

# ZONING ORDINANCE FOR THE TOWN OF GASTON, SOUTH CAROLINA



Adopted by \_\_\_\_\_ Town Council July 3, 2018

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## Article 1 Establishment of the Zoning Ordinance for the Town of Gaston, South Carolina

### 1:1 Title

This Ordinance shall be known as the Zoning Ordinance for the Town of Gaston, South Carolina. The short title shall be: Gaston Zoning Ordinance.

### 1:2 Authority

This Ordinance is adopted pursuant to the authority granted under the General Statutes of South Carolina, 1976 Code of Laws, Title 6, Chapter 29, *South Carolina Local Government Comprehensive Planning Enabling Act of 1994* (as amended).

### 1:3 Purpose

The purpose of this Ordinance is in keeping with the declaration of intent by the State of South Carolina (6-29-710 and 6-29-1120) to require harmonious, orderly, and progressive development of land in pursuit of public health, safety, economy, good order, appearance, convenience, morals, and the general welfare. In furtherance of this general intent, the regulation of zoning is authorized for the following purposes among others:

- A. provide for adequate light, air, and open space;
- B. prevent the overcrowding of land, avoid undue concentration of population, and lessen congestion in the streets;
- C. facilitate the creation of a convenient, attractive and harmonious community;
- D. protect and preserve scenic, historic, or ecologically sensitive areas;
- E. regulate the density and distribution of populations and the uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, water supply, and sanitation;
- F. secure safety from fire, flood, and other dangers;
- G. to encourage sound, sustainable, and stable development;
- H. to assure the provision of safe, efficient, and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments
- I. to assure, in general, the development of new areas in harmony with the Comprehensive Plan of the Town of Gaston; and
- J. further the public welfare in any other regard specified by the Town of Gaston.

### 1:4 Supersede and Repeal of Prior Ordinances

As of the effective date of this Ordinance, these zoning regulations supersede and repeal in its entirety the Zoning Ordinance adopted November 3, 1981, per Article VII, Section 4.709, of the Gaston General Ordinance. Additionally, where specifically cited in this Ordinance, provisions of this Ordinance supersede and repeal in its entirety the cited sections of the Gaston General Ordinance.

### 1:5 Interpretation and Conflict

The provisions of this Ordinance shall be held to be minimum requirements. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than any other applicable Federal, State, or Town of Gaston statute, the more restrictive statute, imposing higher standards or requirements, shall govern.

### 1:6 Separability and Validity

The provisions of this Ordinance are separable. Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole, or any part thereof which is not specifically declared to be invalid or unconstitutional.

### 1:7 Effective Date

This Ordinance shall take effect upon second reading by the Gaston Town Council.

## Article 2 Primary Zoning District Regulations

### 2:1 Establishment of Zoning Districts

The following districts are hereby established for use within the Town Limits of Gaston, South Carolina, in accordance with the Comprehensive Plan adopted by the Town of Gaston:

#### *2:1.1 GC, General Commercial Zoning District*

The General Commercial (GC) zoning district is intended to provide for the development and maintenance of commercial businesses strategically located to be accessible to multiple modes of transportation, acknowledging that the dominant mode of transportation in Gaston is the automobile. A wide range of business uses are permitted to serve the community, the traveling public, and the larger region. Residential uses are permitted in GC districts.

#### *2:1.2 R-1, Single-Family Residential Zoning District*

The intent of the Single-Family Residential (R-1) zoning district is to preserve and protect the traditional residential use of the Town: detached single-family dwellings. R-1 zoning districts allow one primary single-family dwelling per lot. Whereas these regulations are intended to protect residential districts from incursions of inappropriate uses, they are not intended to isolate residential communities from convenient access to community-oriented services, institutions, businesses, and employment opportunities.

#### *2:1.3 R-2, Rural Residential Zoning District*

The intent of the Rural Residential (R-2) zoning district is to preserve the open country nature of the more rural areas of the Town that are designated as Rural Residential in the Comprehensive Plan Future Land Use Map through low-density, single-family residential development. R-2 zoning districts allow one primary single-family dwelling per lot. Whereas these regulations are intended to protect residential districts from incursions of inappropriate uses, they are not intended to isolate residential communities from convenient access to rural community-oriented services, institutions, agriculture, businesses, and employment opportunities.

#### *2:1.4 R-3, General Residential Zoning District*

The intent of the General Residential (R-3) zoning district is to allow a variety of housing types: detached single-family, town homes, duplexes, triplexes, quadraplexes, and multi-family dwellings. The R-3 zoning district is also intended to provide for a wide range of housing types to meet the needs of changing household demographics and to provide for affordable housing.

### *2:1.5 RD, Rural Development Zoning District*

The intent of the Rural Development (RD) zoning district is to protect the rural character of the Town, preserve agricultural uses, and the natural resources. The full range of agricultural uses are permitted. RD district uses include low-density residential, rural commercial properties, and institutional development.

### *2:1.6 I, Industrial Zoning District*

The intent of the Industrial (I) district is to accommodate wholesaling, distribution, storage, processing, and manufacturing uses in an environment suited to such uses and operations, while promoting land use compatibility through the application of performance standards within and beyond the boundaries of this district. Residential development is not permitted within Industrial zoning districts.

### *2:2 MD, Mixed-Use Development Zoning District*

The Mixed-Use (MD) zoning district is a special purpose district. The intent is to create a planned, unified development that encourages flexibility of design and allowable uses within the district.

Within the MD, regulations adapted to unified planning and development standards are intended to accomplish the purposes of zoning, design standards, and other applicable regulations to an equivalent or higher degree than general zoning district regulations that are designed to control uncoordinated development on individual lots or tracts. Mixed-Use Developments are intended to promote economical and efficient land use, to provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and produce a better environment. Regulations for the MD are found in Article 11.

## *Article 3 Establishment of Official Zoning Map(s)*

The boundaries of the zoning districts established by this Ordinance are shown on the Official Zoning Map(s) maintained in the Town Hall. The Official Zoning Map(s) of incorporated Gaston and all amendments, certifications, citations, and other matters entered onto the Official Zoning Map(s) are hereby made a part of this Ordinance and have the same legal effect as if fully set out herein. No change of any nature shall be made on the Official Zoning Map(s) or matters shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided by law.

### *3.1 Amendments to the Official Zoning Map(s)*

Amendments to the Official Zoning Map(s), also referred to as map amendments or re-zonings, shall be adopted by ordinance as provided for by this Ordinance. Promptly after the adoption of a map amendment, the Planning Official shall alter or cause to be altered the Official Zoning Map for the affected jurisdiction to indicate the amendment and the effective date of the ordinance amending the map.

The Town may maintain or cause to be maintained, an electronic data base and map of the zoning by parcel and associated Tax Map Survey (TMS) number. If such a map is maintained, it is the responsibility of the Planning Official to maintain and verify this data base and map and to ensure that electronically generated maps conform to the Official Zoning Map(s).



### 3:2 Rules for Interpretation of District Boundaries on the Official Zoning Map

Where uncertainty exists as to the boundaries of districts shown on the Official Zoning Map(s), the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, alleys, or public utility easements shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private.
- C. Boundaries indicated as approximately following political lines shall be construed as following such lines.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as approximately following the center lines of natural barriers such as rivers and streams shall be construed to follow such center lines.
- F. Boundaries indicated as parallel to, or extensions of, features indicated in subsections A through E, above, shall be so construed. If distances are not specifically indicated on the Official Zoning Map, or in other circumstances not covered by subsections A through E, above, the boundaries shall be determined by using the scale of such map.
- G. Where uncertainties continue to exist after the application of the rules in this section, appeals for clarification may be taken to the Board of Zoning Appeals.

## Article 4 Establishment of Permitted Uses

Uses permitted in the primary zoning districts and off-street parking requirements are set forth in this section and are presented in Table 1.

### 4:1 Instructions on the Use of Table 1

The North American Industry Classification System (NAICS) is the basis for determining the use of property permitted in the various primary zoning districts. Where uncertainty exists relative to a given use not specifically listed by Table 1, the *NAICS Manual* should be consulted. The 2012 edition of the NAICS Manual is used in this Ordinance and should be consulted for use determinations. If there is a discrepancy between the NAICS use description and the listed NAICS code number, refer to the Manual to verify the correct code number. In general, all uses listed by a given NAICS number and category should be construed as being permitted in the assigned zoning district, unless specific uses are separately listed. When specific uses are separately listed, only the listed uses are allowed as indicated in the table. It is not possible that every use within the NAICS sectors will be listed in the tables or covered in the *NAICS Manual*. However, if the Planning Official is unable to make a determination, the applicant may apply for a ruling from the Board of Zoning Appeals that the proposed use is the same as or substantively like an allowable or conditionally allowable use or special exception that is listed in the tables, and therefore allowable. The Planning Official may rely on such rulings in making future use determinations. Listings with a dash (-) indicate multiple codes in a series. For example, 81112-4 means 81112, 81113, and 81114.

Uses listed in Table 1 that are not covered in the *NAICS Manual*, primarily residential and non-commercial uses, are identified by the letters "NA" (Not Applicable) in the NAICS column.

All uses are to be considered commercial (industry) uses unless otherwise specified under conditional and special exception uses. Unless otherwise specified in conditional and special exception use regulations, private, non-commercial (industry), not-for-profit uses are allowable and not applicable to the use tables.

Where the letter "P" is shown, the use to which it refers is Permitted as a use by right in the indicated district, provided it complies fully with all applicable land development standards.

Where the letter "C" is shown, the use to which it refers is Conditionally Permitted in the indicated district, subject to applicable requirements set forth in this Ordinance.

Where the letter "S" is shown, the use to which it refers is subject to a Special Exception determination by the Board of Zoning Appeals in the indicated district, according to applicable requirements set forth in this Ordinance.

Where the letter "N" is shown, the use to which it refers is Not Permitted in the indicated district.

A reference following a use category means the use must meet the additional conditions and requirements of the referenced section.

To aid in the use of Table 1, it is arranged by NAICS Sectors, followed by the uses and codes included in the respective sector:

- Sector 11: Agriculture, Forestry, Fishing, and Hunting
- Sector 21: Mining
- Sector 22: Utilities
- Sector 23: Construction
- Sectors 31-33: Manufacturing
- Sector 42: Wholesale Trade
- Sectors 44-45: Retail Trade
- Sectors 48-49: Transportation and Warehousing
- Sector 51: Information
- Sector 52: Finance and Insurance
- Sector 53: Real Estate, Rental, and Leasing
- Sector 54: Professional, Scientific, and Technical Services
- Sector 55: Management of Companies and Enterprises
- Sector 56: Administrative Support, Waste Management, and Remediation Services
- Sector 61: Educational Services
- Sector 62: Health Care and Social Assistance
- Sector 71: Arts, Entertainment, and Recreation
- Sector 72: Accommodation and Food Services
- Sector 81: Other Services (except Public Administration)
- Sector 92: Public Administration

Uses and NAICS code references are displayed within the appropriate sector in numerical order, beginning with Sector 11 (Agricultural, Forestry, Fishing, Hunting) and running through Sector 92 (Public Administration). Residential uses are listed following Public Administration, without sector references.

**Table 1** SCHEDULE OF PERMITTED, CONDITIONAL, AND SPECIAL EXCEPTION USES AND OFF-STREET PARKING REQUIREMENTS BY ZONING DISTRICT

USE	NAICS	GC	I	RD	R-1	R-2	R-3	Required Parking <sup>1</sup>
<b>Sector 11: Agriculture, Forestry, Fishing, and Hunting</b> (Refer to agriculture conditional and special exception uses)								
<b>Crop production</b>	111	P	P	P	N	N	N	NONE
Urban Garden	111	P	P	P	C, S	C, S	C, S	NONE
Seasonal Roadside markets <sup>4</sup>	111	P	P	P	N	P	P	2 per vendor
<b>Animal production and aquaculture</b>	112							
Beef Cattle Ranching and Farming	11211	N	N	P	N	N	N	NONE
Dairy Cattle and Milk Production	11212	N	N	P	N	S	S	NONE
Hog and Pig Farming	1122	N	N	C	N	N	N	NONE
Poultry and Egg Production	1123	C	N	P	S	C	C	NONE
Sheep and Goat Farming	1124	N	N	P	N	S	S	NONE
Aquaculture	1125	N	N	P	N	N	N	NONE
Apiculture (bee keeping)	11291	N	N	P	C,S	P	C,S	NONE
Horses and Other Equine Production	11992	N	N	P	S	C	S	NONE
Fur-Bearing and Rabbit Production	11293	N	N	P	N	N	N	NONE
Concentrated Animal Feeding Operations	NA	N	N	S	N	N	N	NA
Timber and Logging	113	N	P	P	N	P	N	NONE
Fishing, Hunting, Trapping	114	N	P	P	N	N	N	NONE
Support Industries for Agriculture and Forestry	115	P	P	P	N	N	N	1 per 1,000 GFA
Sector 21: Mining		N	P	P	N	N	N	1 per employee
Sector 22: Utilities								
<b>Electric Power Generation, Transmission, and Distribution</b>	<b>2211</b>							
Solar Generation	221114	P	P	P	P	P	P	NONE
Wind Generation	22115	P	P	P	P	P	P	NONE
Biomass Generation	221117	N	C	P	P	P	P	1 per 500 GFA
Electric Power Distribution	221122	P	P	P	P	P	P	1 per 500 GFA
<b>Natural Gas Distribution</b>	<b>2212</b>	P	P	P	P	P	P	1 per 500 GFA
<b>Water, Sewage, and Other Systems</b>	<b>2213</b>							
Water Treatment Plants	221310	N	C	N	N	N	N	1 per 500 GFA
Water Supply Systems	221310	P	P	P	P	P	P	1 per 500 GFA
Sewerage Treatment Plants	221320	N	C	N	N	N	N	1 per 500 GFA
Sector 23: Construction (Refer to conditions for Rural Commercial Uses)								
Construction of Buildings	236	P	P	N	N	N	N	1 per 1,000 GFA
Heavy and Civil Engineering	237	N	P	N	N	N	N	1 per 1,000 GFA
Specialty Trade Contractors	238	P	P	C	N	N	N	1 per 1,000 GFA
Sectors 31-33: Manufacturing (Refer to the either Conditional Uses for Manufacturing Facilities)								
Food Manufacturing (Except for Small-Scale Food Production)	311	N	C	N	N	N	N	1 per 1,000 GFA
Small-Scale Food Production <sup>2</sup>	311	C	P	C	C	C	C	1 per employee
Beverage and Tobacco	312	N	C	N	N	N	N	1 per 1,000 GFA

USE	NAICS	GC	I	RD	R-1	R-2	R-3	Required Parking <sup>1</sup>
Textile Mills	313	N	C	N	N	N	N	1 per 1,000 GFA
Textile Product Mills	314	N	C	N	N	N	N	1 per 1,000 GFA
Apparel	315	C	C	N	N	N	N	1 per 1,000 GFA
Leather and Allied Products	316	C	C	N	N	N	N	1 per 1,000 GFA
Wood Products Manufacturing	321	C	C	N	N	N	N	1 per 1,000 GFA
Paper Manufacturing	322	N	C	N	N	N	N	1 per 1,000 GFA
Printing and Related Support Activities	323	C	C	N	N	N	N	1 per 1,000 GFA
Petroleum and Coal Products Manufacturing	324	N	C	N	N	N	N	1 per 1,000 GFA
Chemical Manufacturing	325	N	C	N	N	N	N	1 per 1,000 GFA
Plastics and Rubber Products Manufacturing	326	N	C	N	N	N	N	1 per 1,000 GFA
<b>Nonmetallic Mineral Product Manufacturing</b>	<b>327</b>							
Clay Product and Refractory Manufacturing (except pottery)	3271	N	C	N	N	N	N	1 per 1,000 GFA
Pottery (Refer to Conditional Uses for Neighborhood and Rural Commercial Uses)	327110	C	P	C	N	N	N	1 per employee
Glass and Glass Products Manufacturing (except glass blowing)	3272	N	C	N	N	N	N	1 per 1,000 GFA
Glass Blowing (Refer to Conditional Uses for Neighborhood and Rural Commercial Uses)	327212	P	P	C	N	N	N	1 per employee
Optical Lenses Makers	327215	P	P	N	N	N	N	
Cement and Concrete Product Manufacturing (Except Concrete Cast Products)	3273	N	C	N	N	N	N	1 per 1,000 GFA
Concrete Cast Products (Refer to Conditional Uses for Neighborhood and Rural Commercial Uses)	327390	P	P	C	N	N	N	1 per 1,000 GFA
Lime and Gypsum Products	3274	N	C	N	N	N	N	1 per 1,000 GFA
Other Nonmetallic Mineral Product Manufacturing	3279	N	C	N	N	N	N	1 per 1,000 GFA
Primary Metal Manufacturing	331	N	C	N	N	N	N	1 per 1,000 GFA
<b>Fabricated Metal Product Manufacturing</b>	<b>332</b>							
Forging and Stamping	3321	N	C	N	N	N	N	1 per 1,000 GFA
Cutlery and Hand Tool Manufacturing	3322	N	C	N	N	N	N	1 per 1,000 GFA
Architectural and Structural Metals Manufacturing	3323	S	C	N	N	N	N	1 per 1,000 GFA
All Other Fabricated Metal Products	3324-29	N	C	N	N	N	N	1 per 1,000 GFA
Machinery Manufacturing	333	N	C	N	N	N	N	1 per 1,000 GFA
Computer and Electronic Parts Manufacturing	334	N	C	N	N	N	N	1 per 1,000 GFA
Electrical Equipment, Appliance, and Component Manufacturing	335	N	C	N	N	N	N	1 per 1,000 GFA
Transportation Equipment Manufacturing	336	N	C	N	N	N	N	1 per 1,000 GFA

USE	NAICS	GC	I	RD	R-1	R-2	R-3	Required Parking <sup>1</sup>
<b>Furniture and Related Product Manufacturing</b>	<b>337</b>							
Wood Kitchen and Countertop Manufacturing - <b>Cabinet Makers</b> (Refer to Conditional Uses for Neighborhood and Rural Commercial Uses)	337110	P	P	C	N	N	N	1 per 1,000 GFA
Household and Institutional Furniture Manufacturing	33712	N	C	N	N	N	N	1 per 1,000 GFA
Office Furniture Manufacturing	3372	N	C	N	N	N	N	1 per 1,000 GFA
Other Furniture-Related Product Manufacturing	3379	N	C	N	N	N	N	1 per 1,000 GFA
Miscellaneous Manufacturing	339	N	C	N	N	N	N	1 per 1,000 GFA
<b>Sector 42: Wholesale Trade</b>								
Merchant Wholesalers, Durable Goods (Except 423930)	423	P	P	N	N	N	N	1 per 5,000 GFA
Wrecking, Scrap, and Salvage – <b>Junk Yards<sup>3</sup></b>	423930	N	N	N	N	N	N	NA
Merchant Wholesalers, Nondurable Goods	424	P	P	N	N	N	N	1 per 5,000 GFA
Wholesale Electronic Markets and Agents and Brokers	425	P	P	N	N	N	N	1 per employee
<b>Sector 44-45: Retail Trade</b>								
<b>Motor Vehicle and Parts Dealers</b>	<b>441</b>							
Automobile Dealers	4411	P	P	N	N	N	N	1 per 350 GFA plus 1 per 5,000 outdoor display area
Other Motor Vehicle Dealers	4412	P	P	N	N	N	N	1 per 350 GFA plus 1 per 5,000 outdoor display area
Automotive Parts, Accessories, and Tire Stores (Refer to Conditional Uses for Neighborhood and Rural Commercial Uses)	4413	P	P	C	S	S	S	1 per 350 GFA
Furniture and Home Furnishing Stores	442	P	P	N	N	N	N	1 per 350 GFA
Electronics and Appliances stores	443	P	P	N	N	N	N	1 per 350 GFA
Building Material and Garden Equipment Supply Stores (Refer to Conditional Uses for Neighborhood and Rural Commercial Uses)	444	P	P	C	N	N	N	1 per 350 GFA
<b>Food and Beverage Stores (Except 445230)</b>	<b>445</b>	P	P	C	C	C	C	1 per 350 GFA
Farmers Markets <sup>4</sup>	445230	P	P	P	N	P	N	1 per 350 Gross Parcel Area
Health and Personal Care Stores	446	P	P	C	C	C	C	1 per 350 GFA
Gasoline Stations (Except 447190)	447	P	P	S	S	S	S	1 per 350 GFA
Truck Stops	447190	P	P	N	N	N	N	1 each automobile and truck parking slip per 350 GFA

USE	NAICS	GC	I	RD	R-1	R-2	R-3	Required Parking <sup>1</sup>
Clothing Stores	448	P	P	C	S	S	S	1 per 350 GFA
Hobby, Musical Instrument, and Book Stores	451	P	P	N	N	N	N	1 per 350 GFA
Sporting Goods	451	P	P	C	N	N	N	1 per 350 GFA
General Merchandise Stores	452	P	P	C	C	C	C	1 per 350 GFA
Miscellaneous Store Retailers	453	P	P	N	N	N	N	1 per 350 GFA
Non-Store Retailers (Except 454390)	454	P	P	N	N	N	N	1 per 350 GFA
Street Vendors and seasonal roadside stands <sup>4</sup>	454390	C	C	C	N	N	N	2 per vendor
<b>Sector 48-49: Transportation and Warehousing</b>								
Air Transportation	481	P	P	P	N	N	N	By individual review
Rail Transportation	482	P	P	P	N	N	N	1 per 1000 Gross Parcel Area
Water Transportation <sup>5</sup>	483							
Truck Transportation	484	P	P	N	N	N	N	By individual review
<b>Transit and Ground Passenger Transportation</b>								
Transit and Ground Passenger Stations and Stops Only	485	P	P	P	P	P	P	NA
Taxi and Limousine Service	4853	P	P	N	N	N	N	By individual review
Charter Bus Industry	4855	P	P	N	N	N	N	By individual review
Pipeline Transportation (Except Transmission Lines)	486	P	P	P	N	N	N	1 per 1000 GFA and/or yard area
Pipeline Transportation Transmission Lines Only	496	P	P	P	P	P	P	NA
Scenic and Sightseeing Transportation	487	P	P	N	N	N	N	1 per 500 GFA
Support Activities for Transportation	488							
Support Activities for Rail Transportation	4882	P	P	N	N	N	N	1 per 500 GFA
Motor Vehicle Towing	48841	P	P	C	N	N	N	1 per 500 GFA
Freight Transportation Arrangement	4885	P	P	N	N	N	N	1 per 500 GFA
Other Support Activities for Transportation	4889	P	P	N	N	N	N	1 per 500 GFA
Postal Service	491	P	P	N	N	N	N	1 per 350 GFA
Couriers and Messengers	492	P	P	N	N	N	N	By individual review
Warehousing and Storage	493	P	P	N	N	N	N	1 per 1000 GFA
<b>Sector 51: Information</b>								
Publishing Industries (Except Internet)	511	P	P	N	N	N	N	1 per 750 GFA
<b>Motion Picture and Sound Recording Industries (Except 51213)</b>	512	P	P	N	N	N	N	1 per 500 GFA
Motion Picture Theaters	512131	P	P	N	N	N	N	1 per 4 seats
Drive-in Theaters	512132	P	P	N	N	N	N	By Individual review
Broadcasting (Except Internet)	515	P	P	N	N	N	N	1 per 500 GFA

USE	NAICS	GC	I	RD	R-1	R-2	R-3	Required Parking <sup>1</sup>
<b>Telecommunications (Except 5172)</b>	517	P	P	N	N	N	N	1 per 500 GFA
Wireless Communications Carriers – Communication Towers and Antennas (Except Satellite)	5172	C	C	C	N	C	N	Per approved site plan
Data Processing, Hosting, and Related Services	518	P	P	N	N	N	N	1 per 500 GFA
<b>Other Information Services (Except 5192)</b>	519	P	P	N	N	N	N	1 per 500 GFA
Libraries and Archives (public)	5192	P	P	P	P	P	P	1 per 350 GFA
<b>Sector 52: Finance and Insurance</b>								
Credit Intermediation and Related Activities (Commercial Banks, Credit Unions, Savings Institutions, Other)	522	P	P	N	N	N	N	1 per 350 GFA
ATM machines (refer to conditions for Neighborhood and Rural Commercial Uses)	522	P	P	C	C	C	C	2 spaces
Securities, Commodity Contracts, and Other Financial Investments and Related Activities	523	P	P	N	N	N	N	1 per 350 GFA
Insurance Carriers and Related Activities	524	P	P	N	N	N	N	1 per 350 GFA
Funds, Trusts, and Other Financial Vehicles	524	P	P	N	N	N	N	1 per 350 GFA
<b>Sector 53: Real Estate and Rental Leasing</b>								
Real Estate (Except 53113)	531	P	P	C	N	C	C	1 per 350 GFA
Leasers of Mini Warehouses and Self-Storage Units (Refer to Conditional Uses for Mini Warehouses)	53113	C	C	N	N	N	N	Refer to Conditional Uses
Rental and Leasing Services	532	P	P	N	N	N	N	1 per 500 GFA
<b>Sector 54: Professional, Scientific, and Technical Services</b>								
Professional, Scientific, and Technical Services (Except 5412)	541	P	P	N	N	N	N	1 per 350 GFA
Accounting, Bookkeeping and Payroll Services	5412	P	P	C	N	C	C	1 per 350 GFA
<b>Sector 55: Management Companies and Enterprises</b>								
Management Companies and Enterprises	551	P	P	N	N	N	N	1 per 350 GFA
<b>Sector 56: Administrative and Support and Waste Management and Remediation Services</b>								
Administrative and Support Services	561	P	P	N	N	N	N	1 per 350 GFA
Waste Collection	5621	P	P	N	N	N	N	1 per 500 GFA
Waste Treatment and Disposal (Except 562991)	5622	N	N	N	N	N	N	NA
Septic Tank and Related Services	562991	P	P	N	N	N	N	1 per 500 GFA
<b>Sector 61: Educational Services</b>								
Elementary and Secondary Schools	6111	P	P	P	P	P	P	1 per 15 students, design capacity elementary and middle schools - all

USE	NAICS	GC	I	RD	R-1	R-2	R-3	Required Parking <sup>1</sup>
								others 1.5 spaces for each student, faculty, and staff per design capacity
Junior Colleges, Colleges, Universities, Professional Schools, Business Schools, Computer Management Training, Technical and Trade Schools	6112-5	P	P	P	P	P	P	1.5 spaces for each student, faculty, and staff per design capacity
Other Schools and Instruction	6116	P	P	N	N	N	N	By Individual Review
Educational Support Services	6117	P	P	N	N	N	N	1 per 500 GFA
<b>Sector 62: Health Care and Social Assistance</b>								
<b>Ambulatory Health Care Services</b>	621							
Offices of Physicians	6211	P	P	C	C	C	C	1 per 200 GFA
Offices of Dentists	6212	P	P	N	N	N	N	1 per 200 GFA
Offices of Other Health Care Practitioners	6213	P	P	N	N	N	N	1 per 200 GFA
Outpatient Care Centers	6214	P	P	N	N	N	N	1 per 300 GFA
Medical and Diagnostic Laboratories	6215	P	P	N	N	N	N	1 per 400 GFA
Home Health Services	6216	P	P	N	N	N	N	1 per 500 GFA
Other Ambulatory Health Care Services	6219	P	P	N	N	N	N	1 per 300 GFA
Hospitals	622	P	P	N	N	N	N	1 per bed
Nursing and Residential Care Facilities (Except 62321)	623	P	N	N	N	N	N	1 per 4 beds
Residential Intellectual and Developmental Disability Facilities (Group Homes)	62321	P	N	P	P	P	P	1 per 4 beds
Social Assistance (Other than 62412 and 6244)	624	P	P	N	N	N	N	1 per 350 GFA
Services for the Elderly and Persons With Disabilities – Day Care Only <sup>6</sup>	62412	P	N	S	S	S	S	1 per 10 clients, design capacity
Child Day Care Services (Other than Family Daycare)	6244	P	N	C	C	C	C	1 per 10 clients, design capacity
<b>Sector 71: Arts, Entertainment, and Recreation</b>								
Performing Arts, Spectator Sports, and Related Industries <sup>7</sup>	711	P	P	N	N	N	N	By Individual Review
<b>Museums, Historic Sites, and Similar Institutions</b>	712							
Museums	71211	P	P	C	C	C	C	1 per 350 GFA
Historical Sites <sup>8</sup>	71212	P	P	P	P	P	P	By individual Review
Zoos and Botanical Gardens	71213	P	P	P	N	N	N	By individual Review
Nature Parks and Other Similar Institutions <sup>9</sup>	71219	P	P	P	P	P	P	By individual Review
<b>Amusement, Gambling, and Recreation Industries</b>	<b>713</b>							



USE	NAICS	GC	I	RD	R-1	R-2	R-3	Required Parking <sup>1</sup>
Amusement and Theme Parks	7131	P	P	N	N	N	N	By individual Review
Gambling Industries	7132	N	N	N	N	N	N	NA
Other Amusement and Recreation Industries	7139							
Golf Courses and Country Clubs	71391	P	P	P	N	N	N	By individual Review
Bowling Centers	71395	P	P	N	N	N	N	4 per lane
Fitness and Recreational Sports Centers	71394	P	N	C	C	C	C	1 per 4 clients, design capacity
All Other Amusement and Recreation Industries (Except Hunt Clubs, Gun Clubs, and Skeet Ranges)	71399	P	P	N	N	N	N	By Individual Review
Hunt Clubs	713990	P	P	P	N	N	N	By Individual Review
Gun Clubs and Skeet Ranges	713990	P	P	N	N	N	N	1 per target area
<b>Sector 72: Accommodation and Food Service</b>								
<b>Accommodations</b>	<b>721</b>							
Hotels and Motels	72110	P	N	N	N	N	N	1.5 per rental unit + 1 per 300 GFA of meeting and restaurant space
Bed and Breakfast Inns (Refer to Conditional Uses for B&B Inns)	721191	C	N	C	C	C	C	1.5 per bed
Recreational Camps and RV Parks (Refer to Conditional Uses for Camps and RV Parks) <sup>10</sup>	72121	C	N	N	N	N	C	By individual review
Rooming and Boarding Houses	72131	P	N	N	N	N	P	1 per bed
<b>Food Service and Drinking Places</b>	<b>722</b>							
Food Service Contractors	72231	P	P	N	N	N	N	1 Per 400 GFA
Caterers (Refer to Conditional Uses for Neighborhood and Rural Commercial Uses)	72232	P	P	C	N	C	C	1 per employee
Mobile Food Services (Refer to Conditional Uses for Vendors, Seasonal Roadside Stands, Farmers Markets)	722330	C	C	C	C	C	C	NA
Drinking Places (Alcoholic Beverages)	7224	P	N	N	N	N	N	1 per 125 GFA
Restaurants and Other Eating Places – Excluding Drive-Ins (Refer to Conditional uses for Neighborhood and Rural Commercial Uses)	7225	P	P	C	C	C	C	1 per 125 GFA
Drive-In Restaurants	722513	P	P	N	N	N	N	1 per 125 GFA
<b>Sector 81: other Services (except Public Administration)</b>								
<b>Repair and Maintenance</b>	<b>811</b>							
Automobile Repair and Maintenance (Refer to Conditional uses for	8111	P	P	C	N	C	N	3 per service bay or mechanic station

USE	NAICS	GC	I	RD	R-1	R-2	R-3	Required Parking <sup>1</sup>
Neighborhood and Rural Commercial Uses)								
Electronic and Precision Equipment Repair and Maintenance	8112	P	P	N	N	N	N	1 per 400 GFA
Commercial and Industrial Machinery and Equipment	8113	P	P	N	N	N	N	1 per 400 GFA
Personal and Household Goods Repair and Maintenance (Refer to Conditional uses for Neighborhood and Rural Commercial Uses)	8114	P	P	C	N	C	N	1 per 400 GFA
<b>Personal and Laundry Services</b>	812							
Barber Shops, Beauty Salons, Nail Salons (Refer to Conditional Uses for Neighborhood and Rural Commercial Uses)	81211-13	P	P	C	N	C	C	2.5 per chair
Other Personal Care Services (Except Tattoo Parlors)	81219	P	P	N	N	N	N	2.5 per chair
Tattoo Parlors	81219	N	N	N	N	N	N	NA
Funeral Homes and Funeral Services	81221	P	P	N	N	N	N	1 per 4 chapel seats
Crematories (Not Combined with Funeral Homes)	81222	P	P	N	N	N	N	By individual review
Cemeteries <sup>11</sup>	81222	C	C	C	C	C	C	By individual review
Dry Cleaning and Laundry Services (Except Coin Operated Laundry and Dry Cleaning)	8123	P	P	N	N	N	N	1 per 350 GFA
Coin Operated Laundry and Dry Cleaning	81231	P	P	N	N	N	N	1 per 250 GFA
Other Personal Services (Except Parking Lots and Garages and Sexually Oriented Businesses)	8129	P	P	N	N	N	N	1 per 350 GFA
Parking Lots and Garages	81293	P	P	N	N	N	N	NA
Sexually Oriented Businesses (Refer to Conditional Uses for Sexually Oriented Businesses)	81299	C	N	N	N	N	N	1 per 250 GFA
<b>Religious, Grantmaking, Civic, Professional, and Similar Organizations</b>	813							
Religious Organizations	8131	P	P	P	P	P	P	1 per 4 seats
All Other Organizations	8132-9							By individual review
Private Household (Employers of Household Workers)	814	P	N	P	P	P	P	2 per dwelling
<b>Sector 92: Public Administration</b>								
Executive, Legislative, and Other Government Support	921	P	P	N	N	N	N	1 per 300 GFA
<b>Justice, Public Order, and Safety Activities</b>	922							
Courts	92211	P	P	N	N	N	N	1 per 300 GFA
Police Protection	92212	P	P	P	P	P	P	1 per 350 GFA

USE	NAICS	GC	I	RD	R-1	R-2	R-3	Required Parking <sup>1</sup>
Legal Counsel and Prosecution	92213	P	P	N	N	N	N	1 per 350 GFA
Correction Institutions	92214	P	P	N	N	N	N	By individual review
Parole Offices and Probate Offices	92215	P	P	N	N	N	N	1 per 350 GFA
Fire Protection	92216	P	P	P	P	P	P	Volunteer - 4 per bay Staffed – one per staff of max shift
Other Justice, Public Order, and Safety Activities	92219	P	P	N	N	N	N	1 per 350 GFA
Other Public Administration	923-928	P	P	N	N	N	N	By Individual Review
Residential Uses	NA							
Single-Family Detached		P	P	P	P	P	P	2 per dwelling
Duplex, Triplex		P	N	N	N	N	P	2 spaces per unit
Quadruplex and Multi-Family Apartments		P	N	N	N	N	P	1.5 spaces per unit
Town homes (Refer to Their Conditional Uses)		C	N	N	N	N	C	2 spaces per unit
Manufactured Housing (See Conditional Uses for Manufactured Housing) <sup>11</sup>		C	N	P	C	P	P	2 per dwelling
Mobile Homes (See Conditional Uses for Mobile Homes) <sup>10</sup>		N	N	C	N	N	C	2 per dwelling
Manufactured Housing and Mobile Home Trailer Parks <sup>10</sup>	N	N	N	N	N	N	N	NA
Modular Homes		P	N	P	P	P	P	2 per dwelling
Accessory Uses to Residential Uses	NA							
Accessory Apartments (Refer to Conditional Uses for Accessory Apartments)		C	N	C	C	C	C	One
Swimming Pools, Tennis Courts		P	N	P	P	P	P	None
Detached Garages and Carports		P	N	P	P	P	P	None
Auxiliary Shed, Workshop		P	N	P	P	P	P	None
Home Occupation (Refer to Conditional Uses for Home Occupations)		C	N	C	C	C	C	None
Personal Use Horticulture and Gardening <sup>12</sup>		P	N	P	P	P	P	None
Family Daycare Home (Refer to Conditional Uses for Family Daycare Homes)		P	N	P	P	P	P	None

#### NOTES

1. Required parking may be expressed in number of spaces per square feet of gross floor area (GFA) of building(s) on site.
2. Small-scale food productions include bakeries, jam and preserve makers, candy makers, and other neighborhood-oriented productions. Small-scale food producers must meet the Conditional Uses for Neighborhood and Rural Commercial Uses.
3. Section 11.405 of the Town of Gaston General Ordinances shall be amended to read: *Wrecking, Scrap, and Salvage Operations (Junk Yards) Prohibited. No new Wrecking, Scrap, and Salvage*

*Operations (Junk Yards), whether for automobiles, machinery or other junk equipment, shall be operated and no license shall be issued for such a business, PROVIDED, this section shall not apply to existing and licensed junk dealers who maintain their business in a completely enclosed building, or have their yard screened along the Public Roadside.*

4. See Conditional Uses for Vendors, Seasonal Roadside Stands, Farmers Markets and cross reference 733330 Street Vendors, Food.
5. Water transportation is not applicable to the Town of Gaston.
6. Allowed as a special exception under Conditions for Neighborhood and Rural Commercial Uses.
7. Fairs, Carnivals, Circuses, Concerts, and Similar Events (NAICS 71119 are allowed as Temporary Uses).
8. Rules for use of Historic Sites are the jurisdiction of the individual property owner.
9. Includes playgrounds and neighborhood and regional parks, cross reference NAICS 924.
10. This zoning ordinance replaces in its entirety Article IV Trailers and Trailer Parks of the Gaston General ordinance.
11. Per Section 5.104 of the General Ordinance of the Town of Gaston, Establishment of Cemetery: *It shall be unlawful for any person to establish or use, within the municipality, any place for the burial of the dead without permission of the Council. This prohibition shall not extend to burial grounds established in the municipality as of the effective date of this Code, within the boundaries as established as of such date for that purpose.*
12. Cross reference Urban Gardens NAICS 111.

## Article 5 Regulations for Conditional Uses and Special Exceptions

### 5:1 Agricultural Facilities

In zoning districts where agricultural facilities are a permitted use, conditional regulations governing the use and operations of such facilities, including setbacks, are governed by the *SC Right to Farm Act, Nuisance Suites Related to Agricultural Operations*, SC 46-45-10 through 80, and SCDHEC regulations adopted pursuant to the *Act*. New swine operations and new slaughterhouse operations are excluded from the definition of agricultural facility.

#### 5:1.1 Agricultural Facility as Defined by SC Code of Laws, Section 46-45-20

- A. For purposes of this section, *agricultural facility* includes, but is not limited to, any land, building, structure, pond, impoundment, appurtenance, machinery, or equipment which is used for the **commercial** production or processing of crops, trees, livestock, animals, poultry, honeybees, honeybee products, livestock products, poultry products, or products which are used in commercial aquaculture.
- B. For purposes of this section, *agricultural operation* means:
  1. the plowing, tilling, or preparation of soil at the agricultural facility;
  2. the planting, growing, fertilizing, or harvesting of crops, ornamental horticulture, floriculture, and turf grasses;
  3. the application of pesticides, herbicides, or other chemicals, compounds, or substances to crops, weeds, or soil in connection with the production of crops, livestock, animals, or poultry;
  4. the breeding, hatching, raising, producing, feeding, keeping, slaughtering, or processing of livestock, hogs, aquatic animals, equines, chickens, turkeys, poultry, or other fowl normally raised for food, mules, cattle, sheep, goats, rabbits, or similar farm animals for commercial purposes;
  5. the production and keeping of the honeybees, the production of honeybee products, and

- honeybee processing facilities;
  - 6. the production, processing, or packaging of eggs or egg products;
  - 7. the manufacturing of feed for poultry or livestock;
  - 8. the rotation of crops;
  - 9. commercial aquaculture;
  - 10. the application of existing, changed, or new technology, practices, processes, or procedures to an agricultural operation;
  - 11. the operation of a roadside market; and\*
  - 12. silviculture.
- C. For purposes of this section, *new swine operations* means porcine production operations not in existence on June 30, 2006.
- D. For purposes of this section, *new slaughterhouse operations* means agricultural operations that:
1. are established after this Ordinance’s effective date; and
  2. slaughter or process more than two hundred million pounds of livestock, hogs, aquatic animals, equine, chickens, turkeys, poultry, or other fowl normally raised for food, mules, cattle, sheep, goats, rabbits, or similar farm animals for commercial purposes; and
  3. a new slaughterhouse operation does not include a slaughterhouse located within the corporate limits of a city that relocates within that same county.
- \* It is not clear if farmers markets are included as an operation of a roadside market. For purposes of this Ordinance, it is assumed that farmers markets fall under the protection of the *SC Right to Farm Act, Nuisance Suites Related to Agricultural Operations*.

*5:1.2 Conditional Uses and Special Exceptions for Hog and Pig (Swine) Operations and CAFOs*

Swine operations shall be contingent on the applicant receiving all State and Federal permits and compliance with the supplemental regulations of this section where conditionally permitted by this Ordinance.

Swine operations include swine confined animal feeding operations (CAFOs) and swine farming operations.

A CAFO is an agricultural facility where animals are confined and fed or maintained for a total of forty-five days (45) or more in a twelve (12) month period, and crops, vegetated forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Structures used for the storage of animal waste from animals in the operation also are part of the concentrated feeding operation.

Swine operations established after the effective date of this Ordinance shall be located no closer than 750 feet of any pre-existing adjoining property line, 1,500 feet of any pre-existing residence, or 3,960 feet (three quarters of a mile) of a pre-existing religious institution, school, public park or recreation facility, industrial park, or building used as a business, unless the titleholder of the adjoining land executes a waiver with the titleholder of the land where the CAFO or farming operation is established or proposed to be established under terms and conditions that the parties negotiate.

A waiver shall be executed by the adjacent/adjoining property owner(s) which grants permission to locate a CAFO closer than 1,500 feet to a pre-existing residence, or closer than 3,960 feet (three quarters of a mile) to a pre-existing church or religious institution, public or private school or educational facility, public park or recreation facility, industrial park, or any building used as a business, professional office, or public use; or grants permission to locate closer than 750 feet from any pre-existing property line. Said zoning use waiver must contain a description of which portion of the adjacent property is subject to the waiver and a derivation. The waiver shall be witnessed by two persons and filed in the office of

## Planning and Zoning.

Lagoon or waste storage ponds used in conjunction with all swine operations shall be provided with a 200-foot vegetated buffer strip on all sides. The buffer shall not contain any water body, water source, or wetland. No portion of any swine facility shall be located in the 100-year floodplain.

Non-Conforming Swine CAFOs and farming operations in existence prior to the effective date of this Ordinance are subject to the non-conforming provisions of this Ordinance.

### *5:1.3 Urban Gardens in R-1, R-02, and R-2 Zoning Districts*

An Urban Garden is: A lot, or any portion thereof, managed and maintained by a person or group of persons, for non-commercial growing and harvesting, farming, community gardening, or any other use, which contributes to the production of agricultural, floricultural, or horticultural products for beautification, education, recreation, community use, consumption, off-site sale, or off-site donation.

In R-1, R-2, and R-3 residential zoning districts, Urban Gardens are conditionally permitted as an accessory use to any structure that serves as a permitted principal use, and Urban Gardens may be allowed by the Board of Zoning Appeals as a principal use on undeveloped lots by a Special Exception under the Conditions for Urban Gardens sited herein. In all other zoning districts (non-residential), Urban Gardens are permitted unconditionally as a principal or accessory use. The term Urban Garden does not include gardens located on lots with residential structures and grown for personal use of the residents of those lots. These are permitted outright.

#### *5:1.3-1 Conditions for Urban Garden Uses*

- A. No on-site sales are permitted.
- B. Urban Gardens do not include animal production.
- C. Urban Gardens must comply with all requirements set forth in the Gaston General Ordinances, unless otherwise expressly set forth herein.
- D. Notwithstanding any provision in this Ordinance to the contrary, hoop-houses, greenhouses, trellises, raised beds, tool sheds, and any other structure used by the Urban Garden for the purposes set forth above are expressly allowed. The placement of structures shall adhere to the accessory structure setback requirements of this Ordinance. Garden plants may be grown up to three (3) feet from any property line.
- E. Notwithstanding any provision in this Ordinance to the contrary, machinery and equipment used by the Urban Garden for the purposes set forth above are expressly allowed. When not in use, all such machinery and equipment shall be stored so as not to be visible from any public street, sidewalk, or right-of-way. An exception is machinery and equipment temporarily rented or borrowed may be kept on-site and un-stored for a period of no more than fourteen (14) consecutive days.

### *5.1.4 Poultry for Egg Production in GC, R-2, and R-3 Zoning Districts and Special Exception in R-1 Zoning District*

- A. The keeping of chickens shall be an accessory use for a principal dwelling unit by the dwelling unit occupants.
- B. No more than four hens shall be kept or maintained on a single premise on lots under three acres. Lots three acres or more may have up to six hens. No roosters shall be allowed.

- C. Such hens must be confined in a coop not less than 18 inches in height and with a minimum square feet of floor area of two square feet per hen over four months of age, connected to a run of not less than 9 square feet for one bird; 12 square feet for two birds; 16 square feet for three birds; 20 square feet for four birds; or 30 square feet for six birds over four months of age, which shall be fully enclosed. Coops must be completely enclosed and constructed in a uniform manner of a sturdy material that provides protection from potential predators, rodents, and the elements and properly ventilated. Runs must be constructed of a fencing material that prevents potential predators from getting in and prevents the hens from escaping.
- D. The run and must be well drained so there is no accumulation of chicken excrement. The run and coop shall be cleaned at least once per week with all droppings and excretion disposed of in a manner so as not to cause an odor or attract flies, unless otherwise disposed of in accordance with any federal, state or local health regulations.
- E. Coops and runs shall adhere to the accessory structure setback requirements for Stables, Shelters, and Pens for Housing Animals (Non-Commercial Agricultural Production) of this Ordinance.
- F. Coops must be screened from the side or rear lot line by shrubbery or a privacy fence if it comes within 25 feet of the property line and/or 50 feet of the nearest residence other than that of the owner.
- G. Hen feed shall be kept in a rodent proof container under shelter.
- H. Coops and runs shall not interfere with any utilities or other property features that need access.
- I. No person shall slaughter any chickens on his/her premises.
- J. The accessory use of keeping hens for egg production shall be for personal use of the dwelling unit occupants; otherwise, eggs shall be given or sold off-premise.
- K. Section § 3.306, Keeping Swine or Hogs, Cows, Chickens, Stables, of the Gaston General Ordinances shall be observed: *It shall be unlawful for any person to keep swine or hogs, cows, or chickens in such a manner as to create a nuisance. All stables, houses and barns shall be kept in a clean and sanitary condition and the manure not allowed to accumulate and shall be subject to regulations pre- scribed by the health officer.* The effected property owner shall have the right to a Board of Zoning Appeals hearing and determination.

#### 5:1.5 Special Exceptions for Dairy Cattle and Goats for Milk Production in R-2 and R-3 Zoning Districts

- A. Dairy cattle and goats for milk production shall be an accessory use for a principal dwelling unit by the dwelling unit occupants.
- B. The minimum lot size shall be one acre for one dairy cow or goat. A second cow or goat is allowed with an additional 20,000 square feet of lot. No more than two cows or goats are allowed.
- A. Applicable accessory structure setback requirements for Stables, Shelters, and Pens for Housing Animals (Non-Commercial Agricultural Production) of this Ordinance shall apply.
- C. The accessory use of dairy cattle and goats for milk production shall be for personal use of the dwelling unit occupants; otherwise, milk and dairy products shall be given or sold off-premise.
- D. Section § 3.306, Keeping Swine or Hogs, Cows, Chickens, Stables, of the Gaston General Ordinances shall be observed: *It shall be unlawful for any person to keep swine or hogs, cows, or chickens in such a manner as to create a nuisance. All stables, houses and barns shall be kept in a clean and sanitary condition and the manure not allowed to accumulate and shall be subject to regulations pre- scribed by the health officer.* The effected property owner shall have the right to a Board of Zoning Appeals hearing and determination.

#### 5:1.6 Horses in R-2 Zoning Districts and Special Exception for Uses of Horses in R-1 and R-3 Zoning Districts

- A. The keeping of horses shall be an accessory use for a principal dwelling unit by the dwelling unit occupants.
- B. The minimum lot size shall be one acre for one horse. A second horse is allowed with an additional 20,000 square feet of lot. No more than two horses are allowed.
- C. Applicable Setbacks for Stables, Shelters, and Pens for Housing Animals (Non-Commercial Agricultural Production) of this Ordinance shall apply.
- D. The accessory use of horses shall be for personal use of the dwelling unit occupants and not for commercial sale or breeding.
- E. Section § 3.306, Keeping Swine or Hogs, Cows, Chickens, Stables, of the Gaston General Ordinances shall be observed: *It shall be unlawful for any person to keep swine or hogs, cows, or chickens in such a manner as to create a nuisance. All stables, houses and barns shall be kept in a clean and sanitary condition and the manure not allowed to accumulate and shall be subject to regulations pre- scribed by the health officer.* The effected property owner shall have the right to a Board of Zoning Appeals hearing and determination.

#### 5.1.7 Apiculture (Bee Keeping) in R-1 and R-3 Zoning Districts and Special Exceptions for Principal Uses

- A. In R-1 and R-3 residential zoning districts, small-scaled bee keeping production is conditionally permitted as an accessory use to a residential principal use, and bee keeping may be allowed by the Board of Zoning Appeals as a principal use on undeveloped lots by a Special Exception under the conditions for apiculture sited herein.
- B. These regulations do not apply to beekeeping in R-1 and R-3 zoning districts for personal use only of the residents of those lots. These are permitted outright.
- C. Honey and other products cannot be sold on-site.
- D. A maximum of two (2) permanent hives per property are allowed. The maximum allowance does not apply to periods of rescuing a swarm.
- E. An on-site source of fresh water shall be maintained for the bees.
- F. The placement of hives and other structures shall adhere to the accessory structure setback requirements for Stables, Shelters, and Pens for Housing Animals (Non-Commercial Agricultural Production) of this Ordinance.
- G. Hives shall not be taller than five (5) feet in height and twenty (20) cubic feet of total area. It shall be unlawful for any person to keep bees in such a manner as to create a nuisance. The effected property owner shall have the right to a Board of Zoning Appeals hearing and determination.
- F. Applicable Setbacks for Stables, Shelters, and Pens for Housing Animals (Non-Commercial Agricultural Production) of this Ordinance shall apply.

#### 5:2 Neighborhood and Rural Commercial Uses

The intent if these regulations is to allow certain small-scale commercial uses adjacent to residential developments and in rural parts of the Town. Small-scale commercial uses are businesses or offices that are manned during business hours, do not require large-scale deliveries, and do not produce excessive levels of light or noise. Examples include shops, cafes, bakeries, and other types of service businesses. Integration of such commercial establishments can provide community members convenient access to neighborhood-oriented services and give residents the option of walking rather than depending on an automobile. Where conditionally permitted per Table I, these businesses:

- A. Shall not exceed 3,000 square feet gross floor area.



- B. Establishments engaged in the retail sale of alcoholic beverages shall not permit on premise consumption.
- C. No uncovered open storage or keeping of materials not associated with the principal use shall be permitted in public view.
- D. Establishments shall not operate after 8:00 p.m.
- E. Establishments shall meet the buffer and landscaping requirements of this Ordinance.

**5:3 Manufacturing Facilities**

The following performance standards shall be used to ensure that all conditionally permitted manufacturing uses shall produce no injurious or obnoxious conditions related to the operation of such uses sufficient to create a nuisance beyond the premises. The Planning Commission or the Planning Official, as applicable, may require additional restrictions based on proximity to schools, churches, residential areas, etc. Furthermore, the Planning Commission may require that an engineer certify that the proposed project will not violate the restrictions listed herein.

**5:3.1 Vibration**

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line; nor shall any vibration produced exceed the following velocity levels, measured with a vibration monitor in inches per second at the nearest:

- A. Residential property line: 0.02
- B. Non-residential property line: 0.10

**5:3.2 Fire and Explosives**

All activities and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion, including adequate firefighting and fire suppression equipment, as prescribed in the applicable building codes.

**5:3.4 Noise**

All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness. In no event shall the sound pressure level of noise radiated continuously from a facility exceed at the lot line the values given in the night time and day time schedules below in any octave band or frequency. Sound pressure level shall be measured with a sound level meter and an octave band analyzer that conforms to American National Standards Institute (ANSI) type 2 standards.

**A. Night Time Schedule**

Maximum permissible sound pressure levels at the lot line for noise radiated continuously from a facility between the hours of 9 p.m. and 7 a.m.:

<b>MAXIMUM CONTINUOUS SOUND PRESSURE LEVELS - NIGHT TIME</b>		
<b>Frequency Band (In Cycles per Second)</b>	<b>Sound Pressure Levels (In Decibels)</b>	
	<b>At Non-Residential Lot Line</b>	<b>At Residential Lot Line</b>
20-75	69	65
76-150	60	50
151-300	56	43
301-600	51	38
601-1,200	42	33

1,201-2,400	40	30
2,401-4,800	38	28
4,801-10,000	35	20

**B. Day Time Schedule**

Maximum permissible sound pressure levels at the lot line for noise radiated from a facility between the hours of 7 a.m. and 9 p.m. shall not exceed the limits of the preceding table except as specified and corrected below:

<b>MAXIMUM SOUND PRESSURE LEVEL EXCEPTIONS - DAY TIME</b>	
<b>Type of Operation in Character of Noise</b>	<b>Correction in Decibel*</b>
Day time operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5
Noise source operates less than 5% of any one-hour period	plus 10
Noise source operates less than 1% of any one-hour period	plus 15
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, speech, etc.)	minus 5
* Applicable only if these corrections may be applied to the preceding table.	

Noises emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these requirements. Vibration emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these regulations.

*5:3.4 Air Pollution*

The emission of visible smoke, dust, dirt, fly ash, and particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the South Carolina Department of Health and Environmental Control (SCDHEC) and the SCDHEC Air Operating Permit. Air pollution emanating from construction activities shall be governed by the SCDHEC Air Construction Permit.

*5:3.5 Odor*

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the property line. Any process which may involve the creation or emission of any such odor shall be provided with both a primary and a secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system.

*5:3.6 Glare*

There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding, or otherwise, so as to be visible in any residence.

*5:3.7 Fumes and Vapors*

There shall be no emission of any fumes or vapors of a noxious, toxic, or corrosive nature which can cause damage or irritation to health, animals, vegetation, or to any form of property.

*5:3.8 Heat, Cold, Dampness, or Movement of Air*

Activities which could produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted.

### 5:3.9 Toxic Matter

The measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hour sampling period. The release of any airborne toxic matter shall not exceed the quantities permitted for those toxic materials currently listed in *Threshold Limit Values* as published by SCDHEC. If a toxic substance is not contained in said listing, the applicant shall provide documentation to satisfy the Planning Official that the proposed levels will be safe to the general population.

### 5:3.10 Exterior Illumination

All operations, activities, and uses shall be conducted so as to comply with the performance standards governing exterior illumination prescribed below.

In general, the pattern of light pooling from each light source shall be carefully considered to avoid throwing light onto adjacent properties. Light sources visible in residential or medical areas shall comply with light intensities indicated in Column A, below. Light sources visible in commercial or industrial areas shall comply with light intensities indicated in Column B below.

MAXIMUM INTENSITY FOR EXTERIOR LIGHTING		
	Column A	Column B
Bare Incandescent Bulbs	5 watts	40 watts
Illuminated Buildings	15 ft. candles	30 ft. candles
Internally Illuminated Signs	150 ft. lamberts	250 ft. lamberts
Externally Illuminated Signs	25 ft. candles	110 ft. candles
Any Other Unshielded Sources, Intrinsic Brightness	50 candelas per square	50 candelas per square

Illumination shall be measured from any point outside the property. Measurements are to be conducted by Illumination Engineering Society of North America (IESNA) standards.

### 5:4 Communications Towers

Where conditionally permitted by Table 1, communication towers and antennas shall adhere to the following regulations:

- A. All new towers shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements.
- B. All applicable safety code requirements shall be met.
- C. The tower or antenna shall not be painted or illuminated unless otherwise required by State or Federal regulations. Furthermore, at night, the warning lights on the tower shall be red (not white).
- D. No tower or antenna shall be located within 1,000 feet of an existing tower or antenna.
- E. Towers or antennas shall be exempt from the maximum height requirements of this Ordinance; except when adjacent to a residential zone or use, a freestanding tower must be separated from any such residential property line by a distance equal to one (1) foot for each one (1) foot in height.

#### 5:4.1 Permit Requirements for Erection of a Tower or Antenna

Permit requirements for the erection or placement of a tower or antenna shall be accompanied by the following:

- A. A processing fee as set by Town Council.
- B. One copy of typical specifications for proposed structures and antennas, including description of design characteristics and material.

- C. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs, or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property. (Site plan not required if antenna is to be mounted on an approved existing structure)
- D. A current map or update of an existing map on file showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records serving any property.
- E. A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards.
- F. Identification of the owners of all antennas and equipment to be located on the site.
- G. Written authorization from the site owner for the application.
- H. Evidence that a valid FCC license for the proposed activity has been issued.
- I. A line of sight analysis showing the potential visual and aesthetic impact on residences. Towers shall be located to minimize visual and aesthetic impact on residences.
- J. A written agreement to remove the tower and/or antenna within 180 days after cessation of use.
- K. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file a written indemnification of Town Government and proof of liability insurance or financial ability to respond to claims up to \$1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to the Town of Gaston, in form approved by the Town Attorney.
- L. Applicant will supply additional information to determine if other zoning requirements are satisfied.

#### *5:4.2 Permit Requirements for Co-location*

Permit application for the co-location of an antenna on an existing tower shall be accompanied by the following:

- A. Processing fee as set by Town Council.
- B. One copy of typical specifications for proposed antenna, including description of design characteristics and material.
- C. A current map or update of an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records serving any property.
- D. Identification of the owners of all antennas and equipment to be located on the site.
- E. Written authorization from the site owner for the application.
- F. Evidence that a valid FCC license for the proposed activity has been issued.
- G. A written agreement to remove the antenna within 180 days after cessation of use.
- H. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file a written indemnification of the Town of Gaston government and proof of liability insurance or financial ability to respond to claims up to \$1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to the Town of Gaston, in form approved by the Town Attorney.
- I. Applicant will supply additional information to determine if other zoning requirements are satisfied.

### 5:5 Mini Warehouses

Where conditionally allowed in Table 1, mini-warehouses shall meet the following standards:

- A. Mini-warehousing sites shall not exceed four (4) acres.
- B. Lot coverage of all structures shall be limited to fifty (50) percent of the total area.
- C. Vehicular ingress-egress shall be limited to one point for each side of property abutting any street lot line.
- D. No business or residential activities other than use as storage units shall be conducted within or from the units.
- E. The storage space or gross floor area of a single unit shall not exceed 300 square feet.
- F. Four parking spaces shall be provided in the vicinity of the leasing office to include one handicapped accessible space. Drive aisles adjacent to all exterior storage unit doors shall be a minimum of twenty-seven (27) feet wide.

### 5:6 Bed and Breakfast Inns

Bed and breakfast inns are intended to provide a unique transit lodging experience in predominantly residential environs. Thus, care should be taken to protect the environs that contribute to the experience of such lodging while promoting their use. To meet this objective, bed and breakfast inns, where conditionally permitted in Table 1, shall:

- A. Be occupied by the resident/owner.
- B. Only be permitted in residential structures that are recognized as architecturally, historically, or culturally significant and that, through renovation and/or use as a bed and breakfast inn, will contribute significantly to the ambience, character, or economic revitalization of the area and/or continued use of the property in question for residential purposes.
- C. Give notice of the bed and breakfast application to adjoining property owners.
- D. Serve no regularly scheduled meal other than breakfast.
- E. Maintain the interior architectural integrity and arrangement of the structure.
- F. Maintain the exterior architectural integrity of the structure and grounds, and make changes only if compatible with the character of the surrounding area.
- G. Provide off-street parking based on one space per guest room, plus two spaces for the resident innkeeper.
- H. Not be used for receptions, parties, etc., in which the resident/owner receives a fee or compensation.
- I. Comply with Title 45, Chapter 4, of the South Carolina Code of Law: The South Carolina Bed and Breakfast Act.

#### 5:6.1 Signage Regulations for Bed and Breakfast Inns

- A. One freestanding sign or one wall sign per street frontage is permitted if all signs are at least 100 feet apart as measured by the shortest straight line.
- B. The maximum sign surface area of the freestanding sign shall be five (5) square feet with a maximum height of five (5) feet. The maximum sign surface area of the wall sign shall be four (4) square feet.
- C. A freestanding sign shall be set back a minimum of five (5) feet from the front property line. The side setback shall be a minimum of ten (10) feet from side property line. If the property is located adjacent to a residential use, the minimum side property line setback will be fifteen (15) feet.
- D. Such sign may be externally illuminated only.

### 5:7 Camps and Recreational Vehicle Parks

Camps and recreational vehicle (RV) parks, where conditionally permitted by Table 1, shall comply with the following site and design standards listed below. Such parks are considered temporary occupancy; therefore, no recreational vehicle or trailer will be allowed to remain in a park for more than three (3) months per year.

- A. The site shall be at least two (2) acres in size.
- B. The site shall be developed in a manner that preserves natural features and landscape.
- C. The following dimensional requirements shall serve as parameters beyond which development shall not exceed.
  - 1. Maximum impervious surface ratio shall not exceed fifteen (15) percent of the project site.
  - 2. Minimum setbacks for all structures and recreational vehicles shall be:
    - a. Street frontage: Fifty (50) feet
    - b. All other property lines: Twenty-five (25) feet
- D. Maximum density shall not exceed twelve (12) recreational vehicles per acre.
- E. Buffering, screening, open space, and landscaping shall be as specified by provisions of this Ordinance.
- F. Camping and RV park facilities shall be physically separated from public streets by channeling facility access to reverse frontage roads or single ingress and egress points. All drives shall be located at least 150 feet from any street intersection and shall be designated in a manner conducive to safe ingress and egress.
- G. All streets and driveways within RV parks shall be private and not public.
- H. Each park site shall be serviced by public water and with sewer/septic systems approved by SCDHEC.

### 5:8 Vendors and Seasonal Roadside Stands

#### 5:8.1 Vendors

The word *vendor*, whenever used in this section, means any person who sells or solicits sales of food, drink, or other merchandise from a self-contained pushcart, bicycle cart, or other cart, operable motor vehicle, wagon, sled, or carriage propelled by human, animal, or mechanical power.

Vendors, where permitted by the zoning district regulations of this Ordinance, shall be governed by the following:

- A. All vending operations must be located on property on which there is at least one existing permitted primary use. Under no circumstances shall a vendor be permitted to operate on property that is uninhabited or vacant.
- B. Merchandise shall not be removed from the self-contained pushcart, self-contained trailer, self-contained bicycle cart, or other self-contained cart, self-contained operable motor vehicle, self-contained wagon, self-contained sled, or self-contained carriage for display or sale.
- C. All vending operations shall be located not less than twenty (20) feet from the nearest street right-of-way, sidewalk, or other public property and shall provide at least two (2) off-street parking spaces.
- D. Only one (1) vendor shall be allowed for each 100 feet of street frontage.
- E. No portion of a vending operation shall be allowed to occupy or obstruct access to any required off-street parking stall.
- F. No merchandise, vehicles, structures, signage, etc., shall be left on the site past sundown.
- G. No goods or merchandise offered for sale may be stored in or sold from a tractor-trailer.
- H. Vendors must obtain and carry at all times notarized written permission to conduct business per item A-G above from the property owner on which the vendor operation is located.

- I. The vendor must obtain and carry at all times a notarized written agreement for use of toilet facilities located within 200 feet of the vendor operation.
- J. The vendor, if applicable, must obtain and carry at all times any applicable State (SCDHEC) food handler and/or other applicable health safety license.

*5:8.2 Seasonal Roadside Stands*

The term seasonal roadside stand, whenever used in this section, means any trailer, tent, non-motorized vehicle, or other facility or structure, not erected on a foundation that is erected and operated for the sale or solicitation of seasonal sale of agricultural products, fireworks, or other products not customarily sold on a year-round basis.

Seasonal roadside stands, where permitted by the zoning district regulations of this Ordinance, shall be governed by the following:

*5:8.2-1 Seasonal Roadside Markets and Farmers Markets (Agricultural Facilities)*

Effective June 30, 2006, in zoning districts where agricultural facilities (including roadside markets and farmers markets) are a permitted use, regulations governing the use and operations of such facilities (including setbacks) are governed by the *SC Right to Farm Act, Nuisance Suites Related to Agricultural Operations*, SC 46-45-10 through 80 and SCDHEC regulations adopted pursuant to the *Act*. Refer to the Agricultural Facilities section in this Article.

*5:8.2-2 Seasonal Roadside Stands Other Than Roadside Markets*

- A. All seasonal roadside stand operations shall be located not less than twenty (20) feet from the nearest street right-of-way, sidewalk, or other public property, and shall provide at least two (2) off-street parking spaces.
- B. Only one (1) seasonal roadside stand shall be allowed for each 100 feet of street frontage.
- C. No portion of a seasonal roadside stand operation shall be allowed to occupy or obstruct access to any required off-street parking stall.
- D. All seasonal roadside stands shall be portable. At the conclusion of seasonal sale, stands shall be stored off-site or within the rear building setback area of the lot.
- E. No goods or merchandise offered for sale may be stored in or sold from a tractor-trailer.
- F. Seasonal roadside stand operators must obtain and carry at all times notarized written permission to conduct business per items 1-5 above from the property owner on which the seasonal roadside stand operation is located.
- G. The operator must obtain and carry at all times a notarized written agreement for use of toilet facilities located within 200 feet of the stand operation.
- H. Seasonal roadside stand operators must obtain and carry at all times any applicable state (SCDHEC) food handler and/or other applicable health safety license.
- I. Firework stand operators must obtain and carry at all times a license from the SC Department of Labor, Licensing, and Regulation (LLR) Board of Pyrotechnic Safety and the approved LLR checklist completed by the Lexington County Fire Marshall and Sheriff’s Department.

*5:9 Sexually Oriented Businesses*

For purposes of this Ordinance, sexually oriented business operations shall mean and include the following:

- A. **Adult Arcade** means 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 (5)

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."

- B. **Adult Bookstore or Adult Video Store** means 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:
1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, digital video discs, or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas," or;
  2. instruments, devices, or paraphernalia, which are designed for use in connection with "specified sexual activities." A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as: One of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas."
- C. **Adult Cabaret** means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
1. Persons who appear in a state of nudity; or
  2. live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or
  3. films, motion pictures, videocassettes, digital video discs, slides, or other photographic reproductions, which are characterized by the description of "specified sexual activities" or "specified anatomical areas."
- D. **Adult Motel** means a hotel, motel, or similar commercial establishment which:
1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, digital video discs, 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; or
  2. offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  3. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- E. **Adult Motion Picture Theater** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, digital video discs, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- F. **Adult Theater** means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- G. **Sexual Encounter Center** means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or



2. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

#### *5:9.1 Definitions of Specified Anatomical Areas and Specified Sexual Activities*

- A. **Specified Anatomical Areas** means the male or female genitals including the vulva or more intimate parts of the female genitals, or bare human buttocks, anus, or the areola or nipple of the female breast.
- B. **Specified Sexual Activities** means and includes any of the following:
  1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast.
  2. Sex acts, normal or perverted, actual or simulated including intercourse, oral copulation, or sodomy.
  3. Masturbation, actual or simulated.
  4. Excretory functions as a part of or in conjunction with any of the activities set forth in 1 through 3 above.

#### *5:9.3 Location of Sexually Oriented Businesses*

Owing to potentially objectionable operational characteristics of sexually oriented or adult uses, and the deleterious effect of such uses on existing businesses and/or residential areas around them, the location of such uses where permitted by Table 1, shall be tempered by the supplemental siting criteria of this section.

No such use shall be located within 2,000 feet (measured in a straight line) of:

- A. a residence or a residential zone;
- B. a church or religious institution;
- C. public or private schools and educational facilities;
- D. public parks and recreational facilities;
- E. any other adult or sexually oriented business. In addition, no more than one sexually oriented business shall be allowed in the same building.

#### *5:9.4 Operation Requirements*

It shall be a violation of this Ordinance for a person to operate a sexually oriented business without having first received a permit as required by this Ordinance.

#### *5:9.5 Inspection*

- A. The operator of a sexually oriented business shall permit representatives of the Town of Gaston Planning Official and Police; Lexington County sheriff's, health, or fire department; or other governmental department or agency involved in code enforcement to inspect the premises from time to time for the purpose of ensuring compliance with the law.
- B. The operator commits a misdemeanor if he refuses to permit such lawful inspection of the premises.

#### *5:9.6 Revocation*

The Planning Official may revoke the use permit and declare the operator in violation of the requirements of this Ordinance if he determines that:

- A. The operator has knowingly allowed possession, use, or sale of controlled substances on the premises.

- B. The operator has knowingly allowed prostitution on the premises.
- C. The operator has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted premises.

#### 5:10 Town Homes

Due to the unique design features of town homes, the dimensional requirements of Table 2 are modified as follows, and the following design requirements are imposed for all such projects:

- A. The minimum lot size for such projects shall be per Table 2.
- B. Due to the unavailability of residential public sewer, no more than three (3) town homes may be joined together, with approximately the same (but staggered) front line. The Board of Zoning Appeals may approve up to eight (8) joined units if community onsite sewer treatment system is provided. The Board of Zoning Appeals shall determine the minimum lot size per individual project.
- C. Side yard setbacks at the end unit shall be as required for the district in which the project is to be located, with not less than a twenty (20) foot distance between groups of adjoined buildings in the project area.
- D. Rear yard setbacks shall be a minimum of twenty (20) feet.
- E. Sidewalks not less than three (3) feet in width shall be provided along the front property line of each project and building.
- F. Maximum height of buildings shall not exceed thirty-five (35) feet.
- G. Front yard setbacks shall be as prescribed by Table 2, but may be waived or modified by the Board of Zoning Appeals due to the unique style of such housing.
- H. Rear yards shall be enclosed by a minimum six (6) foot wall or fence. If the rear yard is used for parking, wall or fence configurations may be modified to accommodate access to the parking area. All fences and walls must have a finished side that is facing the adjoining property. The interior side of the fence or wall may be finished as owner deems appropriate. Walls may be brick or masonry. Plain concrete block must be rendered with decorative facing such as stucco, brick veneer, etc. Wood stockade fences (with spaces between the stakes) and unpainted fences are not allowed. Chain link, wire, or other fences that do not create a visible barrier are not allowed.
- I. Rear yards may include one (1) accessory building no greater than 500 square feet in gross floor area.

#### 5:11 Standards for Manufactured Houses

When conditionally permitted in GC and R-1 Zoning Districts, the following standards shall apply:

- A. Single-wide units are not allowed in GC and R-1 Zoning Districts.
- B. Units shall be installed to meet HUD/FHA Foundation Requirements per HUD publication HUD-7584 and per the following:
  1. The foundation piers shall bear upon reinforced poured concrete footings that are constructed below the frost line.
  2. Foundation piers shall be constructed of reinforced concrete, masonry, or steel.
  3. A permanent perimeter wall (skirting) shall enclose the foundation to keep out vermin and water. This wall shall be self-supporting and shall rest on a concrete footing. An access opening must be constructed in this perimeter wall. The perimeter wall shall be constructed of masonry (clay, cement, or stone) block or brick. If cement block or brick is used, it shall be painted.
  4. The home shall have adequate tie downs anchored to the footings to resist horizontal overturning, transverse and longitudinal loads.
  5. The tongue, axles, and wheels shall be removed.

6. An adequate number of screened vents shall be installed around the entire perimeter of the building to provide air circulation in the crawl space (1 sq. ft. of net free area per 150 sq. ft. crawl space floor area).
7. The perimeter walls shall extend at least 8 inches above grade.
8. The exterior grade must taper away from the home for drainage.
9. The dirt floor of the crawl space shall be covered with 6-mil polyethylene plastic vapor barrier.
10. Utilities must be permanently installed.

#### 5:12 Mobile Homes

A mobile home is a factory-built home built prior to enactment of the Federal *Manufactured Housing Construction and Safety Standards Act*, effective June 15, 1976.

A mobile home, as defined, shall not be established within the Town of Gaston. However, the use of an existing mobile home may be continued in accordance with the provisions of the nonconformities section of this Ordinance, and/or relocated to another site, lot, or parcel within RD and R-3 districts provided:

- A. The mobile home is currently registered with the Town of Gaston.
- B. The mobile home has been used as a residence within 365 days of the date of the moving permit application.
- C. The mobile home is deemed habitable and safe by the building inspector.

#### 5:13 Accessory Apartments

Accessory apartments, where permitted as conditional uses, shall meet the following conditions:

- A. The principal structure (dwelling) must be owner-occupied.
- B. The apartment, whether attached or detached, cannot exceed fifty (50) percent of the gross floor area of the principal dwelling or contain more than two bedrooms.
- C. The apartment must be a complete living space with kitchen and bathroom facilities separated from the principal unit.
- D. An accessory apartment may be accessory only to a single-family dwelling, and not more than one apartment shall be allowed per dwelling or lot.
- E. The apartment shall meet all yard setback requirements and, where detached from the principal dwelling, shall be set back not less than twenty (20) feet from the principal dwelling.
- F. Where detached from the principal residence and readily apparent from the street, the accessory apartment shall be compatible in appearance and orientation with the principal residence and the surrounding community.
- G. A third off-street parking space shall be required.
- H. Neither the primary residence nor the accessory apartment shall be a manufactured home or mobile home.

##### 5:13.1 Residential use of Commercial Buildings

Section 5:14 applies to accessory residential uses. This section does not apply to mixed residential and commercial uses such as residential apartments above a commercial shop. In these cases, the residential units are considered the principal use and commercial units are considered the principal use. Neither unit is an accessory use to the other.

#### 5:14 Home Occupations

Home Occupations, as defined by this Ordinance, shall meet the following requirements where conditionally permitted by Table 1:

- A. The home occupation shall be carried on wholly within the principal residence. Attached or detached garages, storage buildings, barns, workshops, and other auxiliary structures may be used only for the storage of parts and materials.
- B. The floor area dedicated to such use shall not exceed twenty-five (25) percent of the floor area of the principal residence.
- C. No activity shall be conducted out of doors, nor shall there be any outdoor storage, display, or refuse area in the yard.
- D. No merchandise or articles shall be displayed so as to be visible from outside the principle residence.
- E. No person not residing in the principle residence shall be employed on the premises.
- F. No traffic shall be generated in an amount above that normally expected in a residential neighborhood.
- G. No parking is needed above that accommodated in residential off-street parking.
- H. There is no alteration whatsoever of the residential character of the building(s) and/or premises.
- I. The occupation, profession, or trade shall be properly licensed, and shall not generate any noise, glare, heat, vibration, smoke, dust, or odor perceptible to adjacent uses.
- J. No display, rental, or sale of wholesale or retail goods or other commodity other than those prepared on the premises shall be allowed on the premises.
- K. The occupation shall not be used for receptions, parties, etc., in which the resident receives a fee or compensation.
- L. Signage for home occupations shall comply with the following:
  - 1. The maximum sign surface area shall be two (2) square feet.
  - 2. Such signs shall not be illuminated.
  - 3. One building wall sign per street frontage is permitted.
  - 4. No signs other than building wall signs shall be permitted.

## 5:15 Family Day Care Homes

### 5:15.1 Definition

**Family Day Care Home** - A family day care home is a facility within a residence in which the operator (caregiver) resides, where child daycare is regularly provided for no more than six children who are unattended by their parent or legal guardian, including those children living in the home, and children who are related to the resident operator (caregiver).

#### 5:15.1-1 Exemption

If child day care is provided for only a child or children related to the resident caregiver and/or the child or children of only one unrelated family, then the facility is not a family daycare home and is not subject to these conditions.

### 5:15.2 Regulations for Family Day Care Homes

- A. No caregiver other than one (1) family member living in the home shall be employed.
- B. No more than six (6) children, including the caregiver's own child(ren), shall be cared for in the home.
- C. Hours of operation shall be from sun-up to sun-down. No overnight child care is permitted.
- D. The home must be licensed and inspected by the South Carolina Department of Social Services (DSS) and must abide by all DSS regulations.

## Article 6 Primary Zoning District Lot Dimension Regulations

The minimum lot area, yard, setback and building height requirements per primary zoning district are herein established and presented in Table 2.

**Table 2 Schedule of Lot Area, Setbacks, Street Frontage, and Building Height Requirements by Primary Zoning District**

DISTRICT	MINIMUM LOT SIZE (SQ FT / ACRE)	SETBACKS IN FEET FROM PROPERTY LINES <sup>2</sup>			MINIMUM STREET FRONTAGE WIDTH <sup>3</sup>	MAXIMUM BUILDING HEIGHT <sup>4</sup>
		FRONT	SIDE	REAR		
GC <sup>1</sup>	Public sewer 6,000 sq. ft. / 0.14 ac.	25	10	10	50	4 stories
	Septic tank, well 32,670 sq. ft. / 0.75 ac.					
	Septic tank, public water 21,780 sq. ft. / 0.50 ac.					
I	217,800 sq. ft. / 5 ac.	35	10	20	100	None
			40 if adjacent to residential	40 if adjacent to residential		
RD	435,600 sq. ft. / 10 ac.	35	25	40	100	35 feet
R-1	Septic tank, well 32,670 sq. ft. / 0.75 ac.	35	10	20	50	35 feet
	Septic tank, public water 21,780 sq. ft. / 0.50 ac.					
R-2 <sup>1</sup>	130,680 sq. ft. / 3 ac.	35	25	40	100	35 feet
R-3 <sup>1</sup>	Septic tank, well 32,670 sq. ft. / 0.75 ac.	25	10	10	50	35 feet
	Septic tank, public water 21,780 sq. ft. / 0.50 ac.					

**NOTES:**

1. The minimum lot size given is for one dwelling unit. For duplexes, triplexes, quadraplexes, and town homes, an additional 20,000 square feet of lot area is required for each additional dwelling unit. Community on-site sewer treatment systems are required for multi-family apartment projects. The Board of Zoning Appeals will determine the minimum lot size for each apartment project based on the number of units and the land area requirements of the community on-site sewer treatment system. In the event that multi-family residential developments are allowed to tie into the Town of Gaston public sewer system, the Board of Zoning Appeals will determine the minimum lot size for each apartment project based on the number of units.
2. Refer to yard and setback modifications of this Ordinance. Zero lot lines are allowed on common wall buildings
3. As measured on street frontage, unless on cul-de-sacs, on curbs less than 90 degrees, or on flag lots. However, the required street frontage on such lots shall not be less than the County or

State encroachment permit requirements to install driveways.

4. Measurement of building height shall be from the average elevation of the finished grade around the perimeter of the structure to the bottom of the eave. Refer to exceptions.

## Article 7 General Zoning Regulations

### 7:1 Yards and Setbacks

The required front, side, and rear yards for individual lots, as set forth for the zoning district within which a given lot is located, shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. In general, the principal building and front yard shall be oriented towards the public street right-of-way and the rear yard shall be the opposite property line and correspond to the rear of the principal building. For existing lots of record with no direct street frontage, the Planning Official shall determine the property line to be considered as the front based upon: existing or proposed principal building orientation to the private drive, orientation to other site features such as lakes or ponds, orientation relative to the closest public street, orientation of neighboring buildings, and general lot configuration. Side and rear yards will be set relative to the determined front yard.

#### 7:1.1 Setback Areas (Yards)

- A. The area between the front property line and the zoning district required front setback shall be considered the front setback area or front yard.
- B. The area between the rear property line and the zoning district required rear setback shall be considered the rear setback area or rear yard.
- C. The area(s) between the side property line(s) and the zoning district required side setback shall be considered the side setback area(s) or side yard(s).

#### 7:1.2 Modifications to Setback Areas (Yards)

- A. **Alleys** - Where a lot abuts upon an alley, one-half of the alley width may be considered as a portion of the required yard or setback.
- B. **Front Yards**
  1. The front yard setback requirements for dwellings shall not apply on any lot where the average setback of existing buildings, located wholly or in part within 100 feet on each side of such lot or within the same block and zoning district and fronting on the same side of the street, is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback, but not less than the average of the setbacks of the existing buildings.
  2. Where a lot fronts on two nonintersecting streets, or two intersecting streets forming an angle of 60 degrees or less, front yards shall be provided on both streets.
- C. **Side Yards** - When the intersection of two streets forms a corner lot, then the following criteria for side setbacks shall apply:
  1. **Detached Single-Family Residential:** The side setback on the side street shall not be less than one half of the required front setback.
  2. **All Uses Other Than Detached Single-Family Residential:** The side setback on the side street shall be not less than the required front setback.
- D. **Zero Lot Line Developments** - Zero lot line means the location of a building on a lot in such a manner that one or more of the building's sides rests directly on a side lot line. Zero lot lines are allowable in the following developments:

1. Commercial or multi-family developments on adjacent tracts of land either under the same ownership or under control permitted under the regulations of this Ordinance.
2. Mixed-
3. Use Developments (MD) permitted under the MD regulations of this Ordinance.
4. Zero lot line buildings with common walls must meet all applicable building codes.

### *7:1.3 Primary Building Buildable Area*

Once the required yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear yard shall be known as the buildable area for the primary building. In no case shall the wall of the primary building extend beyond the buildable area into the respective front, rear, or side yard. This does not apply to the primary buildings steps, eaves, window sills, awnings, or canopies, or accessory structures.

## 7:2 Use of Land and Structures

### *7:2.1 Number of Dwelling Units Per Lot*

Where allowed by Table 1: only one single-family residential unit is allowed per lot; only one duplex, triplex, or quadruplex unit is allowed per lot; and only one town home or multi-family development is allowed per lot.

### *7:2.2 Attached Dwelling Units*

Attachment of two structures for the purposes of making them one duplex or one single-family detached dwelling unit is allowed under the following conditions:

- A. Site-Built Housing
  1. No more than two structures may be combined to form a single unit.
  2. Both structures shall be constructed to residential building code standards.
  3. The connecting structure that forms the attachment shall be constructed to residential building code standards and shall be conditioned space.
  4. The roofing system of the resultant duplex or single-family detached dwelling unit shall be integrally connected.
- B. Manufactured and Modular Housing
  1. No more than two manufactured housing units or modular housing units may be combined to form a single unit.
  2. Each manufactured housing or modular unit shall be set up independently per the set-up provisions of this Ordinance.
  3. The connecting structure that forms the attachment shall be constructed to residential building code standards and shall be conditioned space.
  4. The passage into the connecting structure from each manufactured housing or modular unit shall utilize existing door openings. No structural modification of either unit shall be permitted.
  5. The roof of the connecting structure shall be integrally connected to both manufactured housing or modular units.

## 7:3 Nonconformities

### *7:3.1 Existing Nonconforming Lots of Record*

Where the owner of a lot at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the minimum lot size dimensions of this Ordinance, such lot may nonetheless be used as a building site. Furthermore, the Planning Official is authorized to issue a permit for the use of the property, provided that all applicable setback requirements are not reduced below the minimum specified in this Ordinance by more than twenty-five (25) percent. Setback reductions greater than twenty-five (25) percent shall be referred to the Board of Zoning Appeals for consideration of a variance, observing normal review procedures. If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or sell off these lots, they must first be combined to comply with the dimensional requirements of this Ordinance.

### *7:3.2 Existing Nonconforming Uses, Buildings, Signs, and Structures*

Nonconforming uses, buildings, signs or structures are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located.

However, to avoid undue hardship, the lawful use of any such use, building, sign, or structure at the time of the enactment, amendment, or revision of this Ordinance may be continued according with following provisions:

- A. The change of ownership of a nonconforming use shall discontinue the allowance of the operation of the nonconforming use. This does not apply to change in ownership through a deed of distribution related to an inheritance.
- B. Any nonconforming use may be changed to any conforming use. A nonconforming use may be changed to another nonconforming use which will have less of an adverse impact and will be more compatible with surrounding property than the current or previous nonconforming use.
- C. Normal maintenance, repair, or improvement of a nonconforming building or of a building occupied by a nonconforming use is permitted.
- D. A nonconforming use or building shall not be enlarged or extended by more than ten (10) percent of the gross floor area or yard area in the case of outside storage or truck unloading. Where such enlargement is proposed, it shall be allowed only if all applicable setbacks, buffer areas, and off-street parking requirements are met. Enlargements or extensions greater than ten (10) percent shall be referred to the Board of Zoning Appeals for a variance.
- E. A nonconforming use or building shall not be re-established, reoccupied, or replaced after discontinuance of the use or structure for a period of 180 days.
- F. No building which has been damaged by any cause whatsoever to the extent of more than fifty (50) percent of the fair market value of the building immediately prior to the damage shall be restored except in conformity with the regulations of this Ordinance, and all rights as a nonconforming use are terminated. If a building is damaged by less than fifty (50) percent of the fair market value, it may be repaired or reconstructed if work is substantially completed within twelve (12) months of the date of such damage. The provisions of this subsection shall not apply to any bona fide residence, including manufactured homes used for residential purposes. Said uses may be reestablished regardless of the extent of damage.

## 7:4 Temporary Uses

The following temporary uses may be permitted by the Planning Official, subject to the conditions herein:

- A. **Tents or other temporary structures** for the conduct of any permitted use in the non-residential



- zoning districts for a period not to exceed sixty (60) days.
- B. **Open lot sales of Christmas trees** in the GC, I, RD, and R-2 districts for a period not to exceed forty-five (45) days.
  - C. **Contractor's office** and/or equipment shed in any district for a period covering the construction phase of a project not to exceed one (1) year, unless re-permitted; provided that such office be placed on the property to which it is appurtenant and all required permits for the project have been obtained.
  - D. **Yard Sales, Garage Sales, Attic Sales, Tag Sales, or Similar Types of Sales**
    - 1. **Residential Uses** - Limited to two (2) per year at any given location, in all zoning districts except Industrial. Such sales shall be limited to not more than two consecutive days per event. All items to be sold shall be owned, utilized, and maintained by persons living on or in connection with the premises which they occupy, and shall not have been acquired or consigned for the purposes of resale. Directional signs shall not be erected more than twenty-four (24) hours prior to the advertised event, and shall be removed within twenty-four (24) hours after the event has terminated.
    - 2. **Civic and Non-Profit Institutions** - Institutional uses including educational, religious, recreational, civic, municipal, and other institutional uses may hold up to six (6) fund-raising yard sales, garage sales, attic sales, tag sales, or similar types of sales per year. Such events must be conducted on the premise or property owned or permanently leased by the institutional organization. Such sales shall be limited to not more than two consecutive days per event. All items to be sold must be contributed to the institutional organization and shall not have been acquired or consigned for the purpose of resale. Directional signs shall not be erected more than twenty-four (24) hours prior to the advertised event, and shall be removed within twenty-four (24) hours after the event has terminated.
  - A. **Portable classrooms** as an accessory use to an existing building in any district for cultural, community, educational facilities, or religious complexes for an indefinite period, provided all required setbacks for the district in which the structures are to be located shall be observed and maintained.
  - B. **Temporary office trailers** in any commercial or industrial district where the principal building is being expanded, rebuilt, or remodeled for the conduct of business while the principal building is under construction.
  - C. **Temporary structure for use or storage of material or goods following destruction of a principal use**, not to exceed sixty (60) days, unless re-permitted.
  - D. **Real estate sales office** in any district for a period not to exceed twelve (12) month increments, providing no cooking or sleeping accommodations are maintained in the structure. A temporary use permit for a real estate sales office may be renewed, providing that the project is still under development.
  - E. **Festivals, fairs, carnivals, circuses, and concerts** shall be located no closer than 500 feet of a residential zoning district and shall operate no later than 11:00 p.m., for a period not exceeding twenty-one (21) days. The temporary use application must be accompanied by a parking plan showing the number of parking spaces and adequate ingress and egress to the site. The application may be subject to approval by the Gaston Police Department, the SC Department of Public Safety, and the Lexington County Fire Marshal, as applicable. These provisions are not applicable for festivals, fairs, carnivals, circuses, concerts, and other events conducted within stadiums, arenas, and other facilities specially designed to accommodate such activities and venues.

## 7:5 Accessory Structures and Uses

### 7:5.1 General Requirements

- A. The square footage of all roofed structures, including the principle and accessory structures, shall not exceed thirty (30) percent of lot coverage.
- B. The use of mobile or manufactured homes, shipping containers, or similar structures as accessory buildings shall not be permitted in any zoning district.

### 7:5.2 Location of Accessory Structures

Accessory structures and uses are permitted anywhere within the buildable area of a lot or parcel unless specifically regulated. Accessory structures are permitted within required setback yard areas in the following uses:

#### 7:5.2-1 Off-Street Parking and Loading Spaces

Off-street parking and loading spaces are permitted in required yard and setback areas, but not in required buffer areas.

#### 7:5.2-2 Freestanding Signs

Freestanding signs are permitted in all required yards and front yard buffer areas.

#### 7:5.2-3 Detached Accessory Buildings, Sheds, and Structures for Dry Storage

Detached accessory buildings, sheds, and structures for dry storage (greenhouses, carports, garages, etc.) located in the rear yard may be located three (3) feet from the side and/or rear property line.

#### 7:5.2-4 Stables, Shelters, Coops, and Pens for Housing Animals (Non-Commercial Agriculture Production)

##### A. **Parcels Less than Three (3) Acres:**

On parcels less than three (3) acres, stables, shelters, coops, and pens for housing animals shall be located in the rear of the principal building only; provided such uses shall be located no closer than:

1. Ten (10) feet from any property line; or
2. three (3) feet to any property line adjacent to a street right-of-way or adjacent property, which may not be used for building or development (e.g. swamps, wetlands).

##### B. **Parcels Larger than Three (3) Acres:**

On parcels larger than three (3) acres, stables, shelters, and pens may be located in the side yard provided that the side yard setback requirements are met, or in the rear of the principal building areas provided such uses shall be located no closer than:

1. Ten (10) feet from any property line; or
2. three (3) feet to any property line adjacent to a street right-of-way or adjacent property which may not be used for building or development (e.g. swamps, wetlands).

#### 7:5.2-5 Paddock Fences

Paddock fences for the enclosure of animals may be located in required yards and setback areas under the following conditions:

##### A. **Lots Less than Three (3) Acres:**

1. Residentially Zoned Lots Less than Three (3) Acres - In rear of the principal building only, but no closer than ten (10) feet to the property line.

2. Non-Residentially Zoned Lots Less than Three (3) Acres - In rear of the principal building only, but no closer than five (5) feet to the property line.
- B. Lots Greater than Three (3) Acres:**
1. Residentially Zoned Lots Greater than Three (3) Acres - In all side or rear yards but no closer than ten (10) feet to the property line.
  2. Non-Residentially Zoned Lots Greater than Three (3) Acres - In all front, side, or rear yards up to the property line.

#### *7:5.2-6 Swimming Pools, Tennis Courts, and Recreational Uses*

These uses may be located in all side or rear yard areas, provided said uses shall be no closer than ten (10) feet to the nearest property line and shall have lighting shielded or directed away from adjoining residences.

#### *7:5.2-7 Ground Supported Communication, Reception Antennas, and Satellite Dishes*

These uses shall be located in rear and side yards only, but no closer than five (5) feet to the property line, and if located in the buildable area, shall not extend or be located in front of any principal building.

#### *7:5.3 Accessory Structures Without a Principal Building*

Accessory structures, where allowed as an accessory to residential and non-residential uses, can be erected on lots of record without the principal structure. Such accessory structures shall conform to all the requirements of this section. If a principal structure is subsequently erected on the lot, both the accessory and principal structures must comply with all applicable requirements of this Ordinance. The location, size, or any other factor of the pre-existing accessory structure may not be considered as grounds for a variance from any requirement imposed on the accessory and/or principal structure.

#### *7:5.4 Exceptions to Height Limitations*

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, domes not intended for human occupancy, monuments, water towers, utility poles, chimneys, conveyors, flag poles, masts, roof mounted mechanical equipment, or communication towers and antennas; provided, however, that communication towers/antennas and water tanks shall be separated from any adjoining property line of a single-family residential zone or use by a distance equal to one (1) foot for each one (1) foot in height, measured from the nearest residential property line.

#### *7:5.5 Prohibited Lighting*

To minimize light pollution, glare, and light trespass; to conserve energy and resources; to maintain night time safety and utility; and to curtail the degradation of the night time visual environment, the following lighting features are prohibited within the Gaston City Limits:

- A. Search lights.
- B. Laser source lights.
- C. Any similar high-intensity light except those used in emergencies by police, fire, or EMS personnel.

## *Article 8 Off-Street Parking*

### *8:1 General Requirements*

- A. Where application of the requirements of Table 1 results in a fractional space requirement, the next larger requirement shall apply.

- B. Wherever a building or use constructed or established after the effective date of these regulations is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise to create a need for an increase of fifteen (15) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- C. In determining the parking requirements for multiple occupancy sites such as shopping centers, strips, or malls, and/or mixed uses occupying the same building, the intent shall be to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Therefore, the required parking numbers per gross floor area shall correspond to broad use categories as allowed in the respective zoning district, not specific uses. The total minimum number of required parking spaces as determined by the Planning Official shall be documented on the approved site plan for the facility. A change of tenants and/or use of a unit within an existing multiple occupancy site or building shall not require an alteration in parking requirements. A change in floor area of a unit or units within a multiple occupancy site may require additional parking per item B above.
- D. Shared Parking Plan - The applicant(s) submitting a shared parking plan for approval shall submit sufficient data to indicate the principal operating hours of the uses. If the data supports that the peak parking demands of the various uses will not overlap such that sufficient parking can be available during all hours of operation, the Planning Official shall determine the shared parking requirement, if any. The total minimum number of required parking spaces as determined by the Planning Official shall be documented on the approved site plan for the facility.
- E. Maximum Parking Standards
  - 1. Parking lots of twenty-one (21) to fifty (50) spaces may not have more than 150% of the number of spaces required in Table 1.
  - 2. Parking lots of fifty-one (51) spaces or more may not have more than 125% of the number of parking spaces required in Table 1.
- F. Off-street parking shall not be permitted in any required buffer area.

### 8:2 Land to Provide Parking

Required off-street parking per Table 1 must be provided on the same lot as the principal use for which off-street parking is required, with the following exceptions:

- A. Off-street parking requirements are waived where public on-street parking is provided along the street in the area abutting the principal use.
- B. Near-by (within 750 feet walking distance) public parking garages or lots are available and approved for use by the Planning Official.
- C. A near-by (within 750 feet walking distance) off-site parking facility, the title to which and/or easement for the use of which runs with and/or is appurtenant to the title to such principal use, approved by the Planning Official.

### 8:3 Design Standards

Where off-street parking for more than ten (10) or more vehicles is required, the following design and development standards shall apply:

- A. **Parking Dimensions** - Parking stalls shall be not less than nine (9) feet by nineteen (19) feet, except that a maximum twenty (20) percent of the total number of stalls may be eight and one-half (8½) feet by eighteen (18) feet and designated for small cars. However, the dimensions of all parallel parking stalls shall be not less than nine (9) feet by twenty-four (24) feet. Parking for tractor-trailers shall be twelve (12) feet by fifty (50) feet. The minimum isle width shall be as follows:

**Table 3 Off-Street Parking Minimum Aisle Widths**

OFF-STREET PARKING MINIMUM AISLE WIDTHS	
90 Degree Parking	25 feet
60 Degree Parking	18 feet
45 Degree Parking	13 feet
Mini Warehouses	27 feet*
*Drive aisles adjacent to all storage unit doors	

- B. **Construction, Paving** - Expansive impervious surface parking lots shall be avoided. Instead, parking lots shall be broken down into sections as appropriate for the type and size of the development, and shall be separated by landscaped dividing strips, berms, and similar devices per the Landscaping regulations of this Ordinance. Paving may consist of asphalt, concrete, crushed stone, pavers, gravel, or other material approved by the Planning Official. Pervious pavement is encouraged.
- C. **Drainage** - Parking lot construction shall be designed to minimize off-site stormwater runoff. Stormwater runoff shall be utilized to the maximum extent practicable for landscaping irrigation and/or diverted to vegetative swales and bio retention cells.
- D. **Parking Lots** - Parking lots shall be designed to the extent practicable so as not to drain into or across public sidewalks or onto adjacent property, except into a natural watercourse or a drainage easement.
- E. **Separation from Walkways and Streets** - Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys, and required yards and buffer areas by a wall, fence, curbing, or other protective device approved by the Planning Official per the Buffering, Screening, Landscaping, Open Space, and Tree Protection regulations of this Ordinance.
- F. **Entrances and Exits** - Landscaping, curbing, or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. All off-street parking areas shall be designed so that all movement onto a public street is in a forward motion. Entrance and exit driveways (curb cuts) to public streets and alleys must be at least forty (40) feet from intersections of public streets, measured from the centerline of the intersection to the centerline of the driveway.
- G. **Marking** - Parking lots shall be marked by painted lines, curbs, parking bumpers and blocks, or other means to indicate individual spaces. Signs or markers, as approved by the Planning Official, shall be used as necessary to ensure efficient traffic operation of the lot.
- H. **Lighting** - Lighting shall be provided if off-street parking spaces are to be used at night. Lighting fixtures shall be shielded to prevent misdirected or excessive artificial light that will trespass into adjacent residential properties, interfere with traffic, or contribute to night sky light pollution.
- I. **Landscaping** - Off-street parking areas shall be landscaped in accordance with the Landscaping regulations of this Ordinance.

**8:4 Maintenance**

All off-street parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee, and not used for the sale, repair, dismantling, or servicing of any vehicle or equipment, except for service and auto repair stations.

### 8:5 Parking Spaces for the Physically Handicapped

When off-street parking is required for any building or use, parking for the handicapped shall be included when calculating the overall parking requirements for such building or use, based on the following table:

**Table 5 Required Number of Handicapped Spaces**

REQUIRED NUMBER OF HANDICAPPED SPACES	
Number of Required Spaces	Number of Spaces Reserved for Handicapped Persons
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
500-1,000	2% of total required
1,001 and over	20, plus one for each 100 or fraction thereof over 1,000

#### 8:5.1 Van Accessible Spaces and Handicapped Parking Dimensions

A minimum of one (1) van accessible space shall be provided for each six (6) handicapped spaces or fraction thereof. Handicapped parking spaces shall measure eight (8) feet in width by twenty (20) feet in length. Each accessible parking space must be adjacent to a five (5) foot wide access aisle. Van accessible spaces must be adjacent to an eight (8) foot wide access aisle.

#### 8:5.2 Location of Handicapped Parking Spaces

- A. Handicapped spaces shall be located as close as possible to ramps, walkways, and entrances.
- B. Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, and walkways. Note that the SC Building Code has special accessibility requirements for multi-family, hotel/motel, hospital and physical therapy outpatient, and rehabilitation facilities.

### 8:6 Off-Street Loading

All uses shall provide off-street loading space sufficient for their requirements. Such space shall be arranged so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walk, alley, or private street. Off-street loading and unloading space shall in all cases be located on the same lot or parcel of land as the structures they are intended to serve. The Planning Official may waive off-street loading requirements for established facilities that are exempt from providing on-site off-street parking that have insufficient space to provide on-site, off-street loading.

## 8:7 Parking, Storage, and Use of Recreational Vehicles (Campers, Travel Trailers) and Boats

### *8:7.1 In GC General Commercial, R-1 Single-Family, and R-3 General Residential Zones*

- A. No recreational vehicle shall be parked or stored in any required front or side yard setback area.
- B. A recreational vehicle may be parked anywhere on a premise for a period not to exceed twenty-four (24) hours during loading or unloading.
- C. Recreational vehicles may be used for temporary lodging up to fourteen (14) days per calendar year, increasing to a renewable sixty (60) days when incidental to on premise construction pursuant to a valid building permit.
- D. No boat more than seventeen (17) feet in length may be parked or stored in a required front or side yard setback area.

### *8:7.2 In R-2 Rural Residential, and RD Rural Development Zones*

- A. Recreational vehicles and travel trailers may be parked or stored in side and rear yard setback areas.
- B. Recreational vehicles may be used for temporary lodging up to fourteen (14) days per calendar year, increasing to a renewable sixty (60) days when incidental to on premise construction pursuant to a valid building permit.
- C. No boat more than seventeen (17) feet in length may be parked or stored in a required front yard setback area.

## 8:8 Parking, Storage, and Use of Non-Recreational Vehicles and Equipment

### *8:8.1 Inoperable Vehicles and Vehicles Without Current License Plates in all Zoning Districts*

- A. Except as follows, no more than one (1) automobile, truck, or trailer of any kind or type which is not operable or does not display a current license tag shall be parked or stored on any lot. Any additional automobile, truck, or trailer of any kind or type which is not operable or does not display a current license tag shall not be parked or stored on any lot unless it is completely enclosed in a building or physically removed from vision from neighboring property and the public street serving the property.
- B. In addition to the one (1) permitted inoperable or unlicensed vehicle, one (1) inoperable or unlicensed automobile, truck, or trailer of any kind or type that is being advertised as for sale by the owner or resident of the lot may be displayed on the lot for a period not to exceed sixty (60) days. After such time, the vehicle must be completely enclosed in a building or physically removed from vision from neighboring property and the public street serving the property.
- C. These regulations do not apply to permitted garages, service stations, and automobile sales.

### *8:8.2 Vehicles on Blocks, Jacks, or any Suspension Other than Their Own*

One (1) automobile, truck, trailer, or vehicle of any kind or type, displaying or not displaying a current license tag, which is in the process of being repaired may remain on blocks, jacks, or any suspension system other than its own for no more than sixty (60) days. After such time, the vehicle must be operable and in compliance with this section or be completely enclosed in a building or physically removed from vision from neighboring property and the public street serving the property. These regulations do not apply to permitted garages, service stations, and automobile sales.

### *8:8.3 Parking of Vehicles Used for Commercial, Industrial, Farm, Hauling, or Construction Purposes*

- A. The parking of vehicles with a capacity equal to or less than two (2) tons used for commercial, industrial, farm, hauling, or construction purposes in the R-1 Single-Family Residential and R-3 General Residential districts shall be limited to one vehicle per single residence or business.
- B. Vehicles with capacity greater than two (2) tons and used for commercial, industrial, farm, or construction purposes are prohibited from parking in R-1 Single-Family Residential and R-3 General Residential districts, including the street/highway right-of-way in such districts when not actively involved in commerce.

### *8:8.4 Implements and/or Equipment Used for Commercial, Industrial, Agricultural, or Construction Purposes*

Implements and/or equipment used for commercial, industrial, agricultural, or construction purposes shall not be stored or parked on any lot in the R-1 Single-Family Residential and R-3 General Residential districts, other than in completely enclosed buildings or physically removed from vision from neighboring property and the public street serving the property.

## Article 9 Sign Regulations

### 9:1 Intent

It is the objective of this Ordinance to protect and preserve the aesthetic qualities of the community by regulating the placement, installation, and maintenance of signs. When considering the overall aesthetic quality of a community, signs have a larger impact than other structures because they are designed to command visual attention. The Town of Gaston recognizes the economic benefit of signage to the Town's businesses, industries, and institutions as well as the needs of sign users for adequate identification, communication, and advertising. However, it is justifiable for the Town to plan the physical environment in such a way that unsightliness is minimized.

### 9:2 Applicability and Conformance

This Article regulates the number, size, placement, and physical characteristics of signs; allows certain signs without permits; prohibits certain signs; and requires permits for certain signs.

Upon the adoption of this Ordinance, no sign may be erected, modified, or enlarged within the jurisdiction of this Ordinance unless it conforms to the requirements of this Article.

### 9:3 Prohibited Signs

#### *9:3.1 Off-Premise Advertising*

Except as allowed under temporary signs, any sign which relates in its subject matter to products, accommodations, services, or activities that are sold or offered elsewhere than upon the premises on which such sign is located is not allowed. Off-premise advertising signs include, but are not limited to, those signs commonly referred to as outdoor advertising signs, billboards, or poster boards. Per section 8.103 of the Gaston General Ordinance: It shall be unlawful to place any such advertisement, notice, or sign of any nature on private property, without written consent of the owner or lessee of the property.



### *9:3.2 Mobile or Portable Signs*

Any sign with a frame or stand designed to be transported from place to place and not permanently installed. This definition excludes restaurant menu sandwich boards and easels.

### *9:3.3 Dilapidated Signs*

Any sign which is not properly maintained; is insecure or otherwise structurally unsound; has defective parts in the support, guys and/or anchors; or is unable to withstand wind pressure of 100 miles per hour as determined by the building inspector and applicable regulations as provided in the applicable building codes.

### *9:3.4 Abandoned Signs*

A sign which relays information that is no longer pertinent or up-to-date; no longer advertises a bona fide business, lessor, owner, product, activity conducted, or product available; is located on a structure that does not contain a sign surface area; contains a sign with no message; or is located on a site which no longer has any business activity.

### *9:3.5 Inflatable Signs*

A sign that is either expanded to its full dimensions or supported by gasses contained within the sign or sign parts at a pressure greater than atmospheric pressure.

### *9:3.6 Signs Imitating Official Signs or Signals*

Signs imitating traffic or emergency signals. No sign shall be permitted which imitates an official traffic sign or signal; contains words or symbols displayed in a manner which might mislead or confuse drivers of vehicles; or which displays intermittent lights resembling the color, size, shape or order of lights customarily used in traffic signals or an emergency or law enforcement vehicle, except as part of a permitted private or public traffic control sign.

### *9:3.7 Signs Employing a Confusion of Motion*

No sign shall be permitted which moves or presents the illusion of movement in any manner which may confuse, distract, or unduly divert the attention of drivers of vehicles.

### *9:3.8 Signs in the Public Right-of-Way and on Public Property*

#### *9:3.8-1 Gaston General Ordinance on Posting on Public Property*

- A. **Section 8.101 Posting on Public Property** -It shall be unlawful to place any advertisement (business, political or otherwise) or any notice or sign of any nature on public property within the municipality, by the use of a placard, picture, paper, circular, printing, or by any means or device whatsoever.
- B. **Section 8.102 Posting on Property in Which Municipality Has Interest or Regulatory Power** - It shall be unlawful to place any such advertisement, notice, or sign of any nature on property in which the municipality has an interest or the right to regulate, such as telephone poles, telegraph poles, electric poles or towers, and the like thereof.

### 9:3.8-2 Posting on a Street Right-of-Way

Any non-government sign otherwise permissible by this Article shall not be placed in the right-of-way of a public street unless approved by the Planning Official and an encroachment permit has been obtained from the SCDOT, Lexington County, or the agency of jurisdiction over the right-of-way.

## 9:4 Signs that Do Not Require a Permit

### 9:4.1 General

Signs that do not require a permit or registration shall adhere to the following regulations:

- A. Unless otherwise stated, such signs may be placed in any zoning district.
- B. All signs not requiring a permit shall conform to all the applicable requirements contained in this Ordinance.
- C. There shall be no limit as to the number of such signs on any lot, except as herein prescribed.
- D. All such signs shall be located off the street right-of-way unless otherwise granted permission for such location by the appropriate local, State, or Federal transportation authority.
- E. Such signs may be internally or externally illuminated, except as herein prescribed.

### 9:4.2 Signs Not Requiring a Permit

- A. E-911 Signs
- B. Any sign inside a building
- C. Sign on window or glass door
- D. Flags, insignia, pennants, symbols, etc., of a religious, governmental, or non-profit organization
- E. Government and public utility signs and logos
- F. Historic markers
- G. Hospital, medical, or institutional direction signs providing they contain no advertising. Maximum sign face surface area shall be three (3) square feet and the maximum height shall be eight (8) feet. Such signs shall not be illuminated.
- H. On-premise directional and instructional signs
- I. Sandwich board or easel signs - Establishments shall only display sandwich boards or easel signs when the establishment is open for business.
- J. Warning, No Trespassing, Posted, No Hunting, etc.
- K. Temporary Signs
  1. Grand opening, going out of business, sale signs for a thirty-day period
  2. Temporary special events are permitted for governmental, religious, charitable, civic, fraternal, or similar non-profit organizations, or for-profit organizations advertising events providing a community service and events promoting the community or in the public interest. Examples include church revivals, blood drives, pet vaccination clinics, and similar types of events. Temporary Special Event Signs shall be permitted provided that:
    - a. One sign per street frontage per premise
    - b. No temporary special event sign shall exceed twenty (20) square feet in sign face area, and eight (8) feet in height.
  3. Temporary subdivision signs. Temporary signs announcing a land subdivision development may be erected on the premises of the land subdivision, provided such signs do not exceed twenty-four (24) square feet in area, are spaced at least five hundred (500) feet apart and are removed not more than thirty (30) days from such time as seventy-five (75) percent of the lots are conveyed.

3. Craftsmen's signs. Signs of craftsmen, artisans, house painters, contractors, or subcontractors may be erected and maintained during the period that such persons are performing repairs remodeling, repainting, or improvement work on the premises on which such signs are erected, provided that the size of such signs is not more than nine (9) square feet and that such signs are removed immediately upon completion of the work.
4. Contractor's signs on buildings under construction. One sign displaying the names of the building, contractor, architects, engineers, and similar information is permitted upon the premises of any work under construction or any work of major repair or improvements, provided that the sign does not exceed twenty-four (24) square feet in area and that the sign is removed within seven (7) days after completion of the work.
5. Real estate signs offering real estate for sale, rent, or lease, provided that the sign area does not exceed nine (9) square feet per street frontage. For street frontages of 750 feet or greater, the maximum sign size shall be twenty-four (24) square feet.
6. On-site garage sale signs provided the maximum sign size shall be nine (9) square feet
7. Political signs of a maximum size of nine (9) square feet, on private property subject to consent, not more than (30) days before the election date to which the sign refers. Such signs shall be removed within three (3) days after the election or referendum for which they were prepared.

## 9:5 Signs in General Commercial and Industrial Zoning Districts and Conditionally Permitted in Residential and Rural Resource Districts Requiring a Permit

### *9:5.1 Freestanding Signs (Pole Signs, Ground Signs, and Monument Signs)*

Freestanding signs are any permanently mounted signs that are placed on, or anchored in, the ground and are not attached to a building or other structure. Freestanding signs are permitted as follows:

- A. Where allowed and as specified in this section, freestanding signs are permitted where the activity associated with the sign is a permitted, or conditionally permitted use under zoning district regulations.
- B. One freestanding sign is permitted per street frontage. Maximum sign surface area for single occupancy sites is thirty-two (32) square feet. Maximum sign surface area for multiple occupant sites is fifty (50) square feet.
- C. The maximum height is fifteen (15) feet in general commercial and industrial zoning districts and ten (10) feet as conditionally permitted in residential and rural districts. Where additional height is required to raise the base of the sign to mean elevation (average street level) of the fronting street, the Planning Official may allow greater heights.
- D. Such signs shall be set back a minimum of eight (8) feet from the front property line in all zoning districts. The side setback shall be a minimum of ten (10) feet from the side property line in all zoning districts. If such sign is located adjacent to a residential use in any zoning district, the side setback shall be a minimum of fifteen (15) feet.
- E. Pole signs may only be internally illuminated. Monument (ground) signs may be internally or externally illuminated as specified in the illumination provisions of this section.
- F. Changeable copy sign elements shall not be mounted on a separate structure, but must be incorporated into the allowable sign surface area of the permitted freestanding sign.
- G. Gasoline pricing signs shall not be separate sign structures, but shall be incorporated into the allowable sign surface area of the permitted freestanding sign.
- H. Freestanding signs requiring a permit are not permitted on undeveloped lots or parcels.

#### 9:5.1-1 Types of Free Standing Signs

- A. Pole sign – A freestanding sign mounted on a pole
- B. Ground sign or monument sign - A sign constructed on the ground with a continuous footing or foundation with the base of the sign at grade

#### 9:5.2 Signs on Building Walls

A building wall sign is any sign attached to a wall, painted on the wall surface, or erected and confined within the limits of an exterior wall of any building or structure which is supported by such wall or building, and which displays only one sign surface. Building wall signs are permitted as follows:

- A. For multi-tenant buildings, each tenant is allowed only one (1) of the following per street frontage: wall, awning, or projecting sign.
- B. Where allowed and as specified in this section, signs on building walls are permitted on parcels where the activity associated with the sign is a permitted or conditionally permitted use under zoning district regulations.
- C. Principal building walls may have signage on all faces which front on a public street.
- D. Building wall signs shall reflect the proportional and dimensional relationships of the structure. The ratio of window and door openings to wall surface area must be considered. All building wall signs within a multiple occupant development shall be in proportion and scale to each other.
- E. In general, the surface area dimension of building wall signs should not exceed ten (10) square feet per building side which faces a public street unless the size of the building is such that a larger sign can be justified. For multiple occupant buildings, building wall signs shall reflect the proportional and dimensional relationships of the individual store front. For smaller store fronts, the appropriate size may be less than ten (10) square feet, while larger sizes may be appropriate for larger store fronts.
- F. No building wall sign shall extend beyond any point of a roofline, parapet, or mansard roof.
- G. Such signs shall be located so that they do not block the view of windows or doors and are placed in-between and not overlap vertical architectural elements.
- H. Building wall signs may be internally or externally illuminated as specified in the illumination provisions of these regulations.

#### 9:5.3 Hanging Signs

- A. Signs hung from porch ceilings and roof overhangs may be substituted for the allowable wall signage per building or unit on parcels where the activity associated with the sign is a permitted or conditionally permitted use under zoning district regulations.
- B. One (1) hanging sign per unit per public street frontage is permitted.
- C. Hanging signs shall reflect the proportional and dimensional relationships of the structure. All hanging signs within a multiple occupant development shall be in proportion and scale to each other. In general, the surface area dimension of hanging signs should not exceed ten (10) square feet per building side which faces a public street unless the size of the building is such that a larger sign can be justified. For multiple occupant buildings, hanging signs shall reflect the proportional and dimensional relationships of the individual store front. For smaller store fronts, the appropriate size may be less than ten (10) square feet, while larger sizes may be appropriate for larger store fronts.
- D. Such signs must be located so that, when viewed at front elevations, they do not block the view of windows or doors and are placed in-between and do not overlap vertical architectural elements.

- E. When mounted in a location that is within a pedestrian pathway, hung signs shall maintain a minimum of six feet eight inches (6'8") clearance between the bottom of the sign and the porch or ground surface.
- F. Hanging signs may be internally illuminated only as specified in the illumination provisions of these regulations.

#### *9:5.4 Projecting Signs (Suspended Signs, Signs Over Sidewalks, and Shingle Signs)*

A projecting sign is oriented perpendicular to a building or structure and is wholly or partly dependent upon a building for support. Such signs are permitted as follows:

- A. A single occupancy building is permitted only one (1) projecting sign or wall sign per building frontage. For multi-tenant buildings, each tenant is allowed only one (1) projecting sign or wall sign per building frontage.
- B. Where allowed and as specified in this section, projecting signs are permitted where the activity associated with the sign is a permitted or conditionally permitted use under zoning district regulations.
- C. Sign surface area of projecting sign shall reflect the proportional and dimensional relationships of the structure. In general, the surface area of projecting signs should not exceed ten (10) square feet unless the size of the building is such that a larger sign can be justified.
- D. A minimum eight (8) foot clearance between the bottom of the sign and the sidewalk, pavement, or ground surface shall be maintained.
- E. Signs hanging over sidewalks shall not project from the building wall to an extent that they obstruct the view of pedestrians, bicyclists, or motorists, or of street intersections, traffic signs, devices, or signals.
- F. Projecting signs may be mounted no higher than the bottom of the second-floor sill or no higher than the cornice, whichever is lower.
- G. All projecting signs at the intersection of building corners shall intersect at right angles to the building front.
- H. Projecting signs may be internally illuminated only as specified in the illumination provisions of these regulations.

#### *9:5.5 Signs on Perimeter or Retaining Walls and Fences*

The principal identification sign for a location may be located on a wall or a fence. A wall or fence sign is any sign attached to a wall or fence, painted on the wall or fence surface, or erected and confined within the limits of a wall or fence, and displays only one (1) sign surface. Signs on walls and fences are permitted as follows:

- A. The wall or fence receiving the sign shall meet zoning district height regulations.
- B. Where allowed and as specified in this section, such signs are permitted where the activity associated with the sign is a permitted or conditionally permitted use under zoning district regulations.
- C. When using one (1) single sign, the sign surface area shall not exceed twenty (20) square feet, and the sign height shall not exceed four (4) feet. When using two (2) identical signs placed symmetrically on each side of an entry road of the location being advertised, the sign surface area of each shall not exceed sixteen (16) square feet, and the height of each sign shall not exceed four (4) feet. If the property has more than one (1) street frontage, another single or matching pair of such signs may be located on each street frontage.
- D. Signs on fences and walls may be externally or internally illuminated as specified in the illumination provisions of these regulations.

#### *9:5.6 Signs on Awnings, Canopies, and Marquees*

For the purposes of this Ordinance, an awning, canopy, and marquee shall be defined as follows:

**Awning** - An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable. Example: A canvas covered frame extending from a building wall to an area over the sidewalk in front of a shop.

**Canopy** - A freestanding, open-sided structure constructed of rigid materials or non-rigid materials, including but not limited to, metal, wood, concrete, plastic, canvas, or glass. The structure covering the fueling area at a gas station is considered to be a canopy. Other examples include picnic shelters, gazebos, and cabanas.

**Marquee** - A fixed hood of permanent construction which is supported solely from a building wall and extends beyond the building. Example: The structure over the front sidewalk area at a movie theatre.

For single-occupant buildings, only one (1) of the following per street frontage: wall sign, awning sign, or projecting sign. For multi-tenant buildings, each tenant is allowed only one (1) of the following per street frontage: wall sign, awning sign, or projecting sign. Signs on awnings, canopies, and marquees are permitted as follows:

- A. Awnings, canopies, and marquees may have signage on all faces which front on a public street.
- B. Where allowed and as specified in this section, canopy, awning, and marquee signs are permitted where the activity associated with the sign is a permitted or conditionally permitted use under zoning district regulations. Any sign affixed to an awning, canopy, or marquee that is not flush with or integral to the awning, canopy, or marquee is prohibited. Awnings, canopies, and marquees may not have signage projecting beyond, below, or above the structure.
- C. The sign surface area shall reflect the proportional and dimensional relationships of the surface area of the portion of the awning, canopy, or marquee visible from the street level, and shall not exceed twenty (20) percent of the surface area of the awning, canopy, or marquee to which the sign is attached.
- D. Awning, canopy, and marquee signs may be mounted no higher than the bottom of the second-floor sill or no higher than the cornice, whichever is lower.
- E. A minimum eight (8) foot clearance shall be maintained between the bottom edge of an awning, canopy, or marquee and the sidewalk, pavement, or ground surface.
- F. Awning or marquee shall project no closer than eight (8) feet from the street curb.
- G. Awnings shall not be illuminated. Canopies and marquees may only be illuminated internally.

#### *9:5.7 Changeable Copy Signs*

Changeable copy signs are signs or portions thereof with characters, letters, or illustrations that can be changed or rearranged by any means (manual, electronic, atmospheric, mechanical, remote, etc.) without altering the face or surface of the sign. For the purposes of this Article, a sign on which the message or image changes more often than once every fifteen (15) seconds shall be considered a sign employing a confusion of motion and is not allowable. Changeable copy signs are permitted as follows:

- A. Changeable copy is permitted only on permanent principal freestanding signs and marquees, and shall comply with all the regulations of freestanding and marquee signs as applicable, and as outlined in the Signs Requiring a Permit provisions in this section.
- B. Sign copy or image shall maintain a static message or image for at least fifteen (15) seconds.
- C. The actual change between sign message and/or image shall be instantaneous.

- D. Changeable copy signs shall not employ motion or the illusion of motion by any means to depict action or create a special effect or scene.
- E. Such signs are not permitted to create the illusion of blinking, alternating, chasing, contracting or expanding, flashing, fading, repeating, oscillating, pulsating, rotating, rolling, running, scrolling, strobing, twinkling, or simulate moving video images, etc.
- F. Signs shall not employ flashing lights or lights of changing degree or intensity of color.
- G. Signs containing 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.

#### *9:5.8 Message Board Signs for Institutional Use*

- A. Message board signs are changeable copy signs that are permitted only for institutional uses and are intended to provide schedules of events, rules, regulations, announcements, or similar messages excluding commercial advertisement or promotional messages. Institutional uses include educational, religious, recreational, civic, municipal, and other institutional uses including historic markers that are allowable in any zoning district under the zoning district regulations.
- B. One (1) such sign oriented per street frontage per premises may be erected. The maximum sign surface area of an institutional use message board sign which contains no facility identification or logo shall be no greater than thirty-two (32) square feet. If the principal identification sign and the message board are combined to serve as one (1) sign, the maximum surface area shall be fifty (50) square feet.
- C. The maximum height is fifteen (15) feet in general commercial and industrial zoning districts and ten (10) feet as conditionally permitted in residential and rural districts. Where additional height is required to raise the base of the sign to mean elevation (average street level) of the fronting street, the Planning Official may allow greater heights.
- D. The front setback shall be a minimum of eight (8) feet from the front property line in all zoning districts. The side setback shall be a minimum of ten (10) feet from the side property line in all zoning districts. If such sign is located adjacent to a residential use in any zoning district, the side setback will be a minimum of fifteen (15) feet.
- E. Locations with permanent message board signs shall not employ the use of temporary signs of any type.
- F. Signs shall be illuminated as specified in the illumination provisions of these regulations.
- G. Such signs may not include commercial advertisement or promotional messages of any sort.

#### *9:5.9 Bed and Breakfast Inn Signs*

Permitted Bed and Breakfast Inns as allowed in this Ordinance are allowed signs under the following conditions:

- A. One (1) freestanding sign or one (1) wall sign per street frontage is permitted. No other sign types are permitted.
- B. The maximum sign surface area of a freestanding sign shall be five (5) square feet with a maximum height of five (5) feet. The maximum sign surface area of a wall sign shall be four (4) square feet.
- C. A freestanding sign shall be set back a minimum of eight (8) feet from the front property line. The side setback shall be a minimum of ten (10) feet from side property line. If the property is located adjacent to another residential use, the minimum side property line setback shall be fifteen (15) feet.

- D. Such sign may be externally illuminated as specified in the illumination provisions of these regulations.

#### *9:5.10 Home Occupation Signs*

Signage for home occupations shall comply with the following:

- A. One building wall sign per street frontage is permitted.
- B. The maximum sign surface area shall be two (2) square feet.
- C. Such signs shall not be illuminated.

#### *9:5.11 Subdivision (and Other Residential Development) Identification Signs*

For the purposes of this Ordinance, a subdivision identification sign is a permanent sign that identifies a subdivision or neighborhood, and is located internal to and visible from the initial point of entry to a subdivision or from surrounding streets. Such signs are permitted for all residential subdivisions and multi-family residential developments in all zoning districts in which such developments are permitted.

- A. One (1) subdivision entrance sign not exceeding twenty (20) square feet in size and four (4) feet in height located at the main entry or entries to any subdivision; or two (2) identical signs not exceeding sixteen (16) square feet in size each, and four (4) feet in height placed symmetrically on each side of an entry road of any residential subdivision are permitted.
- B. Providing that an encroachment permit is granted by the governing jurisdiction, subdivision entrance signs may be located in the right-of-way of an internal subdivision street including a center median, but outside of the paved section of the roadway and a driveway or intersection sight triangle.
- C. Such sign may be externally illuminated as specified in the illumination provisions of these regulations.
- D. Where a single ground sign is erected, such sign shall have a minimum of fifty (50) square feet of landscaped area at the base of the sign. Where two (2) ground signs are erected, each sign shall have a minimum of twenty-five (25) square feet of landscaped area at the base of each sign. Landscaping shall be regularly maintained.
- E. Such sign shall display no information other than the name of the subdivision.

#### *9:6 Signs in Mixed-Use Development Districts*

Unless alternate standards are specified in an approved development plan, all signage regulations of this section shall apply.

#### *9:7 Sign Measurements*

##### *9:7.1 Sign Height*

Sign height is measured from the natural grade below the sign to the highest point of the sign face or structure, whichever is higher. The height shall not be measured from the top of an earth berm, support foundation, or planting box.

##### *9:7.2 Sign Clearances*

Sign clearances are measured from the grade directly below the sign to the bottom of the sign frame.



### 9:7.3 Sign Surface Area

The sign surface area is the area inside a geometric shape enclosing any message, logo, symbol, name, photograph, or display face. All area provisions in this Ordinance are calculated from the sign surface area dimensions as defined above.

### 9:7.4 Round, Cube, and Other 3-D Signs

In the case of cylindrical signs, signs in the shape of cubes, or other signs which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces are included in computations of area.

### 9:8 Sign Placement

- A. Except as provided in this Article, no sign shall be placed closer than eight (8) feet to the public right-of-way or property line. Freestanding signs may be erected in the required yard setbacks and buffer areas.
- B. Signs shall not obstruct visibility at railroad, street, or driveway intersections.

### 9:9 Sign Illumination

All illuminated signs shall conform to the following requirements:

- A. All signs when illuminated shall have such lighting shielded so as not to directly shine on abutting properties or in the line of vision of the public using the streets or sidewalks.
- B. No sign shall be illuminated in such a way that it causes intense illumination onto any residential premises located in any zoning district in a manner which by intensity, duration, location, or other characteristic is incompatible with the residential character of the property in which such illumination is cast.
- C. Internally illuminated signs may not project light beyond the face of the sign or otherwise cause a glare.
- D. Externally lighted signs shall have their lighting directed in such a manner as to illuminate only the face of the sign.
- E. All lighted signs shall meet all applicable electrical codes and shall bear a nationally recognized electrical testing laboratory label (such as a UL label).
- F. No illumination simulating traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on or off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.
- G. Signs containing 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.

### 9:10 Sign Materials and Construction

Signs shall be constructed in accordance with all applicable provisions of all current building and electrical codes. They shall consist of durable all-weather materials, maintained in good condition, and not be permitted to fall into disrepair.

### 9:11 Administration and Enforcement

For all signs requiring a permit, it shall be unlawful for any person to erect, construct, alter, move, or replace any sign or cause the same to be done, without first having obtained a required sign permit for such sign from the Planning Official as certification that the requirements of the Ordinance have been

satisfied and that all fees have been paid. This provision is applicable to a property owner, a property lessee, a sign company, a contractor, or any other person who erects or causes to have erected a sign requiring a permit or registration. It shall be the responsibility of the person erecting the sign to ensure that any and all required permits and registrations have been obtained prior to erecting the sign. The Planning Official may order the removal of any sign which, after a permit has been obtained, is not constructed in accordance with this Ordinance.

#### *9:11.1 Application Requirements for a Permit*

Each application to erect a sign, where a sign permit is required by this Ordinance, shall be accompanied by the following information:

- A. Name and contact information, as required, of property owner and/or leaseholder, manager/owner of business being advertised, owner of sign, and sign company representative.
- B. Written permission to erect the proposed sign from the owner and/or leaseholder of property on which the sign is to be erected.
- C. Site plan sketch with dimensions (non-professionally drafted plan is acceptable) showing the location of the sign with respect to the property and right-of-way lines.
- D. Correct size, shape, configuration, face area, height, nature, number, and type of sign or signs to be erected, including the size of letters, graphics, colors, clearances, connection, and support methods.
- E. The value of the sign and sign structure.
- F. Any other such information as may be required by the Planning Official, filed on forms provided by the Planning Official.
- G. The Planning Official may waive any of the informational requirements listed above deemed unnecessary to process an application.
- H. Sign permit fee as set by the Gaston Town Council.

#### *9:11.2 Violations*

Violations of the provisions of this section shall be subject to the penalties set forth in the Violations and Penalties section of the Administration article of this Ordinance.

## Article 10 Landscaping, Buffers, Open Space, and Tree Protection

### 10:1 Intent

The purpose of this Article is to help provide transition between different types of use and to protect adjacent properties from the impact of more intense adjacent land uses; to break up and soften the appearances of paved surfaces; to provide the shade and greenery necessary to create a livable urban environment; to assist in stormwater management; and to reduce the heat island effect of urban development.

### 10:2 General Landscaping Standards

#### *10:2.1 Vacant Commercial Parcels*

Vacant commercial parcels shall be vegetated and maintained by the property owner to maintain an attractive appearance. Landscaping, buffers, open space, and tree protection provisions of this Ordinance shall be required as a condition for the issuance of a development permit.

#### *10:2.2 Required Planting at Installation*

All required plantings installed shall be:

- A. nursery grown stock that is free from pests or growth problems
- B. installed and maintained according to best management practices and standards set forth by the American Nursery and Landscape Association, ANSI Z60.1-2004, as amended
- C. Minimum tree size at planting size shall be measured in tree caliper six inches above ground:
  1. Large maturing tree: 1.5" caliper
  2. Medium maturing tree: 1.5" caliper
  3. Small maturing tree: 1.0" caliper
  4. Shrubbery shall be a minimum of three (3) gallon container size

#### *10:2.3 Existing Vegetation*

The use of existing trees or shrubs to satisfy the landscaping and buffer requirements of this Article is strongly encouraged. Existing significant vegetation within the required landscaped area shall be preserved and credited towards standards for the type of perimeter landscaping required unless otherwise approved by the Planning Commission at the time of the site plan approval. Refer to the Tree Protection provisions of this Article. Existing vegetation shall count towards meeting the requirements of this Article when the following conditions are met:

- A. Free from pests or structural problems
- B. Clearly shown on the site plan
- C. Not considered invasive or noxious plants
- D. Adequately protected before and during grading and development of the site

#### *10:2.4 Planting Distances from Site Improvements*

- A. Shrubs and trees shall be installed no closer than two feet to a curb, gutter, sidewalk or building. Small maturing trees shall be planted no closer than 10 feet to a building, medium maturing trees no closer than 20 feet to a building, and large maturing trees no closer than 25 feet to a building.
- B. Shrubs shall not be planted within six feet of tree trunks.
- C. In landscaped areas adjacent to parking spaces or street curbs, no plant material with the potential to reach over six inches in height may be located within twelve inches of the curb or other protective barrier. This is intended to protect planted materials from damage by car bumpers and car doors.

#### *10:2.5 Sight Distances*

Landscaping, including berms, shall be installed and maintained so as not to interfere with the sight distance requirements of the Lexington County Land Development Manual or the sight distance needs of vehicular traffic in parking areas and at entrance and exit locations.

#### *10:2.6 Required Maintenance*

- A. The maintenance of required landscaped areas including fences, walls, and/or berms shall be the responsibility of the property owner.
- B. All such areas shall be properly maintained to ensure continued buffering. Landscaped areas shall be pruned, cleaned, and weeded regularly.
- C. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Drought resistant native or adapted species may be supplied with temporary irrigation systems that can be removed after the plants are established (minimum of two years). Otherwise, permanent irrigation systems shall be

installed.

- D. Trees shall be watered at a rate of five gallons per inch of caliper at least one time per week or as needed based on soil and weather conditions. All other vegetation shall be watered sufficiently to ensure healthy growth and longevity in the landscape.
- E. Dead or diseased plants shall be removed and replaced. Replacement plants shall be of similar type. All replacement vegetation shall be per Required Planting at Installation (above).
- F. Debris and litter shall be cleared. Berms, fences, and walls shall be maintained and kept in good repair. Failure to do so is a violation of this Ordinance, and shall be remedied in the manner prescribed for under the violations provisions of this Ordinance.

#### *10:2.7 Site Plans*

A landscaping plan that includes all required landscaping, open space, and tree protection shall be included in the required site plan.

#### *10:2.8 Alternate Design*

- A. Where, owing to existing land use, lot sizes or configurations, topography, soil conditions, or circumstances peculiar to a given piece of property, the buffer area or other landscaping requirements of this Article would make strict adherence to the requirements of this section serve no meaningful purpose or would make it physically impractical to install and maintain the required landscape plantings, substitution of plant material or placement may be approved by the Planning Commission during the plans review process providing that the alternate design meets the intent of this Article and Ordinance. Such an alternation must be initiated at the request of the property owner or developer, who shall submit a plan to the Planning Commissioner showing existing site features that would buffer, screen, or otherwise landscape the proposed use and any additional landscape materials the applicant will plant or construct to meet the intent of this Article. Wall, fence, or berm alternatives shall also be considered.

### 10:3 Buffer Standards

#### *10:3.1 Applicability*

Buffers shall be required whenever new development is approved or an existing building is expanded by more than 20 percent.

##### *10:3.1-1 Zoning Change*

If the zoning district classification for an existing use or parcel changes, then the parcel shall comply with the applicable landscaping requirements of this Article or, at a minimum, the intent of this Article as prescribed by the Planning Commission. The owner(s) or developer(s) may need to install additional plant material on the parcel to meet the intent of this Article, especially on developed sites, or to bring the parcel up to the standards for the type of buffers which would be required under this Article.

##### *10:3.1-2 Landscaping and Off-Street Parking Requirements*

Where implementation of the buffer or other landscaping requirements on an existing site would require the removal of the minimum required parking spaces, the Planning Commission may approve a reduction of up to 20 percent of the required parking spaces to accommodate required landscaping. The Planning Commission may adjust buffer requirements if such requirements shall require the removal of more than 20 percent of the minimum required parking spaces.

### 10:3.1-3 Existing Permanent Buildings

Where the location of existing permanent buildings on an existing site reduces the area available for a buffer or other landscape feature, buffer and landscaping requirements shall be met to the maximum extent practicable.

### 10:3.2 Buffer Location

Buffers may occupy part or all of any required front, side or rear yard setback. Property buffers shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffers shall not be located on any portion of an existing street or right-of-way.

### 10:3.3 Use of Buffer Areas

A buffer area may be used for passive recreation; however, no tree may be removed except as specified herein. Freestanding signs which have been properly permitted may be installed in buffer yards. All other uses are prohibited, including off-street parking. To prevent damage to existing trees, overhead power lines and underground pipes cannot be installed in existing buffer yards. With approval of the Planning Commission, such pipes may cross, but not run longitudinally, within the buffer yard.

### 10:3.3-1 Easements

No vegetative landscaping, screening, or fencing required in this Article shall be planted or installed inside utility and drainage easements, excluding overhead easements, without the consent of the Planning Commission and the easement holder. If plantings or fences inside utility or drainage easement areas are allowed, these plantings and fences shall be maintained in accordance with the terms of consent and any applicable maintenance provisions. Any tree planted within the right-of-way of overhead utility lines shall be a small-maturing tree of a mature height of no greater than fifteen (15) feet.

### 10:3.3-2 Buffer Requirements and Scheduled SCDOT Improvements

The Planning Commission may allow a postponement of all or a portion of the buffer planting along areas that are scheduled for easement or right-of-way acquisition or expansion by the SC Department of Transportation in the Statewide Transportation Improvement Program. Whenever postponement is allowed, a letter of compliance pursuant to this Article shall be required.

### 10:3.4 Street Buffers

- A. Street buffers shall be required along all streets for new development sites, except residential development with no more than four units, redevelopment sites, and for the expansion of a commercial building by more than 20 percent.
- B. All required street buffers shall be no less than six feet in width at any point and average eight feet in width, as measured perpendicularly to the street; and shall run along the entire length of the property, not including driveway and walkway widths.
- C. Large maturing trees shall be planted unless overhead utility lines or other factors require the use of medium or small maturing trees, as approved by the Planning Commission. Fractions generated by applying the minimum number of plants to the actual linear footage of the buffer shall be rounded up to the next whole number. For example (refer to table below), 125 feet of buffer length would be required to have two large trees ( $.015 \times 125 = 1.87$  rounded to 2) or three medium trees ( $.02 \times 125 = 2.5$  rounded to 3) or four small trees ( $.025 \times 125 = 3.125$  rounded to 4). The planting schedule for street buffers shall be as follows:

Type	Minimum Number per Linear Foot
Large Maturing Trees	.015
Medium Maturing Trees	.02
Small Maturing Trees	.025

- D. In addition to the tree planting requirements, a minimum of 35 percent of the buffer area shall be planted with a combination of approved shrubs, perennials, ornamental grasses, live ground cover, or turf grass. Additional plantings may not be required if significant natural forested areas are maintained within the street buffer and approved by the Planning Commission. All other areas, including bare ground under trees, shall be covered in a minimum of three inches of mulch. Spacing and arrangement of plant material must be primarily based on the mature dimensions of the plants.
- E. Berms shall be allowed to augment required street buffer plantings providing that all required trees and plantings shall be planted along the street front portion of the berm. See berm standards below.

*10:3.5 Side and Rear Property Buffers*

- A. The purpose of a property buffer is to minimize the potential negative impact between adjacent land uses and streets, and to promote land use compatibility.
- B. Property buffers shall be required along all applicable property boundaries for new development sites, redevelopment sites, residential developments with four or more units, and whenever an existing nonresidential use is expanded by more than 20 percent.
- C. The property buffer width shall be established for new development as follows:

BUFFER WIDTHS IN FEET			
PROPOSED USE	EXISTING USE OF ADJACENT PROPERTY		
	Residential <sup>1</sup>	Multi-Family Residential <sup>2</sup>	Non-Residential
Residential <sup>1</sup>	0	0	0
Multi-Family Residential <sup>2</sup>	20	20	20
Non-Residential	20	20	20
Industrial	40	40	20

<sup>1</sup>Residential = Single family, duplex, or triplex

<sup>2</sup>Multi-Family Residential = Four or more residential units

- D. The total number of trees required shall be determined by the size in square feet of the required buffer, divided by the area needed for each tree – refer to table below. Only one size tree will be required for the buffer area (for example, a buffer area 600 square feet in size would be required to have 3 large trees or 4 medium trees or 6 small trees). Fractions generated by dividing the minimum number of plants to the actual square footage of the buffer shall be rounded up to the next whole number if the fraction is 5 or higher, and down if the fraction is 4 or below. Using large maturing trees as example: 650 square feet of buffer would require 3 trees (3.25 rounded to 3). A buffer area of 700 square feet would require 4 trees (3.5 rounded to 4). The use of evergreen trees and plants are strongly encouraged. Large maturing trees shall be planted unless factors such as overhead utility lines or buffer size require the planting of smaller trees. Such substitutions must be approved by the Planning Commission. In addition to

the tree planting requirements, a minimum of 50 percent of the buffer area shall be planted with a combination of approved shrubs, annuals, perennials, live ground cover, ornamental grasses, or turf grass. All other areas, including bare ground under trees, shall be covered in a minimum of three inches of mulch. Plant materials shall be designed and installed in a manner that provides variability of height at maturity. Spacing and arrangement of plant material must be primarily based on the mature dimensions of the plants. The property buffer planting schedule shall be as follows:

Type	Minimum Number
Large Maturing Trees	1 per 200 square feet of buffer area
Medium Maturing Trees	1 per 150 square feet of buffer area
Small Maturing Trees	1 per 100 square feet of buffer area

#### 10:3.5-1 Walls or Fence Substitute

A minimum six-foot high wall or fence may be used to substitute for the required vegetative side and rear property buffers, except in industrial developments, providing:

- A. All fences used as the buffer area requirements shall be solid and have both sides of the fence finished. Picket fences (with spaces between the boards) are not allowed.
- B. All wood fences must be stained or painted.
- C. Walls may be of brick; stone; or double-sided, split faced, or fluted masonry block. Plain concrete block walls must be rendered on both sides with decorative facing such as stucco, brick veneer, etc.
- D. Walls or fences shall be augmented with a single row of vegetation on the side of the fence or wall that faces away from the adjacent property. Existing or additional planting materials shall be provided so that no more than 60 percent of the surface of the fence or wall is visible from the street within three years of erection of the structure.

#### 10:3.5-1 Berms

Berms may be incorporated into side and rear property buffer design. A berm of a minimum height of six feet may be substituted for the required vegetative buffer. See berm standards below.

#### 10:4 Screening

Screening shall be accomplished by an opaque divide not less than six feet in height and shall be of sufficient height to completely screen the features as identified below. Screening may be accomplished by using sight-obscuring plant materials (generally evergreens), earth berms, walls, or fences. See standards for berms below. Fences and walls shall be constructed as required for buffers, except only the side facing away from the feature to be screened needs be finished. Screening may also be accomplished by proper siting of disruptive elements, building placement, or other design techniques approved by the Planning Commission. Screening to minimize views from adjacent existing residential properties, properties in residential zoning districts, or roads and public rights-of-way shall be required for the following features:

- A. Roof mounted mechanical equipment
- B. Garbage and trash collection areas including dumpsters
- C. Open storage areas accessory to non-residential uses

### 10:5 Parking Lot Landscaping

The following standards shall apply to all new parking areas with 10 or more spaces and all expansions to existing parking areas which add 10 or more spaces, unless otherwise noted. In an expansion, only the area of expansion is required to be included in the calculation; however, the landscaping may be provided anywhere within the parking area.

#### 10:5.1 Planting Requirements

Plant material shall be selected and arranged to insure the maximum safety of the public. Plant material is required along 10 percent of the length of exterior building walls and structures to provide separation between the building and the vehicular surface area.

#### 10:5.2 Landscaped Islands

Landscaped islands at least 200 square feet in size and a minimum of five feet on any side shall be placed at the ends of each row of parking spaces. Intermediate islands at least 200 square feet in size and a minimum of five feet on any side shall be placed throughout the parking lot so that no parking space is further than 60 feet from a tree, as measured from the end or edge of the parking space. One tree is required at the end of every row of parking. If the row terminates at a buffer area, buffer area planting shall be designed to meet this requirement.

- A. Each landscaped island shall include one large maturing tree unless there is an overhead utility line or street light present, in which case a small or medium maturing tree shall be planted.
- B. In addition to the tree planting requirement, a minimum of 20 percent of each landscaped island shall be planted with a combination of small maturing shrubs, perennials, annuals, ornamental grasses, and/or live ground cover. All other areas shall be maintained with a minimum of three inches of mulch wherever plant material is placed.

#### 10:5.3 Protection of Landscaped Areas

Landscaped areas within or adjacent to parking areas must be protected from vehicular damage by a raised curb, wheel stops, or approved equivalent barrier of at least six inches in height.

#### 10:5.4 Alternative Design

Alternative, creative landscaping plans that incorporate larger islands or different spacing of landscaped areas than required in this section may be approved by the Planning Commission, provided the minimum area of landscaping and minimum number of trees are provided.

### 10:6 Berm Standards

The following shall apply to all berms utilized in landscaping, buffering, and screening per this Article:

#### 10:6.1 Prohibited Uses of Berms

- A. No structures, including fences, shall be placed on a berm unless approved by the Planning Commission as part of the landscaping requirements for a development site.
- B. Berms shall not be used for the display of vehicles or other merchandise.

#### 10:6.2 Berm Construction

- A. All berms shall not exceed a slope with maximum rise of one (1) foot to a run of three (3) feet (expressed as a one to three [1:3] ratio or thirty-three [33] percent slope). All berms, regardless of size, shall be stabilized with a groundcover or other suitable vegetation.



- B. Berms shall be designed and constructed with an undulating appearance which mimics, as much as is practicable, a natural topographical feature of the site.
- C. Berms shall be designed to prevent standing water or to impede the flow of stormwater from adjacent properties.

## 10:7 Open Space

Common open space consists of land and/or water bodies used for recreation, amenity, or buffer.

### 10:7.1 Open Space Requirements for Residential Developments

- A. The purpose of this section is to ensure adequate open space for single-family and high-density residential development; to integrate recreation, landscaping, greenery, and/or natural areas into such projects; to promote the health and safety of residents of such projects; to compensate for the loss of open space inherent in single-family and multi-family residential projects; and to aid in stormwater management.
- B. The open space reservation shall be freely accessible to all residents, property owners, and/or clients of a development. Open space shall not be occupied by buildings or structures other than those in conjunction with the use of the open space including roads and parking. Common open space shall not be included in the area calculated to meet minimum lot area requirements. Parking areas within the common open space area to accommodate open space amenities shall not be calculated to meet site parking area requirements.
- C. Each reservation shall be of suitable size, dimension, topography, and general access for the purposes envisioned by the applicant and the Planning Commission. These areas shall be shown on the site plans, and final plats and shall be marked "reserved for recreational open space." Provisions for the maintenance of the open space shall be stipulated prior to approval. The Town of Gaston will not assume responsibility of the maintenance of the open space.

#### 10:7.1-1 Calculation of Open Space in Residential Developments

- A. In multi-family developments with 20 or more multi-family residential units, open space shall account for a minimum of 20 percent of the total land area of the site.
- B. In all town home developments, open space shall account for a minimum of 20 percent of the total land area of the site.
- C. In single-family detached residential developments of 20 or more lots, open space shall account for a minimum of 10 percent of the total land area of the development site.

### 10:7.2 Common Open Space in Non-Residential Developments

Common open space shall equal at least ten percent of the total lot/parcel area. Required perimeter and street buffer area landscaping may provide up to fifty percent of this requirement. These areas shall be landscaped to soften and compliment the building site.

## 10:8 Tree Protection

### 10:8.1 Significant Trees

Significant trees are healthy pine trees of twenty inches or greater diameter at breast height (DBH) and all other tree species of eight inches or greater DBH. Diameter at breast height is the standard measure of tree diameter for trees existing in place on a site. The tree trunk is measured four and a half (4½) feet

above the ground. If the tree splits below four and one half (4½) feet, the trunk is measured at its most narrow point beneath the split. Multi-stemmed trees are not considered significant trees.

#### *10:8.2 Significant Tree Survey*

Prior to grading or clearing a lot or parcel for development and the issuance of a grading or building permit, the developer/owner applicant shall have conducted a tree survey identifying the location of all significant trees. Said trees shall be shown on a survey plat and physically marked with brightly colored tape or other markings. The tree survey shall be included in any site plan submitted for Planning Commission review and approval.

#### *10:8.3 Tree Protection Applicability*

The design of any land development project or subdivision shall account for the location of all significant trees identified on the tree survey. Lot and site design shall minimize the need to fell significant trees. Within any required buffer, open space, screening, or landscaped area, all significant trees shall be utilized to the extent practicable to meet the tree planting requirements per this Article. Site plans shall clearly demonstrate the incorporation of significant trees into buffer, open space, screening, parking lot, and landscape design. Outside of the buildable area, within the required setback areas, no more than twenty-five percent (25%) of significant trees shall be removed without replacement. Replacement trees shall be planted in accordance with a replacement schedule approved by the Planning Official, who shall specify the number, species, DBH, and location of replacement trees, using the following criteria:

- A. Combined DBH of replacement trees is equal to or greater than the DBH of the tree removed or;
- B. Individual replacement trees are of the largest transplantable DBH available.

### **Article 11 Mixed-Use Development (MD) Special Purpose District**

This zoning district designates an area for which an approved development plan constitutes the district regulations. It is intended to utilize the factors of efficiency, economy, flexibility, creative site design, improved appearance, compatibility of mixed uses, maximum benefits from open space and green space, and safe and efficient vehicular and pedestrian access for a development characterized by a unified site design for mixed uses. A Mixed-Use Development District may be predominately residential, commercial, industrial, or any combination thereof.

#### **11:1 Permitted Uses in Mixed-Use Development Districts**

Mixed-Use Development Districts (MDs) may permit a mixture of different types of housing with compatible commercial uses, shopping centers, office parks, and other mixed-used developments. Flexibility in design, character, and quality of development and preservation of natural and scenic features are made possible through the approval of a plan which describes the specific uses, densities, setbacks, and other requirements for a planned development. The approved plan constitutes the district regulations for a specific planned Mixed-Use Development. Any use or combination of uses meeting the objectives of this section may be established in a MD through a zoning map amendment ordinance as provided for in this Ordinance. Once approved, the proposed use(s) and no others shall be permitted. Said uses shall be identified and listed based on classification; i.e., retail, office, wholesale, residential multi-family, residential single-family detached, manufacturing, etc. The list of approved uses shall be binding on the applicant and any successor in title, so long as the MD zoning applies to the land, unless otherwise amended by ordinance. The applicant may specify that standard zoning district regulations

shall apply to specific use areas within the project. For example, in an area designated for retail commercial, the applicant may specify that all General Commercial (GC) zoning district regulations shall apply.

#### 11:2 Establishment of Mixed-Use Development Districts

MDs shall be established on the Official Zoning Map by the same procedure as for amendments generally, and in accordance with the requirements of this section.

#### 11:3 Minimum Area Required for Mixed-Use Development Districts

Minimum area requirements for establishing a MD shall be three (3) acres.

#### 11:4 Development Standards for Mixed-Use Developments

The applicant may propose alternate regulations specific for the proposed MD regarding signage, parking, buffers, screening, open spaces, and landscaping, etc.; which, if approved, shall become the regulations for the MD. If no alternate regulations are proposed, the regulations for the primary zoning districts per this Ordinance shall apply. The following principles shall be considered in creating MD development standards:

- A. **Residential Dimension Requirements** – Residential density, building setbacks, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities such as transportation, water and sewer systems, recreational facilities, etc.
- B. **Overall Site Design** – Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, size of structures, street patterns, and compatibility of uses.
- C. **Parking and Loading** – Unless alternate standards are specified in an approved development plan, off-street parking and loading spaces for the various uses proposed for the MD shall comply with the standards for off-street parking and interior landscaping of this Ordinance.
- D. **Buffer Areas** – Buffer areas shall be required for peripheral uses only, and shall be provided in accordance with the requirements for adjacent uses prescribed in this Ordinance, unless alternate standards are specified in an approved development plan. There are no specific buffer area requirements for internal use, but buffers should mitigate impacts of intensity of uses and/or to serve as transitions between uses.
- E. **Streets and Street Improvements** – Private streets may be permitted in the MD, provided such streets meet the design and construction standards for public streets of the Lexington County Design Manual and other applicable land development regulations. The applicant must provide an acceptable private streets maintenance plan to the Planning Commission for review and approval. The Planning Commission may consider alternate private street design standards in consideration of site-specific factors including the following:
  - 1. Limited use.
  - 2. Site topographic or geophysical conditions.
  - 3. Stormwater management.
  - 4. The preservation of any natural features on the site.
  - 5. The avoidance of areas of environmental sensitivity.
  - 6. The minimizing of negative impacts and alteration of natural features.
  - 7. The avoidance of adversely affecting ground water and aquifer recharge.
  - 8. The reduction of cut and fill.
  - 9. The avoidance of unnecessary impervious cover.
  - 10. The prevention of flooding.

- 11. The accounting for other site-specific design considerations.
- F. **Landscaping and Common Open Space** – Landscaping and open space requirements for each MD shall comply with the provisions of this Ordinance, unless alternate standards are specified in an approved development plan.
- G. **Signage** – Signage shall be in harmony, in scale with, and reflective of the proposed development. Unless alternate standards are specified in an approved development plan, signage shall comply with the standard signage regulations of this Ordinance.

### 11:5 Site Plan Requirements

A site plan showing the proposed development of the area (zone) shall be a prerequisite to approval of a MD re-zoning. The site plan shall adhere to the minimum area and development standards requirements of this section and shall address or show the following:

- A. The proposed title of the project, project designer, and the developer.
- B. The boundaries of the property involved; the general location of all existing easements, property lines, existing streets, and buildings; and other existing physical features on the project site.
- C. The approximate location of existing and proposed sanitary and storm sewers, water mains, street lighting, and other service facilities in or near the project.
- D. The general location and dimensions of proposed streets.
- E. The conceptual land use plan:
  - 1. Area by land use (i.e., retail, single-family detached residential, multi-family, townhouses, office, park, green space, etc.).
  - 2. Specific allowable uses for each area.
  - 3. A tabulation of the number of acres in each use area.
  - 4. Maximum densities expressed in dwelling units per gross acre for residential uses, and floor/area ratio for non-residential uses.
  - 5. Building setbacks.
  - 6. Maximum building heights.
- F. The position of the proposed development in relation to its surroundings. Current land use and zoning of the subject site and adjacent property and a site location (vicinity) map shall be provided.
- G. Proposed plan for development in phases, as applicable
- H. Alternate design standard plans to include, as applicable:
  - 1. Parking and loading.
  - 2. Buffers, landscaping, and common open space.
  - 3. Street design.
  - 4. Signage plan.

The Planning Commission may establish additional requirements for site plan approval, and in special cases, may waive a particular requirement if, in the opinion of the Commission, the inclusion of that requirement is not essential to a proper assessment of the project.

### 11:6 Action by the Planning Commission and Town Council

The Planning Commission may recommend to the Town Council to approve the plan and application to establish a MD, including specific modifications to the plan, or to deny the application to re-zone to establish a MD. The Town Council shall approve the plan and application to establish a MD, include specific modifications to the plan as conditions for approval, or deny the application to re-zone to establish a MD.

### 11:7 Development Process of Approved Mixed-Use Development Districts

If the request for a MD re-zoning is approved through an ordinance amendment of the Official Zoning Map by Town Council, site development plans and final plat approval process may proceed. Improvement guarantees may be granted for substantially completed projects per improvement guarantee provisions as may be established by the Town.

After the final plat for the MD has been recorded, building and sign permits shall be issued in accordance with the approved plan as a whole, or in phases or portions thereof, as approved. Said permits shall be issued in the same manner as for building and sign permits generally.

### 11:8 Changes to Approved Mixed-Use Development Plans

- A. **Minor Changes** in an approved MD site plan may be accommodated and approved by the Planning Official upon a finding that such changes are:
  - 1. In accordance with all applicable regulations in effect at the time of the creation of the MD district; or
  - 2. In accordance with all applicable regulations currently in effect.
- B. **Major changes** to an approved MD shall constitute an amendment to this Ordinance and must be made through the procedures provided for in this Ordinance for text and map amendments. The following constitutes major changes:
  - 1. Any increase of twenty (20) percent or greater in intensity of use. An increase in intensity of use shall be an increase in usable floor area; an increase in the number of dwelling or lodging units; or an increase in the amount of outside land area devoted to sales, displays, or demonstrations.
  - 2. Any reduction in the amount of open space or buffer area resulting in a decrease of more than ten (10) percent, or any substantial change in the location or characteristics of open space.
  - 3. Any change in use from one use group to another.
  - 4. Substantial changes in pedestrian or vehicular access or circulation.

### 11:9 Vested Rights

A vested right is the right to undertake and complete the development of a MD under the terms and conditions provided in this section. A vested right is established for two (2) years upon the approval of a MD plan, including a phased development plan as provided herein.

A vested right may be extended at the end of the vesting period for an additional twelve (12) months, or thirty-six (36) months for a phased development plan, upon request by the applicant and a determination by the Town Council that there is just cause for extension and that the public interest is not adversely affected. A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons.

#### 11:9.1 Revocation

A vested right is subject to revocation by the Town Council upon determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.

#### 11:9.2 Application of Other Regulations

A vested right is subject to later enacted Federal, State, or local laws adopted to protect public health, safety, and welfare, including but not limited to: building, fire, plumbing, electrical, and mechanical codes; street design, stormwater management, buffers, and other development standards; and nonconforming

structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit.

A change in the zoning district designation or land use regulations made after vesting that affects real property does not operate to affect, prevent, or delay development of the real property under a vested site-specific development plan or vested phased development plan without consent of the landowner. The Town Council must not require a landowner to waive his vested right as a condition of approval of a site-specific Mixed-Use Development Plan including a phased development plan.

#### *11:9.3 Vested Rights to Run with Property*

A vested right pursuant to this section is not a personal right, but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right pursuant to this section may rely upon and exercise the vested right for its duration. The vested right is subject to applicable Federal, State, and local laws adopted to protect public health, safety, and welfare, including but not limited to: building, fire, plumbing, electrical, and mechanical codes; street design, stormwater management, buffers, and other development standards; and certain nonconforming structure and use regulations which do not provide for the grandfathering of the vested right.

## Article 12 Administration of the Zoning Ordinance

### 12:1 Planning Official

The Planning Official shall be the chief administrative officer of the Town of Gaston Zoning Ordinance. The Planning Official shall be the Mayor of the Town of Gaston, or other Town of Gaston employee or contractor designated by the Mayor of Gaston to administer assigned duties in the administration of this Ordinance.

### 12:2 Board of Zoning Appeals

The Board of Zoning Appeals of the Town of Gaston is hereby established by this Ordinance. Said Board shall consist of three members appointed by the Town Council for overlapping terms of four (4) years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment, and any member may be removed by the Town Council for cause after a public hearing. Members shall serve without pay, but may be reimbursed for any expenses incurred while representing the Board. Members cannot hold any other public office or position in with the Town of Gaston.

#### *12:2.1 Proceedings of the Board of Zoning Appeals*

The Board of Zoning Appeals shall elect a Chairperson and a Vice-Chairperson from its members, who shall serve for one year, or until re-elected. The Board shall appoint a Secretary, who may be a governmental officer or a member of the Board of Zoning Appeals. The Board shall adopt rules of procedure in accordance with the SC Code of Laws §6-29-790. Meetings of the Board shall be held at the call of the respective Chairperson and at such other times as the Board may determine. All meetings shall be open to the public. A quorum shall be required to take any official action, with two members present constituting a quorum.

#### *12:2.2 Powers and Duties of the Board of Zoning Appeals*

- A. **To hear and decide appeals, generally.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Planning Official in the enforcement of this Ordinance.

The purpose of an appeal of administrative action is to allege that there is an error, requirement, decision, or determination made by the Planning Official that is in contradiction to a provision or regulation of this Ordinance. The petitioner shall state the specific provision or regulation of this Ordinance upon which the appeal of administrative action is based. Appeals of administrative action to the Board shall be taken within thirty days of the date of the action which is appealed, by filing notice of appeal with the Planning Official, who shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Planning Official from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him/her, that due to facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Planning Official, and on due cause shown. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give at least fifteen (15) days public notice thereof in a newspaper of general circulation in the community, as well as due notice to the parties of interest, and decide the same within a reasonable time. Normally, all petitions to the Board for a hearing should be filed at least thirty days from the next regularly scheduled meeting of the Board to allow staff adequate time to prepare the case and to give public notice. At the hearing, any party may appear in person or by agent or attorney. A sign shall be erected on the property stating the nature of the appeal, variance, or special exception.

- B. **To grant variances, generally.** To authorize upon appeal in specific cases a variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in the unnecessary hardship so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship if the Board makes and explains in writing all the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
5. The Board may not grant a variance if the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

C. **To Grant Special Exceptions.** The Board of Zoning Appeals shall rule on and approve special exceptions to uses as required by Table 1 of this Ordinance. In addition to definitive standards of Article 6 of this Ordinance applicable to the proposed use as a special exception, the Board of Zoning Appeals shall approve an application for special exception only upon a finding that the following criteria are met:

1. The proposed special exception will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety and adequate provisions are made in the proposed exception for parking and for loading and unloading.
2. 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.
3. 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.
4. 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.
5. 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.
6. The proposed special exception is consistent with the character and intent of the underlying district as indicated in the zoning district description.
7. The proposed special exception is appropriate for its location and compatible with the permitted uses adjacent to and in the vicinity of the property.
8. The proposed special exception will not adversely affect the public interest.

#### *12:2.3 Decisions of the Board of Zoning Appeals*

In exercising the above powers, the concurring vote of two-thirds of the members - or, in case of a quorum, both members - shall be required to reverse or affirm, wholly or in part, or modify any order, requirement, decision, or determination of the Planning Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, and to that end, shall have the powers of the officer from whom the appeal is taken and may direct the issuance of a permit. The Board, in the execution of the duties for which appointed, may subpoena witnesses and, in case of contempt, may certify such fact to the Circuit Court having jurisdiction.

All final decisions and orders of the Board must be in writing and be permanently filed in the Town Hall as public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board, which must be delivered to parties of interest by certified mail.

#### *12:2.4 Appeal of a Decision by the Board of Zoning Appeals*

A person who may have a substantial interest in any decision of the Board of Zoning Appeals may appeal a decision of the Board of Zoning Appeals to a Circuit Court and Pre-Litigation Mediation as provided by SC Code of Laws §6-29-820 et. sec. The appeal must be filed within 30 days after the decision of the Board is mailed (date of postmark).



### 12:3 Amendments

From time to time the provisions of this Ordinance may be amended by the Gaston Town Council. The procedures for amending the various articles of this Ordinance shall be as proscribed by SC Code of Laws §6-29-760.

#### 12:3.1 Zoning Map Amendments

The following procedures apply to amending the Official Zoning Map through the process of re-zoning a parcel, a portion of a parcel, or multiple parcels from one zoning classification to another.

##### 12:3.1-1 Initiation of Map Amendment

A zoning map amendment may be initiated by a property owner, the property owner's agent, the Planning Commission, or the Town Council. The Planning Official shall develop map amendment application forms and guidelines for petitions initiated by the property owner or his agent. If the petitioner is not the property owner or owners, the property owner or owners shall complete and have notarized a form designating the petitioner as his agent. Action shall not be initiated for an amendment to re-zone the same parcel or parcels of property or any part thereof to the same zoning classification by a property owner or owners or owner's agent more often than once every twelve (12) months. An application for a zoning map amendment withdrawn after the public notice has been published is subject to the twelve (12) month waiting period.

##### 12:3.1-2 Application Procedure

Application forms for amendments shall be obtained from the Town Hall. Completed forms, together with the required application fee to cover administrative costs, plus any additional information the applicant feels to be pertinent, shall be filed with the Planning Official.

Applications for zoning map amendments must be received in proper form, at least forty-five days prior to the Planning Commission meeting at which the amendment request will be heard, to allow sufficient time to process the application and to schedule the public hearing.

##### 12:3.1-3 Review by the Planning Commission

- A. All papers and other data submitted by the applicant on behalf of the map amendment request shall be transmitted by the Planning Official in a map amendment (re-zoning) staff report to the Planning Commission.
- B. The Planning Commission shall conduct the public hearing. All meetings of the Planning Commission shall be open to the public. At the public hearing, as in other meetings of the Planning Commission, any party may appear in person, by agent, or by attorney.
- C. Following review of the proposed amendment and the advertised public hearing, the Planning Commission shall reach a decision regarding said amendment and report its findings and recommendations to Town Council for final action. The Planning Commission shall have thirty days within which to submit its report. If the Planning Commission fails to submit a report within the thirty-day period, it shall be deemed to have approved the proposed amendment. No change in or departure from the application on which recommendations have been made by the Planning Commission pursuant to the public hearing shall be transmitted to the Town Council unless the change or departure is first submitted to the Planning Commission for review and recommendation.

#### 12:3.1-4 Notice of Public Hearing

- A. In scheduling a public hearing for a proposed zoning map amendment (re-zoning), notice of the time and place shall be published in a newspaper of general circulation in the area at least fifteen (15) days in advance of the scheduled public hearing.
- B. In cases involving re-zoning, conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. Such notice shall be posted at least ten (10) days prior to the announced hearing, indicating the nature of the proposed change, identification of the affected property, and time, date, and place of the hearing.
- C. The property owner and adjacent property owners shall be mailed a copy of the notice of public hearing at least ten (10) days prior to the public hearing.

#### 12:3.1-5 Action by Town Council

The Town Council shall act on the proposed amendment within sixty days of receipt of the Planning Commission's recommendation on an application. If no action is taken by the Council within such time, the proposed amendment shall be considered denied unless otherwise specified by Council. The Town Council's decision may reverse the Planning Commission's recommendations. All amendments to this Ordinance, including a zoning map amendment, shall be made through the adoption of an ordinance.

Following final action by Town Council, any necessary changes shall be made to the Official Zoning Map and/or text. A written record of the type and date of such change shall be maintained by the Planning Official.

#### 12:3.2 Zoning Ordinance Text Amendments

This section shall apply to all text and other amendments to this Ordinance other than amendments to the zoning map.

- A. Proposed text amendments to this Ordinance must be referred to the Planning Commission for deliberation and recommendation. The Planning Commission's recommendations shall be received by the Town Council prior to Town Council action on the proposed text amendment.
- B. The Town Council shall hold a public hearing on the proposed text amendment. The public hearing shall be held prior to the second reading of the amendment ordinance. The public hearing and second reading may be held during the same meeting of Council. In scheduling a public hearing for a proposed ordinance text amendment, notice of the time and place shall be published in a newspaper of general circulation in the area at least fifteen days in advance of the scheduled public hearing.

#### 12:4 Annexation

Prior to formal acceptance of any proposed annexation, the Town Council shall notify the Planning Commission of the proposed annexation. Within thirty (30) days after such notification, the Planning Commission shall make a recommendation to the Town Council regarding the classification of the zoning district(s) to be established within the area proposed for annexation. The Town Council shall then conduct a public hearing on the proposed zoning district(s) for the proposed annexation area. Thereafter, the Town Council may proceed with the annexation process including the enactment of an annexation ordinance as may be appropriate. Any annexation ordinance enacted by the Town Council shall specify and establish the zoning district(s) within the area annexed by such ordinance.

## 12:5 Administrative Fees

The Gaston Town Council shall set fees for the processing and administration of the provisions of this Ordinance and for other Town services. Fees to be levied may include, but are not limited to, the following services:

- A. Plans review fees for building (architectural) plans, site plans, and other development plans as may be required to process a land development or building application.
- B. Permit fees for building construction, moving and demolition permits; grading permits; sign permits; communications towers; electrical, gas, plumbing, and other specialty permits; manufactured housing moving and installation permits; use permits; and swimming pool permits.
- C. Inspection fees.
- D. Retirement of title processing fees for the conversion of manufactured housing to real property.
- E. Development agreement fees for the drafting, processing, and administration of the agreements.
- F. Written zoning verification and compliance determinations.
- G. Plat approval fees for re-surveys, minor subdivisions, major subdivisions (final plats), lot reconfigurations, and other plats requiring Planning Official or Planning Commission approval prior to recording with the Lexington County Register of Deeds.
- H. Board of Zoning Appeals fees for petitions for appeal of administrative zoning decisions, variance requests, and special exceptions.
- I. Planning Commission fees for petitions for appeals of administrative land development decisions and applications for exceptions to land development standards, required improvements, or submittal requirements.
- J. Map amendment petitions for re-zoning.
- K. Publications and duplication fees.

### 12:5.1 Continuation of Fees

All Fees previously set by Gaston Town Council shall continue and remain in effect under this Ordinance until and unless such time as amended by Town Council.

## 12:6 Violations and Penalties

### 12:6.1 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, the Planning Official or police officer shall record and investigate such complaint, and take such action as provided by this Ordinance. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.

### 12:6.2 Penalties for Violation

Any person violating any provision of this Ordinance shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the court for each offense. The maximum fine shall be \$500.00 or imprisonment for thirty days, or both plus applicable court fees and assessments. Where any building, structure, or sign is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure, sign, or land is or is proposed to be used in violation of this Ordinance, the Planning Official or police officer may, in accordance with the provisions of Section 56-7-80 of the South Carolina Code of Laws 1976, as amended, issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding either to: prevent such unlawful

erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate the violation or to prevent the occupancy of the building, structure, or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.

### 12:7 Interpretation and Conflict

The provisions of this Ordinance shall be held to be minimum requirements. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than any other applicable statute, the more restrictive statute imposing higher standards or requirements shall govern.

## Article 13 Gaston Zoning Ordinance Definitions

### 13.1 Gaston Zoning Ordinance Definitions

Words not defined in this Ordinance shall have the meanings stated in the International Building Code, International Plumbing and Mechanical Code, International Gas Code, or International Fire Prevention Code. Words not defined in the International Codes shall have the meanings in *Webster's New College Dictionary*, including revisions and later editions. Refer to definitions within pertinent articles and sections of this Ordinance if a specific definition is not found within this Article.

### 13:2 Rules for Definitions

- Words in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.
- The words *must* and *shall* are always mandatory.
- The word *may* is permissive.
- The word *lot* includes the words *parcel*, *plot*, *property*, or *tract*.
- The word *person* includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.
- The word *used* or *occupied* as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words *intended*, *arranged*, or *designed to be used or occupied*. An intended project shall be defined as one where substantial monies have been spent towards the goal of the project.
- The term *zoning map* shall mean the Official Zoning Map for the Town of Gaston.
- The term *Planning Commission* refers to the Planning Commission for the Town of Gaston. The term *Board of Zoning Appeals* refers to the Board of Zoning Appeals for the Town of Gaston.

### 13:3 Selected Definitions

**Accessory Apartment** - A second dwelling unit either within or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with the provisions within the structure for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

**Accessory Building, Structures** - A detached subordinate structure occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, domestic animal shelters, pool houses, etc., when detached from the principal building, and carports attached to the principal building when at least seven (7) percent is open or unenclosed.

**Agricultural Facility** - As Defined by SC Code of Laws, Section 46-45-20 - Includes but is not limited to any land, building, structure, pond, impoundment, appurtenance, machinery, or equipment which is used for the commercial production or processing of crops, trees, livestock, animals, poultry, honeybees, honeybee products, livestock products, poultry products, or products which are used in commercial aquaculture.

**Agriculture** - The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, the operation of any such storing or packing process meets the requirements in this Ordinance.

**Alley** - A private street primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street.

**Apartment** - See *Multi-Family*.

**Bed and Breakfast Inn** - A house, or portion thereof, where breakfast and short-term lodging rooms are provided. The operator of the inn lives on or in adjacent premises.

**Berm** - Any man-made hill or slope which represents a change of elevation of at least twenty-five (25) percent (4:1 slope) and a maximum of thirty-three (33) percent (3:1 slope), and which is covered with appropriate stabilizing vegetation.

**Buffer, Buffer Area, Buffer Yard** - A unit of yard, together with plantings, fences, walls, and other screening devices required thereon. The purpose of a buffer area is to ameliorate any potential negative impact between adjacent land uses and streets, and to promote land use compatibility.

**Buildable Area** - That portion of any lot which may be used or built upon in accordance with the regulations governing the zoning district within which the lot is located after the front, side, and rear yard, open space, and applicable buffer area requirements have been met.

**Building** - Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons or property.

**Building Height** - For purposes of maximum building height per the zoning district regulations of this Ordinance, the measurement from average elevation of finished grade within twenty (20) feet of the structure to the bottom of the eave.

**Caliper** - The diameter of a trunk of a nursery-grown tree or immature tree to be transplanted, measured at six (6) inches above the top of the root mass.

**Community On-Site Sewer Treatment System** - An on-site wastewater system serving more than one (1) piece of deeded property shall be considered as a community or cluster collection and treatment system and shall comply with SCDHEC regulations.

**Confined Animal Feeding Operation (CAFO)** - An agricultural facility where animals are confined and fed or maintained for a total of forty-five (45) days or more in a twelve (12) month period, and crops, vegetated forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Structures used for the storage of animal waste from animals in the operation also are part of the concentrated feeding operation.

**Crop Production** - The production of crops, plants, vines, and trees (excluding forestry operations), including but not limited to grain and vegetable farms, horticulture, greenhouses, orchards, and ant tree nurseries. This does not include incidental vegetable gardening or landscaping.

**Development, Land Development** - The changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, commercial parks, shopping centers, industrial parks, manufactured home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

**Development, Zero Lot Line** - A development where the location of a building is on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

**Duplex** - A single building designed, constructed, and used for two (2) dwelling units which are separated by common walls between the individual dwelling units.

**Dwelling** - A building or portion of a building arranged or designed exclusively for human habitation.

**Dwelling, Single-Family** - A building containing one (1) dwelling unit.

**Dwelling, Single-Family Detached** - A detached dwelling of one unit, other than a manufactured home or a mobile home, designed for or occupied exclusively by one family.

**Dwelling Unit** - A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**Family Daycare Home** - A family daycare home is a facility within a residence in which the operator (caregiver) resides, where child daycare is regularly provided for no more than six children who are unattended by their parent or legal guardian, including those children living in the home, and children who are related to the resident operator (caregiver).

**Heat Island Effect** - Describes built-up areas that are hotter than nearby rural areas where buildings, roads, and other infrastructure replaces open land and vegetation. These areas become warmer than their rural surroundings, forming an island of higher temperatures which increases energy demand and air pollution.

**Home Occupation** - Any occupation within the principle residence, clearly incidental thereto, carried on by a member or members of the family residing in the principal residence.

**Lot of Record** - A lot that is recorded by plat or deed with the Lexington County Register of Deeds.

**Manufactured Home, Manufactured Housing** - A structure transportable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in

length, or when erected onsite is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities; and which includes the plumbing, heating, air conditioning, and electrical systems contained in it. Manufactured housing is built in accordance with Federal Manufactured Housing Construction and Safety Standards as certified by the U.S. Department of Housing and Urban Development.

**Mini-Warehouse** - A building or group of buildings in a controlled-access and fenced compound that contains individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares.

**Mobile Home** - A factory-built home built prior to enactment of the Federal *Manufactured Housing Construction and Safety Standards Act*, effective June 15, 1976.

**Multi-Family** - A building containing five (5) or more dwelling units. Note: for purposes of this Ordinance, Quadruplexes shall be regulated as multi-family dwellings.

**Nonconformity** - A nonconformity is any lot of record, use, building, structure, or vegetation in existence prior to the effective date of this Ordinance, but which fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of this Ordinance.

**Official Zoning Map** - The map(s), maintained in the Gaston Town Hall, indicating the boundaries of the zoning districts of the incorporated Town of Gaston. The Official Zoning Map and all amendments, certifications, citations, and other matters entered onto the Map are a part of this Ordinance and have the same legal effect as if fully set out herein.

**Paddock** - A small field or enclosure for animals.

**Parcel** - A land area bounded by property lines that is recognized as such by the County Assessor's Office. Also referred to as *lot*, *plot*, or *tract*.

**Planning Official** - The Planning Official shall be the chief administrative officer of the Town of Gaston Zoning Ordinance. The Planning Official shall be the Mayor of the Town of Gaston, or other Town of Gaston employee or contractor designated by the Mayor of Gaston to administer assigned duties in the administration of this Ordinance.

**Plant, Invasive** - Any species capable of propagating that is not native to the Gaston ecosystem, and whose introduction causes or is likely to cause economic harm or harm to human health.

**Plant, Native and Adaptive** - Native plants are plants that were growing in this region prior to European settlement. Adapted plants are plants that have been introduced to the region that grow reliably well. Native and adapted plants require minimal attention from humans in the form of winter protection, pest treatment, water irrigation, or fertilization once the root systems are established in the soil. Native and adapted plants are considered to be low-maintenance and noninvasive.

**Plant, Noxious** - Any plant that can directly or indirectly injure crops and other useful plants, interests of agriculture or navigation, fish or wildlife resources, or public health.

**Premises** - Lots, plots, or parcels of land including the buildings or structures thereon, under control by the same owner or operator.

**Quadruplex** - A single building designed, constructed, or reconstructed for the use of four (4) dwelling units which are separated by common walls between the individual dwelling units. For purposes of this Ordinance, Quadruplexes shall be regulated as multi-family dwellings.

**Recreational Vehicle** - A vehicular type of portable structure without permanent foundation which can be towed, hauled, or driven; is primarily designed as temporary living accommodations for recreational, camping, and travel use; and which includes, but is not limited to, travel trailers, truck campers, camping trailers, park model homes, and self-propelled motor homes.

**Right-of-Way** - An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded to be occupied, or intended to be occupied, by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

**Road** – See *Street*.

**SCDHEC** – The South Carolina Department of Health and Environmental Control.

**Screening** - A type of buffer that is designed to block or obscure a particular element or use from view. The purpose of screening is to minimize, if not eliminate entirely, the visual impact of potentially unsightly open storage areas and refuse disposal facilities.

**Seasonal Roadside Market** - A seasonal roadside stand for the sale of agricultural products.

**Seasonal Roadside Stand** - Any trailer, tent, non-motorized vehicle, or other facility or structure not erected on a foundation that is erected and operated for the sale or solicitation of seasonal sale of agricultural products, fireworks, or other products not customarily sold on a year-round basis.

**Setback Area** - The area within the minimum horizontal distance between the building line and related front, side, or rear property line. Also refer to *Yard, Required*.

**Sign** - Any structure or device designated or intended to convey information to the public in written, pictorial, or symbolic form.

**Sign, Freestanding** - Any permanently mounted sign that is placed on or anchored in the ground and that is not attached to a building or other structure. Also referred to as pole, pylon, monument, or ground signs.

**Sign, Off-Premise Advertising** - Any sign that identifies or communicates a message related to an activity conducted, a service rendered, or a commodity sold which is not the primary activity, service, or commodity provided on the site where the sign is located. Also referred to as outdoor advertising or billboard sign.

**Single-Family** – See *dwelling, single-family*.



**Small-Scale Food Producer** - Small-scale food productions include bakeries, jam and preserve makers, candy makers, and other neighborhood-oriented productions. These are sometimes referred to as “cottage industries.” Small-scale food producers must meet the Conditional Uses for Neighborhood and Rural Commercial Uses.

**Street** – For the purposes of this Ordinance, street shall mean any publicly or privately maintained thoroughfare (street, road, drive, avenue, circle, way, lane, boulevard, etc.) or space which has been dedicated, deeded, designed, or used for vehicular traffic that provides access to more than three (3) parcels of land. Access within multiple parcel group developments is excluded from this definition. The words *street* and *road* shall be used interchangeably.

**Town Home, Townhouse** - A series of attached single-family dwelling units which may or may not have a common roof and are separated from each other by common vertical walls.

**Tree, Large Maturing** - A single trunk tree whose canopy dimensions have the potential to reach at least forty-five (45) feet tall and twenty-five (25) feet wide at maturity.

**Tree, Medium Maturing** - A single trunk tree whose canopy dimensions have the potential to reach at least twenty-five (25) feet tall and twenty (20) feet wide at maturity.

**Tree, Significant** - A healthy pine tree of twenty (20) inches or greater diameter at breast height (DBH) and all other tree species of eight (8) inches or greater diameter at breast height. If the tree splits below four and one half (4½) feet, the trunk is measured at its most narrow point beneath the split. Multi-stemmed trees are not considered significant trees.

**Tree, Small Maturing** - A single trunk or multi-stem dimensioned tree that has the potential to reach at least fifteen (15) feet tall and fifteen (15) feet wide at maturity.

**Triplex** - A single building designed, constructed, and used for three (3) dwelling units which are separated by common walls between the individual dwelling units.

**Urban Garden** - A lot, or any portion thereof, managed and maintained by a person or group of persons, for growing and harvesting, farming, community gardening, or any other use, which contributes to the production of agricultural, floricultural, or horticultural products for beautification, education, recreation, community use, consumption, off-site sale, or off-site donation.

**Vendor** - The word *vendor*, whenever used in this Ordinance, means any person who sells or solicits sales of food, drink, or other merchandise from a self-contained pushcart, bicycle cart, or other cart, operable motor vehicle, wagon, sled, or carriage propelled by human, animal, or mechanical power.

**Yard** - An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided by this Ordinance.

**Yard, Required** - That part of a yard between a lot line and the minimum required building setback lines, within which no structure shall be located except as provided by this Ordinance. Also refer to *Setback Area*.

**Zero Lot Line Development** - See *Development, Zero Lot Line*.

**Zoning District** - A specifically delineated area or district within which regulations and requirements govern the use, placement, spacing, and size of land and buildings.

**Zoning Map, Official** - See *Official Zoning Map*.