

## **ARTICLE 6 GENERAL PROVISIONS**

### **Section 6:1 Application**

The regulations set forth in this ordinance affect all land, every building, and every use of land and/or buildings and shall apply as follows:

#### **6:1.1 New Uses or Construction**

After the effective date of this ordinance any new construction or uses of land shall conform to the use and dimensional requirements for the district in which it is to be located.

#### **6:1.2 Open Space Requirements**

After the effective date of this ordinance no part of a yard, court, other open space, or off-street parking or loading space required for the purpose of complying with the provisions of this ordinance, shall be included as part of a yard, open space, or parking and loading space required for any other building.

#### **6:1.3 Reduction of Lot and Yard Area Prohibited**

No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established herein.

#### **6:1.4 Conforming Uses**

After the effective date of this ordinance, structures or the uses of land or structures which then conform to the regulations for the district in which such structures or uses are located may be continued provided that any structural alteration or change in use shall conform with the regulations herein specified.

#### **6:1.5 Nonconforming Uses**

After the effective date of this ordinance, structures or uses of land or structures which would be prohibited under the regulations for the district in which such structures or uses are located shall be considered as nonconforming. Nonconforming structures or uses may be continued provided they conform to the provisions contained in Article 6, Section 6:2.1 Nonconforming, single-family residential structures may be extended or enlarged provided they conform to the provisions contained in Article 6, Section 6:2.1.

### **6:1.6 Nonconforming Lots**

In any district in which single-family dwellings are permitted, if a lot of record at the effective date of adoption of this ordinance does not contain sufficient land area to permit a building to conform to the dimensional requirements of the ordinance, such lot may be used as a building site for a single-family residence provided that there is conformance to the minimum front and side yard requirements set forth in this ordinance for the district in which the residence is located; and further, that any permitted use serviced by a private septic tank system shall meet minimum County Health Department regulations.

### **6:1.7 Setback Measurements**

When a right-of-way has not been established or is not known, the setback shall be measured from the centerline of the existing road and each required setback shall be increased by a minimum of 25 feet. In the event an existing right-of-way exceeds 25 feet from the center of the road, the setback shall be measured from the right-of-way. Side and rear yard requirements in nonresidential districts may be waived where the yard in question adjoins a railroad line or siding.

### **6:2.1 Extension of Nonconforming Uses and Nonconforming Structures**

Nonconforming uses of land or structures existing at the time of adoption of this ordinance shall not hereafter be enlarged or extended in any way with the exception of nonconforming single-family residential structures. Nonconforming single-family residential structures may be enlarged or extended in any zoning district provided that the new additions conform to the setback requirements provided in the zoning district in which such structures or uses are located.

### **6:2.2 Change of Nonconforming Use**

Any nonconforming use may be changed to any conforming use, or with the approval of the Board of Zoning Appeals, to any use more in character with the uses permitted in the district. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.

### **6:2.3 Cessation of Nonconforming Uses**

When a nonconforming use of land ceases for a continuous period of 90 calendar days, subsequent use of the land shall conform to the regulations for the district in which the land is located.

#### **6:2.4 Cessation of Nonconforming Use of Structures**

When a nonconforming use of a structure is discontinued or abandoned for 90 calendar days, the use shall not be resumed; and the subsequent use shall conform to the regulations for the district in which the structure is located.

#### **6:2.5 Repair and Alteration of Nonconforming Uses**

Normal maintenance and repair of a building occupied by a nonconforming use is permitted provided no other provisions of this ordinance are violated.

#### **6:2.6 Damage or Destruction of Nonconforming Uses**

Any nonconforming structure of any structure containing a nonconforming use which has been damaged by fire or other causes may be reconstructed and used as before. The reconstruction should be done within six months of such damage unless such structure has been declared by the Zoning Administrator to have been damaged to an extent exceeding 80 percent of its value at the time of destruction. If the structure is damaged to a degree greater than 80 percent, future use of the structure or site must be in conformance with the zoning district regulations for the area.

#### **6:2.7 Temporary Nonconforming Uses of Land**

Temporary nonconforming uses of land for carnivals and similar uses may be permitted according to the provisions of Article 8, Section 8:3.3.

#### **Section 6:3 Relationship of Buildings to Lots**

There shall be not more than one principal building and its accessory buildings on one lot except group residential and commercial development.

#### **Section 6:4 Public Access to Property**

Every building hereafter erected or moved shall be located on a lot adjacent to and have access to a public street, highway, road, or other public way.

#### **Section 6:5 Projections into Public Streets and Street Rights-of-Way**

No commercial signs or other structures shall project beyond any right-of-way line of any street except as provided for by Section 6:11.2-9. No shrubbery shall project into any public street right-of-way.

## **Section 6:6 Parking and Storage of Certain Vehicles**

### **6:6.1 Vehicles Without Current License Plates**

Automobiles, trucks, or trailers of any kind or type without current license plates shall not be parked or stored on any lot zoned for residential use other than in completely enclosed buildings.

### **6:6.2 Travel or Camping Trailers**

Not more than one travel or camping travel trailer per family living on the premises shall be permitted on a lot in any residential district. The trailer shall not be occupied temporarily or permanently while it is parked or stored except in an authorized mobile home park.

### **6:6.3 Commercial Vehicles**

None of the following motor vehicles shall be permitted to be kept in a residential district:

- A. Commercial motor vehicle(s) with over 4 wheels which are used primarily for business and industry. These vehicles shall include, but not be limited to, semis and/or semi trailers or cabs or dump trucks;
- B. Motor vehicle(s) of any size or weight used for transportation of any hazardous materials or used for hauling explosives, gasoline or other hazardous-materials as defined by the Hazardous Transportation Act of 49 US Code Section 5101 through 5127;
- C. Commercial motor vehicle(s) of any size or weight used primarily for the transportation of construction equipment or construction materials with or without an attached trailer;
- D. Construction equipment including, but not limited to bulldozers, bobcats, trenchers or cement finishers;
- E. Motor vehicle(s) which exceed or equal a Gross Vehicle Weight Rating (GVWR) of 15,001 pounds. Gross Vehicle Weight Rating (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle. Nothing in this section shall prohibit those vehicles specifically authorized in Section 6:6.2.

## **Section 6:7 Height**

The following provisions qualify and supplement the specific height regulations set forth in Article 5, Section 5:5.3..

### **6:7.1 Public and Semipublic Buildings**

Hospitals, schools, churches, and other public and semipublic buildings may exceed the height limitations of the district, if the minimum depth of rear yards and the minimum width of side yards required in the district regulations are increased 1 foot for each 2 feet by which the height of such public or semipublic building exceeds the prescribed height limit.

### **6:7.2 Other Structures**

Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may exceed the district height limit.

### **6:8 Visibility at Intersections**

On any corner lot on which a front and side yard is required, nothing shall be erected, placed, planted, or allowed to grow which obstructs vision between a height of 30 inches and 9 feet measured vertically from the street level within a sight triangle as defined below.

The site triangle shall be the area on each side of an intersection created by the intersection of two streets or a driveway and a street. The area created by a line connecting points measured back a distance indicated below from the intersection of the curb or edge of pavement of the two streets and/ or driveway. **(See Exhibit 1)**

### **6:9 Off-Street Parking Requirements**

There shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one type of use of occupancy to another, permanent off-street parking space in the amount specified by this section. Such parking space may be provided in a parking garage or properly graded and improved open space.

#### **6:9.1 Certification of Minimum Parking Requirements**

Each application for a zoning certificate or certificate of occupancy submitted to the Zoning Administrator, as provided for in Article 8, Section 8:2, shall include a plan showing the required space reserved for off-street parking and loading space and the means of ingress and egress to such space. This information shall be sufficient to enable the Zoning Administrator to determine whether or not the requirements of this section are met.

### 6:9.2 Combination of Required Parking Space

The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to none use may not be assigned to another use except that one-half of the parking space required for churches, theaters, or other uses whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

### 6:9.3 Remote Parking Space

If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the principal use.

### 6:9.4 Design of Parking Area

All off-street parking shall be designed so that vehicles can turn around within the area and enter the street, road, or highway in such a manner as to completely eliminate the necessity of backing into the street, road, or highway.

### 6:9.5 Size of Off-Street Parking Space (See Attached Diagram- Exhibit 2)

Angle of Parking	Minimum Width of Stall	Length Depth of Width	Driveway Car	Curb Per
0	9'	23'-0"	12'	23'-0"
30	9'	17'-4"	11'	18'-0"
45	9'	19'-10"	13'	12'9"
60	9'	21'-0"	18'	10'-5"
90	9'	18'-0"	24'	9'-0"

Minimum driveway widths shall be maintained to the point of intersection with the adjoining public or private right-of-way.

At least one fire access lane must be provided and approved by the fire marshal.

In 90 degree parking stalls, the depth of the stall may be reduced to 18' where a grassed or landscaped median, with a minimum 2' width per row of parking stalls, has been provided for automobile overhand. Wheel-stops or curbing shall be provided to protect and delineate the median from the parking stalls.

### 6:9.6 Minimum Parking Requirements

Wherever off-street parking is required in district regulations the following minimum spaces shall be provided on the same lot with the principal use, except as provided in Section 6:9.3. A developer should evaluate his own needs and, if they are greater than the minimum, provide the necessary space.

<b>Use</b>	<b>Required Off-Street Parking</b>
Apartment, townhouse, row house and unit multiple-family dwelling	Two spaces for each dwelling
Auditorium and theatre	One space for each four-spectator seats
Automatic teller machine (freestanding)	Three spaces per teller machine; requirement waived if sited where parking already exists
Automobile repair facility	Two spaces per service bay, not including the service bay itself, plus one space per employee at the largest shift
Automobile service station	One space for each car stored plus one space for each employee
Automobile wash	Fifteen spaces per wash unit for full-service wash; five spaces per wash bay for self-service wash
Bank	One space for each 200 square feet of gross floor space plus one space for each two employees
Bus terminal	One space for each four seats in the waiting room plus one space for each two employees

Child care center	One space for each adult attendant plus two off-street spaces for loading and unloading
Church	One space for each four seats in the sanctuary
Commercial recreation - indoor square not listed elsewhere	One space for each 180 feet of floor or ground area or one space for each four seats available to patrons, whichever is needed
Bowling alley	Two spaces for each bowling lane plus the requirement for a restaurant facility, if present
Gymnasium	One space for every 200 square feet of floor area
Health club/fitness center	One space for every 100 square feet of floor area excluding game courts plus three spaces for each game court
Skating rink	One space for every 200 square feet of floor area
Commercial recreation - outdoor square not listed elsewhere	One space for each 180 feet of floor or ground area or one space for each four seats available to patrons, whichever is needed
Miniature golf	One space for each hole plus one space for every 100 square feet of game room plus one space for each employee at the largest shift
Swimming pool	One space for every 100 square feet of water surface area

Continuing care retirement center	One space per employee on the largest shift; one space per residential dwelling unit; and one space per five nursing beds
Driving range	One space for each driving tee
Drive-in facility	Five spaces for each 100 square feet of floor space, plus one space for each two employees during the period of greatest employment
Elementary school	One space for each vehicle owned or operated by the school plus two spaces for each faculty member and administrative office
Fire station	One space for each employee and one space for each three volunteer personnel on a normal shift
Funeral home	One space for each four seats in the chapel or parlor plus one space for each employee
Golf course	Four spaces for each green plus requirements for any other associated use
Group care home	One space per resident care provider; one space per three beds
Home occupation	In addition to residence requirements, one space for each 100 square feet of floor space devoted to the home occupation use
Hospital	One space per bed plus one for every three employees on largest shift plus one space for each doctor on largest shift

Hotel, motel, or motor court	One space for each room to be rented plus one additional parking space for each three employees plus requirements for any other use associated with the establishment
Industrial manufacturing and wholesale uses	One space for each two employees on the largest shift, one space for each member of the managerial or office staff, one visitor parking space for each ten persons on the managerial staff, and one space for each vehicle used directly in the conduct of the business
Junior high school	One space for each vehicle owned or operated by the school plus three spaces for each faculty member plus one space for each five seats in the auditorium or gymnasium
Library	One space for each 250 square feet of gross floor space
Lodging Houses & Boarding Houses	Two spaces for the main dwelling unit, plus one additional space for each bedroom rented
Manufactured home park	Two spaces for each manufactured home
Nursery/greenhouse	One space for every 300 square feet of floor area used for sales plus one space for each employee at the largest shift plus one space per vehicle used for the business
Nursing care facility	One space for each five beds intended for patient use plus one space for each employee on the largest shift

Office and professional building	Six spaces per 1000 square feet of leasable floor area.
Office, medical or dental	One space for each employee plus one space for each examining room
Oil change shop	Two spaces per establishment plus two spaces per service bay not including the service bay itself
Public or private club	One space for each 200 square feet of gross floor space
Public utility building	One space for each employee
Restaurant, freestanding	One space for each three seats plus one space for each two employees  With dance floor area, shall provide additional parking spaces based upon one space for 35 square feet of dance floor  With sale and/or consumption of alcoholic beverages, one parking space for every 150 square feet of gross floor space
Retail store, freestanding	One space for each 200 square feet of floor area used for sales plus one space for each two employees
Sales and service establishments,	One parking space for each 200 square feet of floor area available to customers plus one space for each two employees
Senior high school	One space for each vehicle owned or operated by the school plus seven spaces for each faculty member plus one space for administrative office

Single- or two-family dwelling	Two spaces on the same lot for each dwelling unit
Shopping center	
Less than 20,000 square feet	6 spaces per 1000 square feet of leasable floor area
20,000 to 59,999 square feet	5.5 spaces per 1000 square feet of leasable floor area
60,000 to 199,999 square feet	5 spaces per 1000 square feet of leasable floor area
200,000 to 499,999 square feet	4.5 spaces per 1000 square feet of leasable floor area
500,000+ square feet	4 spaces per 1000 square feet of leasable floor area
Stadium	One space for each four-spectator seats
Warehouses	One space for each 1,000 square feet of gross floor area or one space per 3 employees, whichever is greater

### **6:9.7 Additional Requirements for the Physically Disabled and/or Handicapped**

As required by the latest edition of the International Building Code and subsequent adopted amendments.

## **Parking Landscaping**

### **6:9.8 Intent and Purpose of Division**

- A. The city recognizes that the preservation and maintenance of existing trees and the planting and growing of new trees and plant material improves the air quality of the community, improves the appearance of the city and reinforces the civic pride that both business people and residents of the city share.
- B. The city recognizes that patterns of growth, development and urbanization of the past have resulted in a loss to the city's natural tree cover to detriment to the microclimate, air quality, appearance and perception of the city.
- C. By requiring new development and redevelopment to install and retain, preserve and/or replace trees and other plant materials, the city has established standards for growth and development, which will maintain and improve the city's appearance.
- D. It is the intent of this division to provide for the visual and functional separation of adjacent land uses with plant material and other screening in order to:
  - (1) Aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge and storm water runoff retardation, while aiding in noise, glare and heat abatement.
  - (2) Encourage the preservation of existing trees and vegetation.
  - (3) Provide visual buffering and enhance the beautification of the city.
  - (4) Safeguard and enhance property values and protect public and private investment.
  - (5) Preserve, protect and restore the unique identity and environment of the city.

### **6:9.9 Plan Submittal Requirements**

- A. Landscaping plan required contents: Prior to the issuance of an occupancy permit, for any development, a specific landscape plan, at a scale of not less than one inch equals 50 feet, shall be submitted to the building and zoning division for approval and shall contain existing and proposed landscaping, including:
  - The location, botanical name and common name, size in diameter one-half foot above grade and height of new trees to be planted, which must comply with this code.

- The location, botanical name and common name, size in diameter 4½ feet above grade and estimated height of existing trees which are to be maintained or preserved for credit as per the requirements of this code.
  - The location and dimensions of parking lots buffer areas and other planting areas.
  - The size, botanical name and common name and spacing of plant materials.
  - The location and design of any fence, wall or earthen berm indicating size, dimensions and materials.
  - The location and description of any barriers required to be erected to protect any existing vegetation from damage as required in section 6:9.15.
  - Provisions for watering and other long-term maintenance to assure serviceability soil stabilization and plant protection.
- B. Bond or other surety. If at the time of a request for a final certificate of occupancy the required landscaping is not in place and it can be determined by the city that because of the unavailability of plant material or that the requiring completion of the landscaping at the time of such request would jeopardize the health of plant materials or that weather conditions prohibit the completion of planting, the developer/owner, in order to secure a final certificate of occupancy, shall provide a bond, letter of credit or other surety in the amount of 125 percent of the estimated cost of the proposed landscape installation, binding for one year and three months from the date of application for the certificate of occupancy, to be approved by the city as an acceptable surety for completion of the landscape work. Such contract shall specify that the work shall be completed before or during the year immediately following the date of application for a certificate of occupancy. Change of ownership prior to or during the bonded one year and three months' landscape installation period shall not extend or annul the scheduled installation date. The original developer/owner shall be held responsible for notifying any new owner of the existing required landscape installation date.

#### **6:9.10 Alternative parking surfaces**

Up to 25% of the required parking areas for office and commercial buildings over 60,000 square feet may be constructed using grass over supporting plastic or concrete grids to help reduce the amount of impervious surface on the site. The alternative parking surface should be installed according to the manufacturer's installation instructions.

For office and commercial buildings over 60,000 square feet, parking provided in excess of 110% of the minimum requirements of this section shall be constructed using grass over supporting plastic or concrete grids.

## **6:9.11 Landscaping of Parking Area**

### Roadside Buffers

All new off-street parking lots regardless of size located adjacent to existing public right(s)-of-way shall establish roadside buffers. Roadside buffers shall be located outside of the rights-of-way of existing roads and shall be located outside the future rights-of-way of all GRATS, SPATS and SIB.

A. The minimum roadside buffer width shall have an average planting width of eight (8) feet with the minimum width for any buffer yard being (5) feet. Buffers shall contain the following plant materials:

An average of one (1) tree for every sixty (60) feet of linear road frontage. Trees shall be spaced so that there is a minimum of one (1) tree for every two hundred (200) linear feet of road frontage. Shrubs spaced to provide a continuous evergreen screen within three (3) years of installation.

B. Within the buffer yard, fences, walls, earthen berms or any combination thereof may be used to meet the requirements of this section so long as they are a minimum of thirty (30) inches in height and provide a continuous opaque visual screen. Berms shall have a side slope no greater than 2:1.

C. Where existing overhead power utility lines preclude sufficient space for a shade tree to grow then two (2) small trees shall be substituted for each required shade tree.

### Interior Plantings

In addition to all other landscaping requirements, all new off-street parking lots with sixty (60) or more spaces shall provide and maintain landscaped planting areas within the interior of, and adjacent to, the parking lot:

- A. Interior planting islands shall have a minimum planting area of eight (8) feet wide by eighteen (18) feet long.
- B. In addition to the required trees and shrubs interior-planting areas shall be grassed or covered with mulch.
- C. All planting areas shall be protected from vehicular intrusion by the installation of curbing, wheel stops.
- D. Each landscaped planting area shall contain trees and shrubs at the rates listed below rounded upward to the next whole number:
  - One (1) tree for every fifteen (15) spaces
  - One (1) shrub for every five (5) parking spaces

- E. Interior planting areas shall be designed within or adjacent to the parking area(s) as:
  - Islands, located at the end of parking bays;
  - Islands, located between parallel rows of cars;
  - Driveway medians, a minimum of eight (8) feet in width;
  - Intermediate islands; or
  - A combination of the above
- F. Trees and shrubs must be planted within twenty (20) feet of the parking area to satisfy the interior planting requirements.
- G. The design size and shape of the interior planting areas shall be at the discretion of the owner; however, no parking space shall be:
  - Located farther than ninety (90) feet from the trunk of a shade tree;
  - Separated from a shade tree by a building or other structure.
- H. Parking structures are excluded from interior landscape areas.

Planting Material Specifications

- A. A minimum of 75% of trees planted to meet this requirement shall be large shade trees (unless precluded by utilities.)
- B. Large shade trees shall have a minimum planting size of two- (2) inches caliper.
- C. Small trees and multi-stem trees shall have a minimum planting height of six (6) feet tall.
- D. Evergreen shrubs shall have a minimum installed height of twelve (12) inches and a minimum height of thirty (30) inches within three (3) years of installation. All shrubs inside the site triangle at points of ingress and egress shall not exceed thirty-six (36) inches in height.

Existing Trees

It is encouraged to use existing trees to meet the requirements of this section. If existing trees are preserved to meet the roadside buffer or interior planting requirements then a reduction in the new planting requirements will be given. Existing trees will be credited towards meeting the requirements of this section as follows:

One tree (2 - 6 inches diameter at breast height)	= 1 planted trees
One tree (6 - 10 inches diameter at breast height)	= 2 planted trees
One tree (10 - 15 inches diameter at breast height)	= 3 planted trees
One tree (15> inches diameter at breast height)	= 4 planted trees

## Protection of Existing Trees

Any trees preserved on a development tract to receive credit shall meet the following protection standards. A root protection zone shall be established around all trees to be preserved. The root protection zone shall be clearly shown on all grading and site plans.

- A. **Root Protection Zone** - The land area around the base of a tree in which disturbances are prohibited in order to protect the roots of the tree and aid the tree's survival. The root protection zone shall be equal to one (1) foot radius for every inch of tree diameter measured at a point four and one-half (4½) feet above ground. Root protection zone measurements shall be rounded off to the nearest foot
- B. **Protective Barrier** - A protective barrier shall be installed at the start of grading, and be located at the outer edge of the root protection zone. Protective barriers shall be posted as a "Tree Save Area". This procedure shall be incorporated as a note on the grading and erosion control plans. Protective barriers shall be constructed of a material resistant to degradation by sun, wind, and moisture and shall remain in place until all construction is complete.
- C. No storage of materials, dumping of waste materials, fill, or parking of equipment shall be allowed within the root protection zone and no trespassing shall be allowed within the boundary of the root protection zone. Utility easements and borings are permitted.

### **6:9.12 Landscaping for Preexisting Parking Lots**

- A. *Purpose and intent of section.* The city recognizes the need to include minimum landscaping requirements for preexisting parking lots in this article. The city also recognizes that failing to bring nonconforming parking lots into conformance with this article not only jeopardizes the physical revitalization of the city, but also fails to equally provide the environmental benefits, associated with living trees, to all regions of the city. The practical effect of this section is to bring these preexisting areas into conformity with the regulations for the installation of trees and other plant materials for new development.
- B. *Preferred design standards.* Although not required by this section, the preferred design of buffers and/or other planting areas for preexisting parking lot areas would be to install the required minimum number of trees and other plant materials, spaced evenly, in a buffer between the vehicular surface area and the public right-of-way. The plant materials used in the buffer yards should be designed to assure visibility and safety of pedestrians on the public street, as well as those within the parking lot.

C. *Application of section.* Any preexisting parking lot area to which an expansion or addition is made shall be landscaped to meet the buffer yard and interior planting requirements of this section.

D. *Landscape requirements.*

- (1) In order to achieve the desired results of this section, the minimum number of off-street parking spaces, previously required by the City Code, may be reduced by a maximum of 25 percent. No reduction in the required number of parking spaces shall occur without the prior approval of the zoning administrator, who shall first determine if the proposed reductions would cause or increase on-street parking congestion.
- (2) Expansions or additions to existing parking lots shall be subject to:
  - a. Preexisting parking lots that occupy a corner lot, to which any expansions and/or additions are made and preexisting parking lots, to which expansions or additions of more than 25 percent are made, shall meet 100 percent of the buffer yard landscaping requirements for new development.
  - b. All other preexisting parking lots, to which expansions or additions of 25 percent or less are made, shall be subject to 50 percent of the buffer yard landscaping requirements for new development.
- (3) Landscaped planting areas.
  - a. All preexisting parking lots shall be required to provide and maintain landscaped planting areas within the interior of, and/or adjacent to, all portions of the parking lot. Each landscaped planting area shall contain a minimum area adequate to accommodate the most growth of the plant material used.
  - b. Existing planting areas containing a minimum of 112 square feet, and existing trees, with a minimum caliper of one inch measured at a 4 ½ feet above grade, may be used to meet the requirements provided that should these existing trees become diseased, unhealthy or die, they shall be replaced within one year with approved shade trees.

- c. All areas used for required buffer yards shall be located on the property. In unusual or extraordinary circumstances as determined by the zoning administrator, public property or public-right-of-way may be used to meet the requirements of this section, provided the property owner obtains permission from the city public works department and/or SCDOT. Maintenance remains the responsibility of the private property owner.
- (4) Interior planting areas shall be designed within or adjacent to the parking area as:
- a. Islands, located at the end of parking bays;
  - b. Islands, located between parallel rows of cars, used to visually separate parking areas;
  - c. Part of a continuous street yard planting;
  - d. Driveway medians, which shall have a minimum width of four feet for medians with shrubs, six feet for medians with shrubs and intermediate trees and nine feet for medians with major deciduous or evergreen trees;
  - e. Foundation plantings; or
  - f. A combination of the items set forth in subsection (4) a-e.
- (5) Each interior planting area shall contain locally adapted trees and shrubs at the following rates:
- a. Trees shall be required at the minimum rate of one shade tree for every 4,000 square feet, or portion thereof, of total preexisting parking lot.
  - b. Shrubs shall be required at the minimum rate of one shrub per 1,000 square feet, or a portion thereof, of total preexisting parking lot.
- (6) All planting areas shall be protected from vehicle damage by the installation of curbing, wheel stops, extra width in the buffer area or other method approved by the zoning administrator.

- (7) Shrubs in buffer yards shall be no less than 18 inches in height when installed and shall attain a minimum height of 30 inches, as measured from either the adjacent right-of-way or the paved parking lot, whichever is higher in elevation. No more than 25 percent of the required shrubs may be deciduous.
- (8) Earthen berms may also be incorporated into the design of any required planting area. Any berm installed shall have a minimum side slope of no greater than two to one. Berms shall be planted with locally adapted species of shrubs, ground covers and/or other plant materials. However, shrubs planted on berms may have a lesser height, provided that the combined height of the berm and the plantings after three years is at least 30 inches high.

### **6:9.13 Landscaping for Loading, Outdoor Storage and Utility Service**

- A. *In general.* All loading, outdoor storage and utility service areas, established after the adoption of the ordinance from which this section is derived and not screened by an intervening building or other screening shall be screened from view from any public street rights-of-way for their entire length, except for necessary access. The plant materials used for the screening of these facilities should be designed to assure visibility and safety of pedestrians on the public street, as well as those within the parking lot. The required screening in this section is in addition to any other screening required by this article.
- B. *Loading areas,* including garbage dumpsters and material storage areas. Screening for loading areas may be accomplished by either:
  - (1) A solid (opaque) fence or wall which is at least six feet high and is made of the same or compatible material as the material of the principal building. Additional plant materials shall be provided so that no more than two-thirds of the surface area of the fence or wall is visible from the street within three years of erection of the structure; or
  - (2) Evergreen plant material which can be expected to reach a minimum height of six feet within three years of planting. Any plant materials used to fulfill these requirements shall be a minimum of three feet in height when planted, and be spaced at intervals that guarantee complete visual screening within five years.
- C. *Outdoor storage area.* Screening for outdoor storage may be accomplished with the use of plant material, solid (opaque) fences, walls or earthen berms or any combination thereof. Screening shall be in accordance with SCDOT sight triangle requirements and/or those requirements in other sections of this chapter, to ensure public safety at all drive entrances and exits.

- (1) Screening shall be exclusive of driveways and sight triangles use for safe automobile ingress and egress.
- (2) When fences and walls are used, they shall be of the same or compatible material as the material of the principal building. Additional planting materials shall be provided so that no more than two-thirds of the surface area of the fence or wall is visible from the street within three years of erection of the structure. Twenty-five percent of this plant material may be deciduous.
- (3) Any berms installed shall have a side slope of no greater than two to one, and shall be planted and covered with live vegetation
- (4) All shrubs installed to satisfy the requirements of this section shall be locally adapted species expected to reach a minimum height of six feet within three years of planting. All shrubs shall be a minimum height of six feet within three years of planting. All shrubs shall be a minimum of 18 inches when planted. Vegetation planted on berms may have a reduced minimum mature height, provided that the combined height of the berm and the plantings shall be a minimum of six feet in height after three years. Twenty-five percent of all shrubs may be deciduous.
- (5) Screening for utility service areas may be accomplished by locally adapted evergreen plant materials, fences, walls or a combination thereof.
- (6) Plant materials shall be a minimum of 18 inches in height when planted and are expected to reach a minimum height of six feet within five years.

**6:9.14 Special Conditions with the Central Business District properties zoned C-1**

- A. The city recognizes when a building is removed and is not replaced in the central business district, creating a gap in the urban form established by a row of buildings, it is desirable to establish a buffer yard that screens the vacant property from the adjoining public right-of-way. Sight triangles must conform to applicable SCDOT or zoning.

B. Buffer Yards

1. The minimum average width for any buffer yard shall be four feet measured at ten-foot intervals along the property lines, and the minimum width for any buffer yard shall be two feet when necessary. The buffer yard shall be protected from vehicular intrusion by the installation of curbing, wheel stops, extra width in the buffer yard or other method approved by the zoning administrator. When a wall, fence or similar materials is used in lieu of landscaping, no buffer yard is required.
2. All areas used for required buffer yards shall be located on the property. In unusual or extraordinary circumstances as determined by the zoning administrator, public property or the public right-of-way may be used to meet the requirements of this section, provided the property owner obtains permission from the city public services department and/or SCDOT. Maintenance remains the responsibility of the private property owner.

C. The owner may use evergreen plant materials, fences, walls, earthen berms or any combination thereof to meet the requirements of this section, so long as all the minimum criteria are met.

D. Evergreen plant materials shall be no less than 18 inches when installed and shall, within three years, attain a minimum height of 30 inches. Plant materials shall be spaced so as to form a continuous visual screen within three years.

E. All required screening shall form a continuous visual screen with the exception of driveways and required sight clearances. However, other plant materials, maintained at 30 inches or less and/or trees with a minimum six-foot clearance, shall be allowed provided the installation meets all state, and/or federal highway sight distance standards.

F. Fences and Walls.

1. Solid (opaque) fences and walls shall be no less than 3 ½ feet in height when installed and form a continuous visual screen.
2. Fences and walls used to meet the requirements of this section shall be constructed of:
  - a. Brick;
  - b. Textured concrete masonry units;

- c. Stuccoed block;
- d. Treated wood or rot resistant wood, such as cypress or redwood; or
- e. A combination of the items set forth in subsection (2) a-e.

Other materials may be approved upon review by the building and zoning division.

- 3. For solid (opaque) walls and fences, planting materials a minimum of six inches in height (one-gallon size) when installed shall be provided so that no more than two-thirds of the surface area of the fence or wall is visible from the street within three years of erection of the structure. Forty percent of this plant material may be deciduous.
- G. All landscape planting areas shall be stabilized with ground covers, mulches or other approved materials to prevent soil erosion and allow rainwater infiltration and shall be maintained for the duration of the premises.
  - H. Vacant lots created by the removal of a building will be required to include the planting or preservation of trees within the buffer yard area between the vacant lot and the public right-of-way.
  - I. Trees shall be planted in the buffer yard in the following quantities:
    - 1. For any major deciduous tree, one tree per 50 linear feet, or portion thereof;
    - 2. For any intermediate deciduous tree, one tree per 40 linear feet, or portion thereof;
    - 3. For any understory deciduous tree, one tree per 20 linear feet, or portion thereof;
    - 4. For any major evergreen tree, one tree per 40 linear feet, or portion thereof;
    - 5. For any minor evergreen tree, one tree per 20 linear feet, or portion thereof;

- J. In the event of adverse physiographic conditions, or extreme topographical differences which would, in effect, render the buffer less than adequate, then the location and quantities of the plant materials shall be altered to meet the intent of this article.

#### **6:9.15 Exceptions**

- A. Any lot used for the express purpose of automobile sales and storage is exempt from the landscaping requirements for interior plantings.  
B. Parking Structures (multi-level)

#### **6:9.16 Owner Responsibilities and Maintenance**

The owner, his successors, or assigns, are responsible for maintaining all required plant material in good health. Any planted trees which die or become unhealthy and used to meet the provisions of this section must be replaced within one year with vegetation which conforms to the initial planting standards of section 6:9.11.

#### **6:9.17 Suggested Plant Material List**

This list is not intended to be all-inclusive, but does include common trees and shrubs suitable for use in this region. Professional expertise should be sought to determine the appropriate plant materials for any particular site, when considering individual site, soil, moisture, and microclimate conditions.

**Shade Trees:** Baldcypress, Taxodium distichum Chinese Elm, Ulmus parvifolia Cryptomeria, Cryptomeria japonica Dawn Redwood, Metasequoia Deodar Cedar, Cedrus deodara Japanese Zelkova, Zelkova serrata Japanese Pagoda, Sophora japonica Littleleaf Linden, Tilia cordata Laurel Oak, Quercus laurifolia Red Maple, Acer rubrum River Birch, Betula nigra Schumard Oak, Quercus schumardi Southern Magnolia, Magnolia grandiflora Water Oak, Quercus nigra White Ash, Fraxinus americana White Oak, Quercus alba Willow Oak, Quercus phellos

**Small Trees:** Carolina Silverbell, Halesia carolina Kwanzan Cherry, Prunus serrucata Crape-Myrtle, Lagerstroemia indica Flowering Dogwood, Cornus florida Kousa Dogwood, Cornus kousa GoldenRaintree, Koelreuteria paniculata Japanese Maple, Acer palmatum Amur Maple, Acer ginnala Pissard Plum, Prunus cerasifera Eastern Redbud, Cercis Canadensis Saucer Magnolia, Magnolia soulangiana Serviceberry, Amelanchier arborea American Holly, Ilex opaca Yoshino Cherry, Prunus yedoensis

**Evergreen Shrubs:** Azalea, Azalea obtusum Harland Boxwood, Boxus harlandii Dwarf Boxwood, Boxus sempervirens Dwarf Yaupon Holly, Ilex vomitoria Dwarf Buford Holly, Ilex cornuta Dwarf Nandina, Nandina domestica Carissa Holly, Llex cornuta Inkberry Holly, Ilex glabra Japanese Holly, Ilex crenata Otto Laurel, Prunus laurocerasus Parsons Juniper, Juniperus davurica Tamarix Juniper, Juniperus sabina Schipka Laurel, Prunus laurocerasus Curlyleaf Ligustrum, Ligustrum japoninca India Hawthorn, Raphiolepis indica

**6:9.15 Variances**

The Board of Zoning Appeals pursuant to site hardships may grant a variance. Adequate engineering, landscaping, and arborist plans and specifications are required.

**Section 6:10 Off-Street Loading Requirements**

**6:10.1 Requirements for Industrial and Wholesale Buildings**

Every industrial and wholesale building hereafter erected shall provide space as indicated herein for loading and unloading of vehicles. The number of off-street loading berths required by this section shall be considered as the absolute minimum, and the developer shall evaluate his own needs to determine if they are greater than the minimum specified by this section. For purposes of this section, an off-street loading berth shall have minimum plan dimensions of 12 feet by 60 feet and 14 feet overhead clearance with adequate means for ingress and egress.

<b>Square Feet of Gross Floor Area in Structure</b>	<b>Number of Berths</b>
0 - 25,000	1
25,000 - 40,000	2
40,000 -100,000	3
100,000 -160,000	4
160,000 -240,000	5
240,000 -320,000	6
320,000 -400,000	7
Each 90,000 above 400,000	1

**6:10.2 Design of Loading Spaces**

All retail uses and office buildings with a total floor area of 20,000 square feet shall have one off-street loading berth for each 20,000 square feet.

## **Section 6:11 Communication Towers**

### **6:11.1 Height**

Freestanding communication towers shall have a maximum height of 300 feet. For communication towers on buildings, the maximum height shall be 20 feet above the roofline of buildings less than 50 feet in height, and 40 feet above the roofline of buildings 50 feet in height or greater.

### **6:11.2 Spacing**

No communication tower shall be closer than 2500 feet from an existing or approved communication tower.

### **6:11.3 Sharing Towers**

Applicants proposing communication towers shall first consider sharing existing towers. The Zoning Administrator, upon proper written proof by the applicant, may grant a waiver of this requirement if:

- (a) The FCC will not permit sharing of a specific tower; or
- (b) shared equipment would be incompatible, in that signals from each would cause interference with the others; or
- (c) the owner of a tower will not permit his tower to be shared; or
- (d) use of a particular tower will not provide coverage of the proposed service area.

### **6:11.4 Landscaping**

Landscaping shall be required as follows:

- (a) Around the base of the communication tower, outside of the security fence, at least one row of evergreen shrubs capable of forming a continuous hedge at least 6 feet in height shall be provided, with individual plants spaced not more than 4 feet apart. In addition, at least 1 row of evergreen trees with a minimum caliper of 1-3/4 inches at the time of planting and spaced not more than 25 feet apart shall be provided within 50 feet of the perimeter security fence.
- (b) The landscaping requirements may be waived in whole or in part by the Zoning Administrator if it is determined that existing natural vegetation provides adequate screening or if the Zoning Administrator determines that the landscaping requirements are not feasible due to physical constraints or characteristics of the site on which the communication tower is to be located.

- (c) All required landscaping shall be installed according to established planting procedures using good quality plant materials.
- (d) A Certificate of Occupancy shall not be issued until the required landscaping is completed in accordance with the approved Landscape Plan and verified by an on-site inspection by the Zoning Administrator or the Zoning Administrator's designee, unless such landscaping has been waived in an accordance with (b), above. A temporary Certificate of Occupancy may, however, be issued prior to completion of the required landscaping if the owner or developer provides to the City a form of surety satisfactory to the City Attorney and in an amount equal to the remaining plant materials, related materials, and installation costs as agreed upon by the Zoning Administrator or the Zoning Administrator's designee and the owner or developer.
- (e) All required landscaping must be installed and approved by the first planting season following issuance of the temporary Certificate of Occupancy or the surety bond will be forfeited to the City of Greer.
- (f) The owners and their agents shall be responsible for providing, protecting, and maintaining all landscaping in healthy and growing condition, replacing unhealthy or dead plant materials within one year or by the next planting season, whichever first occurs. Replacement materials shall conform to the original intent of the Landscape Plan.
- (g) Eight-foot high fencing shall be provided around the communication tower and any associated building.

### **6:11.5 Illumination**

All communication towers located within the first 12,000 feet of the approach surface of an existing or proposed runway, or within the horizontal surface associated with such runway(s) as described in Title 14 of the Code of Federal Regulations, Federal Aviation Regulation (FAR) Part 77 as amended, "Objects Affecting Navigable Airspace," shall be lighted. Otherwise, communication towers shall be lighted in accordance with Federal Aviation Administration (FAA) Advisory Circular 70/7460-1, "Obstruction Marking and Lighting," as amended from time-to-time. All communication towers shall be illuminated by strobe lights during daylight and twilight hours and red lights during nighttime hours.

### **6:11.6 Signs**

A single sign for the purpose of emergency identification shall be permitted. The permitted sign shall not exceed two square feet in area and shall be attached to the fence surrounding the tower. Under no circumstance shall any signs for purposes of commercial advertisement be permitted.

### **6:11.7 Access to Site**

Each parcel on which a communication tower is located must have access to a public road 20 feet in width.

### **6:11.8 General Requirements**

Communication towers, in addition to the requirements set forth above, must also comply with the following requirements:

- (a) A statement shall be submitted from a registered engineer that the NIER (Non-ionizing Electromagnetic Radiation) emitted therefore does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards by an regulatory agency of the United States Government or the American National Standards Institute. For roof mounted communication towers, the statement regarding the NIER shall address spaces which are capable of being occupied within the structure on which the communication tower is mounted.
- (b) Communication towers and their foundations shall meet the requirements of the Standard Building Code for wind and seismic loads. Drawings and calculations shall be prepared and sealed by a South Carolina Registered Professional Engineer and shall be submitted with the building permit application.
- (c) All communications towers and supporting facilities shall be subject to periodic reinspection(s) by the Building Codes Department. If any additions, changes, or modifications are proposed to the site or its components, proper plans, specifications, and calculations shall be submitted for permit approval to the Building Codes Department. Prototypical drawings indicating various types of antenna(s) to be located on the communication tower may be submitted at the time of the appropriate permit application. Additional antennas may be added to the communication tower without additional permits or inspections so long as electrical wiring is not required.
- (d) Unless otherwise required by the F.C.C. or the F.A.A., communication towers shall be light grey in color.

- (e) Satisfactory evidence shall be submitted, with the building permit application for a freestanding communication tower, that alternative towers, buildings, or other structures do not exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, or provide a location free of interference for AM towers.
  
- (f) With the exception of towers constructed for aeronautical purposes, communication towers may not penetrate any imaginary surface, as described in FAR Part 77, associated with existing or proposed runways at a publicly owned airport. Prior to issuance of a building permit, applicant's shall provide documentation that the proposed communication tower has been reviewed by the FAA, if so required and that a finding of no hazard to air navigation has been determined. Copies of the plans shall also be provided for comment to the Greenville-Spartanburg International Airport. If the Airport has an objection to the proposed tower, an Advisory Conference composed of Airport officials, City officials and representatives of the communications company(ies) shall be convened. The results and findings of such conference shall be presented to the City Zoning Administrator prior to any permit being issued. Because the proximity of communication towers near aeronautical facilities affects the safety of the public, careful consideration should be given to the results and findings and such may be grounds for the Zoning Administrator denying the issuance of a permit or requiring that certain additional requirements be imposed as a condition for the issuance of a permit. Care shall also be taken in locating communication towers in the vicinity of any private airport whether or not it is open to the public.
  
- (g) A communication tower must be removed within 120 days of the date such tower ceases to be used for communication purposes.

## **Section 6:12 Home Occupation**

A home occupation, permitted in any residential district, shall be in conformance with the following requirements:

### **6:12.1**

No persons other than those residing in the home shall be engaged in the occupation.

### **6:12.2**

The occupation shall not involve the retail sale of merchandise manufactured off the premises.

### **6:12.3**

No display of merchandise shall be visible from the street.

### **6:12.4**

The occupation shall not be a nuisance or cause any undue disturbance in the neighborhood.

### **6:12.5**

No sign shall be permitted except one non-illuminated nameplate not more than 2 square feet in area mounted flat against the wall of the principal building in which the occupation is conducted.

### **6:12.6**

Off-street parking shall be provided in accordance with the provisions set forth in Section 6:9 of this article.

### **6:12.7**

The following home occupations shall be permitted. Other home occupations may be permitted by the Board of Zoning Appeals in accordance with the provisions of Article 7 and the aforementioned requirements.

Accounting  
Art instruction  
Attorney  
Baby sitting  
Barber  
Beautician

Childcare home  
Dress making  
Insurance agent  
Ironing  
Manufacturer's representative  
Music teacher  
Notary public  
Photographer  
Real estate agent  
Secretarial service  
Sewing  
Tailoring  
Tax consultant  
Tutoring  
Typing

**6:13 STORMWATER MANAGEMENT, SOIL EROSION AND SEDIMENTATION CONTROL (RESCINDED BY ORDINANCE NUMBER 28-2007)**

## Section 6:14 Cluster Development and Open Space

### 6:14.1 Intent

This section is established to encourage residential subdivision development that clusters homes to preserve open space for recreational, environmental, and ecological reasons. The purpose of cluster development is to provide a method of land development that permits variation in lot sizes without an increase in the overall density of population or development. This allows the subdivision of land into lots of varying sizes which will provide home buyers a choice of lot sizes according to their needs, while at the same time, preserving open space, tree cover, scenic vistas, natural drainageways, and outstanding natural topography. Such measures prevent soil erosion and flooding by allowing development to occur according to the nature of the terrain; provide larger open areas with greater utility for rest and recreation; and encourage the development of more attractive and economical site design.

The developer, while still building the same number of homes, is able to provide a more economical product to the consumer by reducing the overall cost of required sewer, roads, and other infrastructure. Cluster development facilitates the economic and efficient provision of public services as well. The resultant subdivision benefits from the open, recreational space and by the placement of houses in a manner more conducive to better social interactions among neighbors.

### 6:14.2 Permitted Density

The overall density of a cluster development may be found in the following table. All densities are based on the total number of dwelling units divided by the total number of acres (both developed land and undeveloped open space).

**PERMITTED DENSITIES BY ZONING DISTRICT**

<b>ZONING CLASS</b>	<b>DWELLING UNITS/ACRE</b>	<b>ZONING CLASS</b>	<b>DWELLING UNITS/ACRE</b>
<b>R-S</b>	<b>1.7</b>	<b>R-5</b>	<b>8.7</b>
<b>R-7.5</b>	<b>5.8</b>	<b>R-10</b>	<b>4.4</b>
<b>R-12</b>	<b>3.6</b>	<b>R-15</b>	<b>2.9</b>
<b>R-20</b>	<b>2.2</b>	<b>RM-1</b>	<b>4.8</b>
<b>RM-2</b>	<b>5.8</b>		

### **6:14.3 Minimum Areas**

There is no required minimum lot area per dwelling unit unless otherwise required by DHEC.

The minimum tract area for a cluster residential development shall be two (2) acres. The minimum area shall consist of contiguous parcels, not divided by an existing public or private road or a recreational or navigable body of water.

### **6:14.4 Yard Requirements**

There are no minimum lot width or yard requirements, except as required by DHEC and/or the International Code.

### **6:14.5 Setback**

Setbacks from existing roads will be consistent with the requirements outlined in the appropriate zoning district.

No structures shall be erected within 25 feet from any external lot line of any cluster subdivision.

### **6:14.6 Required Open Space**

In order for a site to be considered for a cluster residential development, a minimum 25% of the total acreage must be designated as open space. The required open space in may include both developable and undevelopable land. Of that land dedicated for open space in the remaining districts, a minimum of fifty percent (50%) of the total open space must be considered developable land, as defined in Article 4 Definitions.

Land dedicated as open space shall be of meaningful proportions and dimensions so as to be consistent with the purpose and intent of this section. The open space shall be contiguous to the extent practicable. Land dedicated to open space shall not include land dedicated for uses such as community swimming pool( s ), clubhouse( s ), and similar uses. Recreational lakes or ponds used for stormwater management may be included in the land designated as open space. Fenced detention or retention areas used for stormwater management shall not be included in the calculation of required open space.

### **6:14.7 Open Space Ownership, Dedication, and Management**

A. Open Space Ownership -The type of ownership of land dedicated for open space purposes shall be selected by the owner and developer, or subdivider. Type of ownership may include, but is not necessarily limited to, the following:

1. The city, subject to acceptance by the governing body;
2. Other public jurisdictions or agencies, subject to their acceptance;
3. Non-profit or quasi-public organizations committed to the protection and conservation of open space, subject to their acceptance;
4. Homeowner or cooperative associations or organizations; or
5. Shared, undivided interest by all property owners within the subdivision.

B. Homeowners Association. All common open space, any common areas or common facilities within the cluster residential development shall be permanently protected by recorded covenants and restrictions and shall be conveyed by the property owner( s ) to a homeowner=s association or other legal entity under the laws of the State of South Carolina, or may be deeded to the municipality with a trust clause ensuring that it be maintained as open space, or to a private non- profit organization which is committed to the protection and conservation of open space.

C. Maintenance of Open Space.. The person(s) or entity identified above, as having the right to ownership or control over open space, shall be responsible for its continuing upkeep and proper maintenance.

### **6:14.8 Effective Date**

Any subdivision under consideration by the Planning Commission after the effective date of this ordinance is eligible to be considered for cluster development, based on the requirements herein. Any subdivision approved prior to the effective date of this ordinance is required to be reconsidered by the City of Greer Planning Commission in accordance with the City of Greer Land Development Regulations.

## **Article 7 PROVISIONS FOR USES PERMITTED BY SPECIAL EXCEPTION**

### **Section 7:1 General Provisions**

The Board of Zoning Appeals may issue permits for those uses permitted by special exception which are in accordance with the provisions of this ordinance and the specific conditions set forth below.

The Board may grant or deny a request for a use permitted by special exception after a public hearing has been held on the written request submitted by an applicant.

If the request is granted, the Board shall determine that:

- A. The use meets all required conditions;
- B. The use is not detrimental to the public health or general welfare;
- C. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste and disposal, and similar services; and
- D. The use will not violate neighborhood character nor adversely affect surrounding land use.

If the Board denies the request, the reasons shall be entered in the minutes of the meeting at which the permit is denied.

In granting the permit, the Board may designate such reasonable and appropriate conditions in addition to the specific conditions contained in this ordinance to assure that the proposed use will be in harmony with the area in which it is to be located and with the spirit of this ordinance.

No use permitted by special exception shall be approved by the Board of Zoning Appeals until the Greer City Planning staff has reviewed the application and submitted a report on the proposal to the Board of Zoning Appeals.

## **Section 7:2 Mobile Home Parks**

Mobile home parks shall be permitted only in the R-M district described in Article 5, Section 5:3, within the area zoned. The following regulations shall apply to all mobile home parks.

### **7:2.1 Uses Permitted**

- A. Mobile Homes
- B. Caretakers, Managers – Home or Office
- C. Service Buildings to house services for occupants for the mobile home park, including storage, vending machines, washing and drying machines for domestic laundry, recreational facilities, and similar uses.
- D. Sales Office
- E. Storage Buildings

### **7:2.2 Site Plan Approval**

Prior to construction or enlargement of a mobile home park existing at the time of adoption of this ordinance, a development plan approved by the County Board of Health shall be submitted to the Zoning Administrator.

The Zoning Administrator shall review the proposed development for conformance with all applicable regulations. Once the development has been determined to be in conformance, the Zoning Administrator shall then request that the Planning Commission review the plat for the purpose of determining if it satisfies the requirements set forth in this section.

### **7:2.3 Site Plan Requirements**

The plans shall be drawn by a registered engineer/surveyor of the State of South Carolina to scale of not less than 100 feet to 1 inch and shall contain the following information:

- A. The location of the proposed park and the type of surrounding land uses
- B. The location and dimensions of streets, rights-of-way, drives, and parking spaces
- C. The location and size of mobile home sites
- D. The location and size of service buildings and recreation area

- E. The location and type of screening, fences, or hedges
- F. The names and addresses of abutting property owners and of developers
- G. Existing and finished contours at intervals not more than 2 feet
- H. The location of fire hydrants, if applicable
- I. Storage area
- J. Garbage and trash service areas, if applicable

#### **7:2.4 Design Standards**

##### **7:2.4-1 Park Size**

The minimum area for a mobile home park shall be five (5) acres.

##### **7:2.4-2 Site Size**

Each mobile home shall be on a site not less than 5,000 square feet in area. The maximum number of mobile homes shall not exceed eight (8) dwelling units per acre.

##### **7:2.4-3 Setbacks**

No mobile home shall be located closer than 50 feet to the right-of-way of a public street or highway or closer than 15 feet from side and rear property lines.

Each mobile home shall be set back at least 15 feet from the front, side, and rear lines of the site on which it is located.

##### **7:2.4-4 Off-Street Parking**

Off-street vehicular parking shall be as follows: two spaces for each mobile home, plus one space for each park office employee.

##### **7:2.4-5 Access**

No mobile home shall have direct access to a public street or highway. A minimum of two vehicular entrances shall be provided; however, one entrance may be kept closed to the general public if provision is made for emergency access.

#### **7:2.4-6 Screening**

Where any property line of a mobile home park abuts land zoned for or occupied by another residential use, there shall be provided and maintained along the property line of the mobile home park a continuous visual screen not less than 6 feet in height. The screen shall be a wall, fence, compact evergreen hedge or other type of evergreen foliage, or a combination of fence and shrubbery. Natural plant materials must be capable of reaching six (6) feet in height after a three-year growing period.

#### **7:2.4-7 Streets**

All mobile home sites shall have direct access to an interior roadway. All roadway classification, design, and construction standards shall be in conformance with current City of Greer subdivision regulations pertaining to roads.

#### **7:2.4-8 Utility Requirements**

Within the area zoned, each mobile home site in a mobile home park shall be provided with approved water and sewer service which is connected to the municipal water and sewerage system or systems meeting the approval of the State and County Health Departments. All utility lines, cable television and electric transmission lines under 12,000 volts shall be placed underground.

#### **7:2.4-9 Recreation Areas**

Recreation space of not less than 200 square feet of usable land for each mobile home site shall be provided in the mobile home park. For purposes of this section, "usable land" shall be construed to mean parks, open space, and recreation amenities such as clubhouses, swimming pools, or similar improvements. When the anticipated population of the mobile home park shall include children, a play area shall be provided of no less than four hundred (400) square feet for each mobile home site.

#### **7:2.4-10 Patio or Deck**

For each mobile home there should be constructed a permanent patio located adjacent to or attached to the mobile home pad. The patio shall be at least one hundred sixty two (162) square feet in area of concrete or masonry construction. Each patio shall have sufficient gradient to direct drainage away from the mobile home pad. The patio shall not be within five (5) feet of the property line. In lieu of the patio, a treated wood deck of the same dimensions may be used.

#### **7:2.4-11 Anchors**

Each mobile home shall be anchored according to the HUD regulation of the National Manufactured Housing Construction and Safety Standards Act as required of each manufacturer specification.

#### **7:2.4-12 Foundation Wall**

Foundation enclosures shall be required around the perimeter of each mobile home from the base of the home to the ground. Development owners shall advise each home owner of this requirement to ensure the safety of residents from animals and other infestations. Residents shall comply within a two month period and it shall be the responsibility of the land owner to advise each home owner of the required time period to complete the enclosure.

#### **7:2.4-13 Street Lighting**

All streets within the park shall be lighted at night. The lighting system shall be in accordance with standards recognized by the Greer Commission of Public Works, Duke Power and National Electrical Codes.

#### **7:2.4-14 Storage Area**

On each mobile home site, a space shall be designated for a storage building, if provided.

#### **7:2.5 Operating Requirements**

The operator of each mobile home park shall comply with all State and County Health Department rules and regulations governing the sanitation and operation of mobile home parks.

#### **7:2.6 Garbage Disposal**

Garbage containers with tight fitting covers shall be required for each site to permit the disposal of all garbage and rubbish. Collection shall be on a regular basis to ensure the containers shall not overflow. In lieu of individual containers, a twenty (20) cubic yard dumpster for every twenty (20) mobile homes may be provided. Refuse shall not be disposed of within the park.

#### **7:2.7 Occupancy**

There shall be no less than ten mobile home spaces available at first occupancy.

### **7:2.8 Street Names**

Permanent street names approved by the Planning Commission shall be assigned to each road within the development.

### **7:2.9 Reserved**

### **Section 7:3 Public Utility Buildings and Uses**

Public utility buildings and uses such as sewage lift stations, pump stations, electrical substations, and telephone equipment buildings which are not detrimental to other uses permitted in the district may be permitted in any district. Such uses shall be enclosed within a building or by a suitable fence providing protection and screening against light, noise, fumes, or unsightliness. Open area on the premises shall be appropriately landscaped.

## **Section 7:4 Junk Yards**

Junk yards, scrap processors, and automobile wreckers may be permitted in the I-I, Industrial District subject to the following requirements.

### **7:4.1 Site Size**

All junk yards, scrap processors, and automobile wreckers shall be located on a site of at least 2 acres.

### **7:4.2 Location**

No junk yard, scrap processor, or automobile wrecker shall be located within 500 feet of any residential district existing at the time business operations are started.

### **7:4.3 Screening**

Open storage shall be enclosed by a continuous visual screen provided and maintained along the property line. The screen shall be a wall, fence, compact evergreen hedge or other type of evergreen foliage, or a combination of fence and shrubbery at least 8 feet in height. Materials stored in the open shall not be stacked higher than the required screen.

## **Section 7:5 Livestock in Residential Districts**

Horses and ponies may be kept in the R-20 district subject to the district regulations and the following conditions.

### **7:5.1 Site**

The minimum lot area upon which livestock may be kept is 1 acre. Not more than 1 head of livestock shall be permitted for each one-half acre of lot area.

### **7:5.2 Setback**

No barn or other structure where livestock is kept or fed and no grazing or pasturing shall be permitted within 50 feet of any property line except where such property line abuts a street, railroad, or watercourse at least 50 feet in width.

## **Section 7:6 Churches**

Churches are permitted in all nonresidential districts subject to the district requirements. Churches are permitted upon review by the Board of Zoning Appeals in all residential districts subject to the following requirements:

### **7:6.1 Lot Area**

The minimum lot area shall be 40,000 square feet.

### **7:6.2 Setback Requirements**

All buildings shall be set back from the front, side, and rear property lines a minimum of 25 feet.

### **7:6.3 Off-Street Parking**

Off-street parking shall be provided in accordance with the provisions set forth in Article 6, Section 6:9.

### **7:6.4 Church Related Child Care Center**

A church related child care center may be permitted as a Use Permitted on Review by the Board of Appeals subject to the following requirements.

#### **7:6.4-1 Recreation Area Screening**

A wall, fence or compact evergreen hedge or other type of evergreen foliage, or a combination of fence and shrubbery at least six (6) feet in height shall be provided where the recreation area of the child care center adjoins a residential district.

#### **7:6.4-2 Off Street Parking**

Off-street parking shall be provided in accordance with provisions set forth in Section 6:9.

#### **7:6.4-3 Board Determination**

Before approval can be granted, the Board shall determine that all of the following requirements have been satisfied:

- A. That the child care center is clearly incidental and subordinate to the church and is operated by church staff. Plans must be submitted with the application designating the child care center operation in relation to the church operation area.

- B. That the design be such that additional traffic will not have an adverse impact on existing streets.
- C. That the visual appearance of the day care center will harmonize with the existing church development.
- D. That the architectural character of the child care center blends with the surrounding area.

## **Section 7:7 Private Recreation Area**

A private recreation area or country club may be permitted in the R-20, R-12, and R-M districts subject to the requirements of the district in which it is located and the following requirements:

### **7:7.1 Lot Area**

A private recreation area shall be located on a site not less than 2 acres in area.

### **7:7.2 Setback Requirements**

All buildings, game courts, swimming pools, and similar structures shall be set back from front, side, and rear property lines a minimum of 50 feet.

### **7:7.3 Food and Entertainment**

The provision of food and entertainment for members and guests may be permitted provided that such provision shall not cause a nuisance in the residential district.

## **Section 7:8 Group Residential Development**

Plans for a Group Residential Development containing five or more dwelling units shall be submitted to the City of Greer Planning Commission staff for approval. The plans should include the following data and any other reasonable information the Planning Commission staff may require in its investigation of the plans.

- A. The location and size of the site
- B. Density of land use proposed for various parts of the site
- C. The location and size of any roads within the apartment complex
- D. The location of all parking
- E. The location of all street lights within the complex
- F. The location, size, and type of recreation provided
- G. The height of each structure in the development

In addition to the above information, the following will be required:

- A. A copy of covenants, grants or easements, or other restrictions proposed to be imposed upon the use of the land, buildings, and structures including proposed easements or grants for public utilities;
- B. A schedule showing the proposed times for constructing the development.

### **7:8.1 Minimum Area**

The minimum total area of a group residential development shall be 2 acres.

### **7:8.2 Density**

The group residential development shall not contain more dwelling units than would be permitted under the regulations of the zoning district in which the property is located.

### **7:8.3 Roads**

All roads or drives within the group residential development shall be constructed to the Greer Subdivision Regulations.

### **7:8.4 Yard Requirements**

No structure shall be constructed closer than 15 feet to an exterior property line and no structure shall be constructed closer than 35 feet to a public right-of-way.

### **7:8.5 Off-Street Parking**

Off-street parking shall be provided in accordance with the provisions set forth in Article 6, Section 6:9.

### **7:8.6 Street Lights**

One street light shall be provided for every 100 feet of drive or road within the group residential development.

### **7:8.7 Recreation Area**

Two hundred square feet of usable recreation area will be provided for each dwelling unit in addition to yard and common areas. A minimum of 50 percent of this area shall be for outdoor recreation. If the recreation area is developed as a swimming pool, it shall meet all State and County Health Department requirements and shall have a fence not less than 6 feet in height.

### **7:8.8 Height**

No building shall exceed 45 feet in height except as provided in Article 6, Section 6:7.

## **Section 7:9 Mobile Homes at Schools**

Only one mobile home shall be allowed adjacent to and in conjunction with any public or private school or park. In determining whether to grant or deny such exception, the Board of Zoning Appeals may consider, but not limited to such factors as the availability of professional law enforcement service, history of criminal incidents in the vicinity, experience of crime or damage at the school in question, or the adequacy of alternate means of securing the premises. The Board shall also make a finding of whether such exception be permitted to continue indefinitely, or until a certain time, or subject to periodic review by the Board. The location and placement of the mobile home on the school site as well as the quality design of the mobile home proposed shall be determined by the Board on an individual review basis. However, in no instances shall a mobile home be allowed to be located in the front yard of the school and shall not be located closer than 10 feet to any side or rear property line. Additionally, the Board may impose on any other requirements which they deem necessary and appropriate in order to ensure that the mobile home shall have a minimum impact upon the character of the neighborhood and the specific uses which adjoin the school or park site.

## **Section 7:10 Game Courts and Swimming Pools**

Game courts and swimming pools are allowed as accessory uses in residential districts in conjunction with one family, one family mobile home, and two family dwellings subject to the provisions of this article.

### **7:10.1 Game Courts**

- A. Game courts shall not be located in the front yard.
- B. Game courts shall be set back not less than 5 feet from any lot line.
- C. Setback requirements for game courts on corner lots shall be the same as those for accessory buildings.
- D. Game courts shall not occupy more than 65 percent of the side or rear yard.
- E. Lighting for game courts shall have proper shielding from glare.

### **7:10.2 Swimming Pools**

- A. Swimming pools shall not be located in the front yard.
- B. Swimming pools shall be set back not less than 5 feet from any lot line.
- C. Setback requirements for swimming pools shall be the same as those for accessory buildings.
- D. Swimming pools shall not occupy more than 50 percent of the side or rear yard.
- E. Lighting for swimming pools shall have proper shielding from glare.

### **Section 7:11 Accessory Dwelling in Commercial Areas**

One accessory dwelling unit may be permitted with approval of the Board of Zoning Appeals in conjunction with any permitted principal use in the C-2 and C-3 district subject to the following conditions:

- A. The accessory dwelling unit must be clearly incidental and subordinate to the Operation of the permitted principal use.
- B. The accessory dwelling unit shall not interfere with the operation of the permitted principal use.
- C. The accessory dwelling unit must meet the city's building and housing codes.
- D. Accessory dwelling units in the I-1, Industrial District will be allowed in mini-warehouse development only, as manager apartments.

## **Section 7:12 Child Care or Day Care Centers**

Child care center may be permitted in the RM-1, RM-2, OD, and C-2 zones as a Use Permitted on Review and in C-3 Districts subject to the district regulations, the South Carolina State Department of Public Welfare Rules and Regulations relating to licensing day care facilities and child care centers, and the following requirements.

### **Section 7:12.1 Lot Area**

The minimum lot area for a child care center shall be 20,000 square feet. At least seventy-five (75) square feet of outdoor play area shall be available for each child based on the maximum enrollment.

### **Section 7:12.2 Indoor Area**

The building shall contain a minimum of thirty-five (35) square feet of floor area for each child based on the maximum enrollment.

### **Section 7:12.3 Fencing**

The entire play area shall be enclosed by a fence having a minimum height of four (4) feet constructed to provide maximum safety to the children.

### **Section 7:12.4 Off-Street Parking**

Off-street parking shall be provided in accordance with provisions set forth in Section 6:9.