C. All historic sub-district boundaries or addresses may also be found on the official Zoning Map.

Cottontown/Bellevue Architectural Conservation District

The area of the city generally bound by the intersection of Grace and Marion Street to the north, Bull Street to the east, Elmwood Avenue to the south, and Sumter Street to the west and further identified by the following tax maps: 09016-03-02 thru 09, 09016-04-01 thru 14, 09016-05-01 thru 09, 09016-06-01 thru 09, 09016-06-11, 09016-06-16 thru 24, 09016-08-01 thru 17, 09016-08-28 and 29, 09016-09-02 thru 18, 09016-12-07, 09016-12-09 thru 11, 09109-07-01 thru 03, 09109-08-02 thru 05, 09109-09-02 and 04,09113-01-01 and 02, 09113-05-01 thru 10, 09113-06-01 thru 10, 09113-06-12 thru 22, 09113-07-01 thru 14, 09113-08-01 thru 13, 09113-10-01 thru 07, 09113-11-01 and 02, 09113-12-01 thru 19, 09113-12-21 thru 29, 09113-13-03 thru 14, 09113-04-01 thru 12, 09113-02-01 thru 06, 09114-06-01 thru 03, 09113-03-01 thru 04, 09114-05-01 thru 06,09110-11-02 thru 11, 09114-07-01, 09113-09-01 thru 12, 09114-01-16 and 17, 09110-10-06 (portion zoned C1), 09110-10-08 and 09, 09110-10-12, 09114-01-01 thru 14, 09114-02-01, 09114-02-03 thru 22, 09114-02-24 and 25.

Earlewood Protection Area

The area of the city generally bound by Sunset Drive on the north, the Seaboard Air Line Railroad to the east, Marlboro and Darlington Street to the west and Richfield Drive, Riverview Court and Park Street to the south and further identified on the following tax maps:

AREA A.

TMS# 9105-01-12, 13; 9105-03-01 through 03; 9105-04-01 through 15; 9105-05-01 through 04; 9105-06-01 through 15; 9105-07-01 through 15; 9105-05-01; 9105-09-01 through 10; 9105-10-01 through 05; 9105-11-01 through 07; 9105-12-01 through 06; 9105-13-01; 9105-14-01 through 08; 9105-15-10; 9106-03-03, 04, 06 through 08, 16; 9106-04-01 through 10, 12, 15 through 20; 9106-05-01 through 15; 9106-06-01 through 05; 9106-07-01 & 02; 9106-08-01 through 16; 9106-09-01 through 28, 30 through 21; 9106-10-01 through 16; 9106-11-01 through 06; 9106-12-01 through 15; 9106-13-01 through 08, 10 through 18; 9106-14-01 through 12; 9106-15-01 through 11; 9106-16-01 through 17; 9106-17-01 through 05, 07 through 12; 9106-18-01 through 11; 9107-09-01 through 16; 9107-10-01 through 03; 9107-11-01 through 06, 08 through 20; 9107-12-01; 9107-13-01, 10, 19; 9107-14-01 through 16; 9107-15-07, 08, 11, 12; 9107-16-01; 9109-01-01 through 14, 16 through 21; 9109-02-01 through 03, 05 through 10; 9109-03-01 through 08; 9109-19-01 through 07; 9109-21-01 through 09; 9110-01-01 through 12; 9110-02-01 through 17; 9110-03-01 through 16; 9110-04-01; 9110-05-01 through 06, 08 through 12; 9110-16-01 through 08; 9110-17-01 through 13; 9110-18-01 through 11; 9110-19-01 through 17; 9110- 20-01 through 16, 18, 19; 9110-21-01 through 05; 9111-03-02 through 06; 9111-04-01, 08 through 11; 9111-10-01 through 10; 9111-11-07 through 13; 9112-09-02; 9112-10-02 through 04.

AREA B.

TMS# 9105-01-01 through 11, 14 through 21; 9105-02-01 through 04; 9105-12-07 through 15; 9105-14-09 through 17; 9105-15-02 through 09, 12 through 16, 20, 21, 23 through 36, 38 through 42; 9106-20-01 & 02; 9106-21-08 through 14; 9107-01-01 & 02; 9107-05-01 through 06,

08 through 16; 9107-06-01, 03 through 18; 9107-07-03 through 23, 46 through 53; 9107-15-02 through 06, 09; 9108-07-01 & 02; 9109-19-11 & 12; 9109-20-01 through 03, 12; 9111-01-01 through 11; 9111-02-01 through 10, 14 through 24; 9111-03-01, 07 through 10; 9111-08-01; 9111-11-01 through 06; 9111-12-03, 06 through 13; 9111-13-01 through 10; 9112-10-01 & 05; 9112-14-01 through 03, 07 through 12.

Elmwood Park Architectural Conservation District

The area of the city bounded generally by Wayne Street, W. Confederate Avenue, Abbeville Street and Rembert Street and to be identified as Architectural Conservation District No. 2, which is further identified as 1982 TMS 09011, all of Block 2; Block 4, Lot 1; Block 5, Lots 3,4, 5, 6; TMS 0901 2, all of Block 2; all of Block 3; all of Block 4; Block 6, Lots 13, 14 and 15; Block 7, Lots 1, 2, 7-14; Block 8, Lots 5, 6, 7 and 8; Block 9, Lots 13-21, 23 and 24; Block 10, Lots 1-15, 19-28; all of Block 11; Block 12, Lots 1-10, 12-24; all of Block 13; all of Block 14; all of Block 15; Block 16, Lots 2-15; TMS 09016, Block 15, Lots 9 and 10; TMS 09109 all of Block 15; ; and 2008 TMS 09012-10-16, 09012-12-11.

Governor's Mansion Protection Area

The area of the city bounded generally by Laurel, Lincoln, Gadsden and Richland Streets and to be identified as Protection Area No. 1, and further identified on attached map as 1973 TMS 13, Block 3, Lots 4, 5 and 6; Block 4, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 23; 1973 TMS 14, Block 4, Lots 15 and 16; Block 5, Lots 17, 18, 19, 20, 21, 23, 24 and 30; Block 8, Lots 7, 8, 9, 10, 11 and 12; all of Block 9; Block 12, Lots 6, 7, 8, 9, 10, 11, 12 and 13; all of Block 13; 1973 TMS 20, Block 3, NW corner of Lot 3, west of Blanding Street; 1973 TMS 21, Block 1, Lot 22; all of Block 5; Block 9, Lots 1 and 11.

Granby Architectural Conservation District

The area of the city bounded generally by Catawba Street on the north, Wayne Street on the east, Heyward Street on the south and Gist Street on the west and further identified on TMS# 08812-01-01 through 08812-01-17; 08812-02-01 through 08812-02-09; 08812-02-11 through 08812-02-15; 08812-03-01 through 08812-03-08; 08812-04-01; 08816-10-12; 08816-11-01 through 08816-11-10; 08816-12-01 through 08816-12-14; 08816-13-01 through 08816-13-15; 08816-14-02 through 08816-14-14; 08909-02-03 through 08909-02-12; 08913-13-01; 08913-14-01 through 08913-14-05; 08913-15-01 through 08913-15-06; 08913-16-01, 08913-16-02, 08913-16-04, 08913-17-01 through 08913-17-09; 08913-19-01 through 08913-19-08; 08913-20-01 through 08913-20-14.

Landmark District

The area of the city bounded generally by Blanding, Marion, Richland and Henderson Streets is to be identified as Landmark District No. 1, and more specifically identified on attached map as 1973 TMS 28, Block 1, Lots 4, 5, 6, 7, 8, 9, 10 and 11; all of Block 2; all of Block 3; all of Block 4; Block 5, Lots 3, 4, 5 and 6; Block 6, Lots 2, 5, 6, 7 and portion of 21 (1402 Blanding); Block 7, Lots 1, 2, 5, 6, 7, 8, 9, 10, 11 and 22; all of Block 8; 1973 TMS 29, Block 2, Lots 7 and 8; Block 3, Lots 13, 14, 15 and 16; Block 4, Lots 4, 6, 9, 11, 12, 13, 14, 15 and portion of 24 (1904-08 Marion Street and 1403, 1407, 1409-11 Richland Street); all of Block 5; all of Block 6; Block 7, Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 23 and 24; all of Block 8; all of Block 9; all of Block 10; 1973 TMS 37, Block 1, Lots 1, 2, 12, 13, 14, 15 and 16; Block 4, Lots 1, 2 and 13; 1973 TMS 38, Block 1, Lots 1, 2, 3, 4, 5, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28; Block 5, Lots 1, 2, 3, 4, 21, 23 and 25.

Melrose Heights/Oak Lawn Architectural Conservation District

Area generally bounded by: Woodrow Street on the west; Kirby, Webster and Murray Streets on the North; Millwood Avenue on the South and Maiden Lane on the East, TMS# 11413-06-4, 5; 11413-07-1 through 5 and 9 through 10; 11413-8-1 through 5 and 9 through 13; 11413-9-1 through 7 and 16; 11414-05-2 through 10; 11414-6-1 through 14; 11414-7-1 through 13; 11414-8-1 through 10; 11414-9-1 through 8; 11414-10-1 through 16; 11414-11-1 through 18; 11414-12-1 through 12; 11414-13-1, 2, 4 through 14; 11414-14-1 through 13; 11414-15-5 through 10; 11414-18-3 through 10; 11414-19-1 through 11 and 13 through 18; 11414-20-1 through 13; 11414-21-1 through 12; 11414-22-1, 2, 4, 5, 7 through 23; 11415-9-9 through 13; 11415-10-6, 7; 11415-12-11; 11415-13-1 through 14; 11415-14-1 through 7; 11415-15-3, 5 through 16; 11415-16-7 through 12; 13901-1-1, 2, 4 through 7; 13901-2-1 through 8; 13901-3-1 through 8; 13901-4-1 through 21; 13901-5-1 through 16; 13901-6-1 through 3 and 11 through 15; 13901-7-1 through 13; 13901-8-1, 13 through 15; 13901-10-1 through 16; 13901-11-1 through 14; 13901-12-1 through 16; 13901-13-3 through 6; 13901-17-1 through 10 and 12 through 16; 13901-18-1 through 9, 16 and 17; 13902-1-1 through 3; 5 through 19; 13902-8-1, 6 through 9; 13902-9-1 through 18; 13902-10-21 through 35 and 37 through 43 and 54 through 57; 13902-11-1 through 7; 13902-12-1 through 14; 13902-13-1 through 11; 13902-14-1 through 17.

Oakwood Court Architectural Conservation District

The area is generally bounded by Holly Street, Sims Street, Amherst Avenue, Bellwood Street and Kirkwood Street, and further identified on attached maps as TMS# 13804-01-01 through 04; 13804-10-07 through 11; 13804-11-07 through 11; 13804-12-02 through 15; 13804-13-01 through 04; 13804-14-01, 02, 03, 04, 05, and 11; 13804-18-01 through 05 and 09 through 10; 13901-15-09.

Old Shandon/Lower Waverly Protection Area

The area of the city bounded generally by Millwood Avenue, Devine Street, Harden Street, Gervais Street and Maple Street and further identified on tax maps 11312-02-04 through 07; 11312-03-01, 11, 12 and 13; 11312-04-1 through 7, 16, 17 and 18; 11388; 11316-01-01 through 05; 11316-02-01, 03, 05 and 06; 11316-03-01 through 04, 06 through 11; 11316-04-01, 02 (200' from Maple Street), 23, 24 and 25; 11316-13-01, 02, 04, 05 and 10; 11316-14-01 through 04 and 15; 11316-15-01, 02, 05, 06, 15, 16 and 23; 11386; 11391; 11390 (150' portion from Lee Street); 11405-05-06 through 11; 11406-09-09 through 14; 11406-10-04, 07, 08, 09 and 10; 11406-11-10, 11 and 12; 11409-02-01 through 35; 11409-03-01 through 24; 11409-04-01 through 33; 11409-07-20 through 37, 39 through 42; 11409-08-01 through 14; 11409-09-01 through 12; 11409-10-01 through 23, 25 through 27; 11409-11-01 through 16, 18 through 21; 11409-12-01 through 24; 11409-13-01 through 21; 11409-14-01; 11409-15-01 through 19; 11409-16-01; 11409-17-01 through 13; 11409-18-05 through 09 and 11409-22-01 through 11. The buffer area which is identified on tax maps 11405-05-05, 12, 13, 14 and 15; 11405-06-01 through 07; 11406-09-15 and 16; 11406-11-07 and 08; 11409-05-01 through 04; 11409-06-01 through 23 and 25 through 27; 11409-07-01, 03 through 19 and 43; 11409-18-04; 11409-21-04 through 07; and, 11409-22-12 through 15, is hereby designated as Protection Area No. 2 within the Old Shandon/Lower Waverly Protection Area.

Seminary Ridge Protection Area

The area of the city bounded generally by Monticello and Arlington Streets on the west, Timrod Street on the north, Kinderway and Fuller Avenues to the east, Wildwood Avenue and Jackson Avenue to the south, and further identified as TMS# 09210-05-01 through 05, 09210-05-07,

09210-05-12, 09210-05-18, 09210-05-19, 09211-07-02, 09211-07-4, 09211-08-01, 09211-08-02, 09211-09-01, 09211-10-01 through 09211-10-12, 09212-07-08 through 09212-07-12, 09214-01-01 through 09214-01-10, 09214-02-01 through 09214-02-05, 09214-02-07 through 09214-02-12, 09215-01-01 through 09215-01-12, 09215-02-01 through 09215-02-05, 09215-03-01 through 09215-03-06, 09215-04-01 through 09215-04-08, 09215-05-01 through 09215-05-14, 09215-06-01, 09215-06-02, 09215-06-06, 09215-06-09, 09215-07-01 through 09215-07-04, 09215-17-01, 09215-18-01 through 09215-18-11, 09215-19-01 through 09215-19-05, 09215-19-07, 09215-20-01, 09215-21-01 (partial), 09215-22-01 through 09215-22-06, 09216-08-48 through 09216-08-54, 09216-08-56 through 09216-08-60, 09216-08-63 through 09216-08-66, 09216-09-01 through 09216-09-04, 09216-10-01 through 09216-10-04, 09216-10-06 through 09216-10-10, 09216-11-01 through 09216-11-04, 09216-12-01 through 09216-12-07.

University Hill Architectural Conservation District

The area of the city bounded generally by Laurens, Senate, Henderson and Green Streets and to be identified as Architectural Conservation District No. 1, and further identified on attached map as 1973 TMS 24, all of Block 5; 1973 TMS 34, all of Block 1; all of Block 2; all of Block 3; Block 5, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 33 and 34; all of Block 10; 1973 TMS 35, Block 3, Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 26, 27, 28, 29, 30, 31, 33 and 34; all of Block 5; all of Block 6; all of Block 7; all of Block 9; all of Block 10; all of Block 11.

Wales Garden Architectural Conservation District

The area is generally bound to the north by Blossom Street, to the south by Heyward Street, to the east by Congaree and Waccamaw Avenues, and to the west by Pickens and Saint James Street and Saluda Avenue, and further identified on attached maps as TMS# 11306-04-02 through 35; 11306-05-01 through 06; 11306-06-01 through 06; 11306-07-01 through 39; 11307-03-13 through 16; 11307-04-01; 11307-05-02 through 06; 11307-06-01 through 11; 11307-07-02 through 25; 11307-08-01 through 04; 11307-09-01 through 09; 11308-09-01 through 11; 11308-10-02 through 13; 11308-11-08 through 13; 11310-01-01 through 06; 11310-02-01 through 16; 11310-03-01 through 16; 11310-22-01 through 10; 11311-01-01 through 14; 11311-02-01 through 38; 11311-03-01 through 06; 11311-03-17, 11311-03-19 through 22 (all up to 100' from Waccamaw); 11311-03-23 through 26; 11311-03-27 (up to 100' from Waccamaw); 11311-03-28 through 39; 11312-13-09 through 17; 11381-01-01 through 09; 11381-02-01 through 04; 11381-03-01 through 04; 11387-01-01; 11387-02-01 through 08; 11387-03-01 through 08; and 11387-04-01 through 08.

Waverly Protection Area

The area of the City generally bound by Harden Street, Gervais Street, Millwood Avenue, and Taylor Street and to be identified as Waverly Protection Area and further identified on tax maps as TMS# 11410-01-1 through 17 and 26 through 29; 11410-02-1, 17 through 22; 11411-01-7, 11, 12, 14, 15; 11411-15-2 through 5, 8, 13 through 16; 11411-16-1 through 20; 11411-17-1 through 15; 11406-05-2 through 13; 11406-06-1 through 5 and 8 through 13; 11406-07-1 through 6, 10, 13, 18 through 24; 11406-08-2 through 19; 11407-14-3 through 23; 11407-15-1, 3 through 10; 11407-16-1 through 13; and as TMS# 11410-01-18 through 25; 11410-02-2 through 7, 9, 10, 14 through 16; 11411-01-1 through 3, 13, 16 through 19; 11411-15-1, 6, 7, 9 through 12; 11406-05-1, 14 through 20; 11406-07-7 through 9, 11, 12, 14 through 17; 11406-08-1, 20, 23 through 29; 11407-07-1 through 3; 11407-08-1 through 6; 11407-09-2; 11407-13-1 through 7, 10, 11, 13, 18 through 20, and 22 through 27; 11407-14-1.

West Gervais Historic Commercial District

The area of the city generally bound by Gadsden Street on the west, Lady Street on the north, Park Street on the east and Gervais Street on the south and further identified on TMS# 08912-07-02 through 04, 06 through 09, 13, 14; 08916-01-01 through 04, 06 through 10, 13 through 15, 19; 08916-02-01, 02, 04 through 09, 13; 08916-03-01 through 04(p); 08916-11-02(p), 04A(p), 07, 09(p), 10(p); 09013-09-17 through 19; 09013-11-01, 04 through 17, 20; 09013-12-03(p), 11 through 17, 20; 09013-13-09(p), 12, 13, 17; 09089-01-01; 09089-02-01; 09089-03-01; 09089-04-01.

West Gervais Protection Area

The area of the city generally bound by Huger Street on the west, Gadsden Street on the east, Lady Street on the north and Gervais Street on the south and further identified on TMS# 08912-04-01, 08912-04-06, 08912-04-07; 08912-05-01 through 06, 08912-05-09, 08912-05-11; 08912-06-01 through 04, 08912-06-06A, 08912-06-06B, 08912-06-07 through 13; 08912-07-01, 08912-07-10 through 12; 08912-08-02(p), 08912-08-03, 08912-08-04, 08912-08-05; 08912-10-01 through 03, 08912-10-04(p), 08912-10-13 through 15, 08912-10-18 through 21; 08916-11-02(p), 08916-11-09(p); 09009-08-01(p), 09009-08-08 through 10; 09009-09-02, 09009-09-05(p), 09009-09-07 through 23; 09090-01-01 through 07; 09090-02-01 through 07; 09090-03-01 through 07.

Whaley Protection Area

The area of the city bounded generally by Catawba Street on the north, Assembly Street on the east, Heyward Street on the south and Wayne Street on the west and further identified on TMS# 08913-06-02 through 08913-06-06; 08913-07-01 through 08913-07-08; 08913-08-01 through 08913-08-08; 08913-09-02 through 08913-09-05; 08913-10-01 through 08913-10-08; 08913-11-01 through 08913-11-06; 08913-12-01 through 08913-12-10; 08981-01-01 through 08981-01-16.



ZONING TEXT AMENDMENT LOG

Applicant	Case Name Description	Hearing Dates	Zoning Ordinance Sections	Approved Ordinance #
ZA	Updating text and revising the effective date to November 1, 2020	2/3/20 PC 5/19/20 ZPH 6/2/20 2nd R	Chapter 17 of the Columbia Code of Ordinances	2020-022
ZA	Revising the effective date to March 21, 2021	10/5/20 PC 11/17/20 ZPH 12/1/20 2nd R	Chapter 17 of the Columbia Code of Ordinances	2020-099
ZA	Revising the effective date to August 30, 2021	3/1/21 PC 3/16/21 ZPH 4/20/21 2nd R	Chapter 17 of the Columbia Code of Ordinances	2021-014
ZA	Amendments related to Wireless Communication Facilities, Private Dormitories, and the Airport Height Overlay	6/7/21 PC 7/20/21 ZPH 8/17/21 1st R 9/7/21 2nd R	17-3.7. Overlay Districts (c) 17-4.2 Principal Uses (c)(1)b.2 17-4.2 Principal Uses (c)(2) Standards for Specific Principal Uses, Public, Civic, and Institutional Uses - Table 17-4.2(c)(2)A.1	2021-062
ZA	Amendments to correct omissions and to clarify and streamline existing sections	10/4/21 PC 11/9/21 ZPH 11/9/21 1st R 12/7/21 2nd R	Article 2: Administration Sec. 17-2.2. Summary Table of Development Review Responsibilities, Bailey Bill; Article 2: Administration Sec. 17-2.5 Application Specific Procedures and Decision Standards (c) Zoning Map Amendment (3) Zoning Map Amendment Procedure (b) Application Submission; Article 2: Administration, Sec. 17-2.5. Application-Specific Review Procedures and Decision Standards (g) Certificate of Design Approval – Historic Districts and Landmarks; Article 2: Administration, Sec. 17-2.5. Application-Specific	2021-087

ZONING TEXT AMENDMENT LOG

			Review Procedures and Decision Standards (y) Bailey Bill – Special Tax Assessment Created; Article 3: Zoning Districts, Sec. 17-3.3. Mixed-Use, Activity Center, and Corridor Base Zoning Districts, (d) MU-2: Mixed-Use District, Front Yard Setback; Article 3: Zoning Districts, Sec. 17-3.3. Mixed-Use, Activity Center, and Corridor Base Zoning Districts (f) CAC: Community Activity Center/Corridor District, (3) Intensity and Dimensional Standards, Side Yard Setbacks; Article 3: Zoning Districts, Sec. 17-3.3. Mixed-Use, Activity Center, and Corridor Base Zoning Districts (g) RAC: Regional Activity Center/Corridor District (3) Intensity and Dimensional Standards; Side Yard Setbacks; Article 4: Use Regulations, Sec. 17-4.2. Principal Uses, (b) Principal Use Table for Base Zoning Districts, Household Living Uses, Dwelling, Single-Family Detached; Article 4: Use Regulations, Sec. 17-4.2 Principal Uses (b) Principal Use Table (4) Principal Use Table for Base Zoning Districts: Recreation/ Entertainment Uses; Recreation facility, indoor, not elsewhere listed; Article 4: Use Regulations, Sec. 17-4.2 Principal Uses (c) Standards for Specific Principal Uses, 4. Recreation Facility, Indoor, Not Elsewhere Listed; Article 4: Use Regulations, Sec. 17-4.3(d)(1): Accessory Uses and Structures/Standards for Specific Accessory Uses and Structures/Accessory Dwelling Unit; Article 4: Use Regulations, Sec. 17-4.3(d)(1): Accessory Uses and Structures/Standards for Specific Accessory Uses and Structures/Accessory Dwelling Unit; Article 4:	

ZONING TEXT AMENDMENT LOG

			Use Regulations, Sec. 17-4.3. Accessory Uses and Structures (d) Standards for Specific Accessory Uses and Structures (6) Home Occupation; Article 5: Development Standards, Table17-5.2(I)(1) B: Bicycle Parking Standards in The MU-1, MU-2, DAC, NAC, CAC, RAC, and MC DISTRICTS; Article 5: Development Standards, Sec. 17-5.3. Landscaping (b) Applicability; Article 5: Development Standards, Sec. 17-5.3 Landscaping (i) Screening (5) Display; and, Sec. 17-5.4 Tree Protection (f) Tree Protection During Construction; Article 5: Development Standards, Sec. 17-5.10. Signs, (c) Standards; Article 5: Development Standards, Sec. 17-5.11. Green Building Standards (d) Green Building Standards, Table 17-5.11(D)(4): Green Building Point System; Vegetation; Article 7: Nonconformities, Sec. 17-7.1 General (c) Determination of Nonconformity Status; Article 7: Nonconformities, Sec. 17-7.6(b)(1): Nonconforming Site Features/Alterations of Buildings or Structures; and Table 17-7.6(b): Required Additional Nonconforming Site Feature Compliance for Alterations; and Table 17-7.6(c): Required Additional Nonconforming Site Feature Compliance for Expansions; Article 9: Definitions and Rules of Measurement Sec. 17-9.2 Rules of Measurement (a) Measurement (6) Setbacks; Article 9: Definitions and Rules of Measurement Sec. 17-9.4. Definitions (Multiple); Appendix C: Type 3 Landmarks; Table C: Type 3 Landmarks	

ZONING TEXT AMENDMENT LOG

ZA	Amendment to Earlewood Protection Area boundary; Area A	2/10/22 PC 3/15/22 ZPH 4/5/22 2nd R	Appendix D: Sub-District Boundaries	2022-019
Director of P & D	Amendment to non-conforming sites	6/9/22 PC 7/26/22 ZPH 8/16/22 2nd R	Article 5, Development Standards, Sec. 17-5.3, Landscaping and Sec. 17-7.6, Nonconforming Site Features	2022-068
Director of P & D	Amendment to Earlewood Protection Area boundary; Area A	5/12/22 PC 4/26/22 ZPH 8/2/22 2ND R	Appendix D: Sub-District Boundaries	2022-069
Director of P & D	Amendment to Earlewood Protection Area boundary; Area A	5/12/22 PC 7/26/22 ZPH 8/2/22 2ND R	Appendix D: Sub-District Boundaries	2022-070
ZA	Amendment to Accessory Use Table	6/9/22 PC 7/26/22 ZPH 8/2/22 2nd R	Article 4: Use Regulations, Sec. 17-4.3 Accessory Uses and Structures	2022-071
Director of P & D	Amendment to parking standards	7/14/22 PC 9/20/22 ZPH 10/4/22 2nd R	Article 5, Development Standards, Sec. 17-5.2, Off-Street Parking, Bicycle Parking, and Loading	2022-091
Director of P & D	Amendment to non-conforming sites	10/13/22 PC 11/15/22 ZPH 12/6/22 2nd R	Article 5, Development Standards, Sec. 17-5.3, Landscaping	2022-109
City Council	Amendment to Principal Use Table & Definitions	11/10/22 PC 2/7/23 ZPH 2/21/23 2nd R	Article 4, Use Regulations, Section 17-4.2, Principal Uses, and Article 9, Definitions and Rules of Measurement, Section 17-9.4	2022-081
City Council	Amendment to D/DRC Review Commission	2/9/23 PC 3/21/2023 ZPH 4/4/23 2nd R	Article 2, Administration, Section 17-2.3(e)(2)(a)(3), Design Development Review Commission, Membership and Terms	2023-032
ZA	Amendment to update text	3/9/23 PC 4/18/23 ZPH 5/2/23 2nd R	Article 2: Administration, Sec. 17-2.5(e)(4)(12); Sec. 17-2.5(r)(2)(b); and, Article 3: Zoning Districts, Sec. 17-3.2(h)(3); Sec. 17-3.3(d)(3);and, Article 4: Use Regulations, Sec.	2023-048

ZONING TEXT AMENDMENT LOG

			17-4.2(b) Table 17-4.2(b)(4) Table (4); Sec. 17-4.2(c)(3)(f)(3)(i) and (vi); Sec. 17-4.2(c)(3)(g); Sec. 17-4.2(c)(5); Sec. 17- 4.2(c)(3)(c)(2)(iii);Sec. 17-4.2(c)(3)(c)(3)(ii); Sec. 17-4.2(c)(3)(f)(2)((iii, iv, and v); Sec. 17-4.3(b)(4); Table 17-4.3(b)(5); Sec. 17-4.3(d)(8); and, Article 5: Development Standards, Sec. 17-5.2(c)(2)(b); Sec. 17-5.2(d)(5); Sec. 17-5.8(d); Table 17-5.8(d)(3); Sec. 17-5.10(c)(7)(b)(2) and, Article 9: Definitions and Rules of Measurement, Sec. 17-9.2(b)(2); Sec. 17-9.3(a)(5)(f); Sec. 17-9.3(a)(5)(i)(5); and Sec. 17-9.4. Definitions	
ZA	Amendment to update text	5/11/23 PC 6/20/23 ZPH 7/18/23 2nd R	Article 2: Administration, Sec. 17-2.4, Standard Review procedures	2023-069
ZA	Amendment to Principal Uses	7/13/23 PC 8/15/23 ZPH 9/5/23 2nd R	Article 4: Use Regulations, Sec. 17-4.2 Principal Uses, d. Personal Service Uses	2023-096
ZA	Amendment to Principal Use Table	8/10/23 PC 9/19/23 ZPH 10/3/23 2nd R	Article 4: Use Regulations, Sec. 17-4.2 Principal Uses, (b), Principal Use table, (4), Principal Use Table for Base Zoning Districts	2023-113
Director of P & D	Amendment to update text	10/12/23 PC 10/17/23 ZPH 11/21/23 2nd R	Appendix C: Type 3 Landmarks; Table C: Type 3 Landmarks	2023-124
ZA	Amendment to Principal Use Table	1/13/24 PC 2/20/24 ZPH 3/19/24 2nd R	Article 4: Use Regulations, Sec. 17-4.2 Principal Uses, (b), Principal Use table, (4), Principal Use Table for Base Zoning Districts	2024-008
Director of P & D	Amendment to update text	5/9/24 PC 6/18/24 ZPH 7/16/24 2nd R	Appendix C: Type 3 Landmarks; Table C: Type 3 Landmarks	2024-046

ZONING TEXT AMENDMENT LOG

Director of P & D	Amendment to update text	5/9/24 PC 6/18/24 ZPH 7/16/24 2nd R	Appendix C: Type 3 Landmarks; Table C: Type 3 Landmarks	2024-047
ZA	Amendment to Principal Use Table	7/18/24 PC 9/03/24 ZPH 9/17/24 2nd R	Article 4: Use Regulations, Sec. 17-4.2 Principal Uses, (b), Principal Use table, (4), Principal Use Table for Base Zoning Districts	2024-069
Director of P & D	Amendment to update text	9/12/24 PC 9/17/24 ZPH 10/1/24 2nd R	Appendix C: Type 3 Landmarks; Table C: Type 3 Landmarks	2024-072
City Council	Amendment to update text	02/13/2025 PC 03/18/25 ZPH 04/01/25 2nd R	Article 3: Zoning Districts Sec. 17-3.7. Overlay Districts	2025-013