

City of Seneca

CITY OF SENECA

SOUTH CAROLINA

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Produced By:

The Planning Commission of the
City of Seneca

REVISED ZONING ORDINANCE

CITY OF SENECA

ORDINANCE NO. 99-07

AN ORDINANCE TO REPEAL ORDINANCE NO. 92-07 IN ITS ENTIRETY AND TO ADOPT AND ENACT A REVISED ZONING ORDINANCE FOR THE CITY OF SENECA, SOUTH CAROLINA, TO REGULATE THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND, THE SIZE OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, AND THE DENSITY AND DISTRIBUTION OF THE POPULATION; TO CREATE DISTRICTS FOR SAID PURPOSES AND TO ESTABLISH THE BOUNDARIES THEREOF, TO DEFINE CERTAIN TERMS USED HEREIN; TO PROVIDE FOR A METHOD OF ADMINISTRATION AND AMENDMENT, TO PROVIDE FOR A BOARD OF APPEALS; AND TO PROVIDE FOR THE IMPOSITION OF PENALTIES FOR VIOLATION OF PROVISIONS THEREOF.

THE ORDINANCE SHALL BECOME IN FULL FORCE AND EFFECT UPON ITS ADOPTION BY THE MAYOR AND COUNCIL OF THE CITY OF SENECA.

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ARTICLE I

LEGAL AUTHORITY AND STATUS

SECTION 100 AUTHORITY AND ENACTMENT CLAUSE

In pursuance of authority conferred by the General Statutes of South Carolina, 1976 Code of Laws, Title VI, Chapter 29, and for the purpose of promoting the health, safety, morals or general welfare of the community; lessening congestion in the streets, securing safety from fire; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewage, schools, parks, and other public improvements, protecting scenic areas, and protecting areas subject to periodic flooding against development, in accordance with a comprehensive plan, and being recommended by the Seneca Planning Commission, the City Council of the City of Seneca does ordain and enact into law the following articles and sections:

SECTION 101 LEGAL STATUS PROVISIONS

101.1 Conflict with other laws. Whenever the regulations of this Ordinance require more restrictive standards than are required in or under any other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

101.2 Validity. 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.

101.3 Repeal of conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

101.4 Effective date. This Ordinance shall take effect and be in force from and after April 27, 1999.

ARTICLE II

SHORT TITLE

This Ordinance may be known and may be cited as the "Official Zoning Ordinance of the City of Seneca, South Carolina".

ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS AND
RULES FOR THE INTERPRETATION OF DISTRICT BOUNDARIES

SECTION 300 ESTABLISHMENT OF DISTRICTS

For the purpose of this Ordinance the City of Seneca is hereby zoned and divided into the following zoning districts:

R-20	Residential-Single Family	OC Office Commercial
R-15	Residential-Single Family	NC Neighborhood Commercial
R-10	Residential-Single Family	HC Highway Commercial
R-6	Residential-Single Family	GC General Commercial
RG	Residence General	CC Core Commercial
RM-8	Residential-Multi Family	RO Residence Office
RM-16	Residential-Multi-Family	CP Conservation Preservation
MHP	Mobile Home Park Residential	BI Basic Industrial
PD-R	Planned Development Residential	LI Limited Industrial
PD-C	Planned Development Commercial	
PD-MU	Planned Development Mixed Use	
PD-U	Planned Development Undeveloped	

SECTION 301 DISTRICT BOUNDARIES

The boundaries of the above zoning districts are hereby established as shown on the Official Zoning Map of the City of Seneca, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. If two (2) or more zoning classifications are present on one(1) parcel, there shall be no access to or from any use on that parcel except through that portion of the parcel that is under the zoning classification applicable to the use on that portion of the parcel. (Ord. 2000-29 1/9/01)

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk and bearing the Seal of the City under the words: "Official Zoning Map, City of Seneca, South Carolina", together with the date of the adoption of this Ordinance.

If, in accordance with the provisions of this Ordinance and South Carolina 1976 Code of Laws, Title VI, Chapter 29, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly by the Zoning Administrator within seven (7) days after the amendment has been approved by the City Council. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change has been made on said map.

No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind of person or persons shall be considered a violation of this Ordinance and punishable by law. The City of Seneca shall not be bound by any unauthorized change to the Official Zoning Map.

Regardless of the existence of copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Zoning Administrator shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

SECTION 302 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

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

302.1 Boundaries indicated as approximately following the center or right-of-way lines of streets, highways, alleys, or public utility easements shall be construed to follow such lines.

302.2 Boundaries indicated as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private.

302.3 Boundaries indicated as approximately following city limits shall be construed as following such city limits.

302.4 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

302.5 Boundaries indicated as approximately following the center mean high water mark or shoreline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such lines or marks.

302.6 Boundaries indicated as approximately following topographic elevations shall be construed to follow such elevations.

302.7 Boundaries indicated parallel to, or extensions of, features indicated in sub-sections 1 through 6 above shall be so construed. Where distances are not specifically indicated on the Official Zoning Map, or in other circumstances not covered by the above sub-sections, then the Board of Appeals shall interpret the district boundaries.

302.8 Boundaries indicated as paralleling a roadway at a given distance shall be interpreted to mean that distance from the right-of-way of the roadway, or the rear property line of lots fronting on the roadway, whichever is the least.

SECTION 303 ANNEXATION AND OTHER ADJUSTMENTS TO CITY LIMITS

Where City limit boundaries change by virtue of annexation or some other means, the following provisions shall apply:

303.1 Any new land areas incorporated or otherwise annexed into the City shall be classified appropriately by the City Council through normal amendment procedures as set forth in Article X of this Ordinance, in conjunction with the annexation process. Concurrent to annexation being finalized by City Council, the Planning Commission shall have reviewed and made recommendations to City Council pertaining to the newly incorporated areas. City Council shall then process and act upon the proposed amendment. Until such time as a zoning designation is determined, the entire area annexed shall be classified as requested by the property owner(s).

303.2 In all cases where additions or deletions in the City of Seneca's total land area require adjustments in the Zoning District boundaries, said adjustment shall be made on the Zoning Map.

ARTICLE IV

APPLICATION OF DISTRICT REGULATIONS

The regulations set forth by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided. Except where provisions for relief are set forth elsewhere in this Ordinance, the following general standards for enforcement of District Regulations shall apply:

SECTION 400 USE OF LAND OR STRUCTURES

400.1 No land or structure shall hereinafter be used or occupied and no structure or parts shall hereinafter be constructed, erected, altered or moved, unless in conformity with all of the regulations herein specified for the district in which it is located.

400.2 No structure shall hereinafter be erected or altered:

- a) with greater height, size, bulk or other dimensions;
- b) to accommodate or house a greater number of families;
- c) to occupy a greater percentage of lot area;
- d) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.

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

400.4 Right-of-way easements for street and roads shall not be considered a part of a lot or open space, or front, rear or side yard for the purpose of meeting yard requirements.

SECTION 401 LOT REDUCTION PROHIBITED

No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance except as provided in Section 402.

SECTION 402 USE OF SUBSTANDARD LOTS OF RECORD

Where, at the time of the adoption of this Ordinance, an existing lot of record that was recorded in compliance with all regulations in effect at the time it was recorded does not conform to the dimensional requirements of this Ordinance, it may nonetheless be used as a building site and the Zoning Administrator is authorized to issue a Certificate of Zoning Compliance for the use of the property. The Zoning Administrator shall establish setbacks to conform as closely as possible to the dimensional requirements of this Ordinance, but so as not to prohibit reasonable use of the parcel. If any of two (2) or more adjoining lots under the same ownership does or do not conform to the dimensional requirements of this Ordinance, then the lots must be combined for the issuance of a Certificate of Zoning Compliance.

ARTICLE V

REQUIREMENTS BY DISTRICT

SECTION 500 CP CONSERVATION PRESERVATION DISTRICT

500.1 Purpose: The intent of the CP Zoning District is to preserve and control development within certain land and/or water areas of the City of Seneca which have any or all of the following characteristics:

- a) Serve as wildlife refuges;
- b) Possess great natural beauty;
- c) Are utilized for outdoor recreational purposes;
- d) Provide needed open space for the health and general welfare of the City's inhabitants;
- e) Are environmentally sensitive.

Uses and activities in the district shall be restricted so as to not destroy or impair the natural flora, fauna, watercourses, or topography of the area.

The regulations which apply within the district are designed to reserve such areas for the purposes outlined and to discourage any encroachment by dense residential, commercial, industrial or other uses capable of adversely affecting the relatively undeveloped character of the district.

500.2 Permitted Uses: The following uses shall be permitted in any CP Zoning District:

- a) Private boat dock or boat house.
- b) Public utility line, fire or water tower, or sub-station.
- c) Publicly owned and/or operated park, open space, recreational facility or use along with equipment necessary for servicing users.
- d) Swimming beach.
- e) Boat marina.
- f) Timber and/or forestry areas.
- g) Water retention ponds.
- h) Shoreline protection areas.
- i) Agricultural and horticultural farming (livestock not permitted).
- j) Wildlife refuge, including one-family dwelling unit of caretaker employed to maintain and protect the refuge.

500.3 Conditional Uses: The following uses shall be permitted in any CP Zoning District on a conditional basis, subject to conditions set forth in Section 805:

- a) Cemetery, with or without chapel, provided that such use consists of at least five (5) acres; has a ten (10) foot wide planted buffer strip around its entire perimeter which is kept free of any use except access; includes no crematorium or dwelling unit other than for a caretaker; has a front yard setback of twenty (20) feet from the street right-of-way line. Such use is permitted to display one (1) non-illuminated sign no greater than thirty (30) square feet in area and ten (10) feet in height.
- b) Single-family residential dwelling units, provided a minimum lot size of at least 87,120 square feet (2 acres).

500.4 Other Requirements: Uses permitted in CP Zoning Districts shall conform to the standards set forth in Section 522.

SECTION 501 R-20 ONE-FAMILY RESIDENTIAL DISTRICT

501.1 Intent of District: It is the intent of this Section that the R-20 Zoning District be developed and reserved for low-density one-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots of at least twenty thousand (20,000) square feet and to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

501.2 Permitted Uses: The following uses shall be permitted in any R-20 Zoning District:

- a) Single family dwelling unit (other than mobile home).
- b) Publicly owned building, facility or land, except those included in Section 501.3.
- c) Unlighted golf course, excluding miniature golf and driving range, unless as a component of a golf course.
- d) Non-commercial horticulture activities.
- e) Public parks and recreation areas.
- f) Customary home occupation, as provided in Section 710.
- g) Accessory use, as provided in Sections 711 and 712.
- h) Automobile parking lot, as provided in Section 718.
- i) Temporary use, as provided in Section 805.

501.3 Conditional Uses: The following uses shall be permitted in any R-20 Zoning District on a conditional basis, subject to the conditions set forth in Section 805. All Conditional Uses within R-20 Zoning Districts shall be subject to the Buffer provisions, as set forth in Section 730.

- a) Churches, synagogues, temples and other places of worship, along with related schools, provided that:
 - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
 - 2) such use is located on a lot of not less than 20,000 square feet in area; and
 - 3) exterior lights do not reflect into adjoining residential properties.
- b) Facilities for the use of civic associations, provided that:
 - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
 - 2) such use is located on a lot of not less than 40,000 square feet in area; and
 - 3) exterior lights do not reflect into adjoining residential properties.
- c) Public utility substation or sub-installation including water towers, provided that:
 - 1) such use is enclosed by a wall or chain-link fence of at least six (6) feet in height above finished grade;
 - 2) there is no office or commercial operation on site; and
 - 3) there is no equipment or vehicle storage on site.
- d) Cemetery, provided that:
 - 1) such use consists of a site of at least five (5) acres;
 - 2) such use includes no crematorium;
 - 3) a minimum front yard setback of fifty (50) feet; and
 - 4) not more than one sign be utilized. Such sign to be of a maximum thirty (30) square feet in area, and to be non-illuminated.

- e) Educational facilities of the State of South Carolina or the Oconee County School System, private schools - grades K-12, and nursery schools, provided that such uses are located on a lot of at least 40,000 square feet in area.
- f) Bed and Breakfast Inn, provided that:
 - 1) such use is located on a lot of at least 40,000 square feet in area;
 - 2) no more than eight (8) guest rooms are provided;
 - 3) required paved parking be provided to the rear of the principal structure; and
 - 4) such use is a part of a dwelling unit with a resident owner or manager.
- g) Cellular towers, as per Section 735.

501.4 Other Requirements: Uses permitted within the R-20 Residential Districts shall be required to conform to the standards set forth in Section 522.

SECTION 502 R-15 ONE-FAMILY RESIDENTIAL DISTRICT

502.1 Intent of District: It is the intent of this Section that the R-15 Zoning District be developed and reserved for low density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots having an area of at least fifteen thousand (15,000) square feet, and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the district.

502.2 Permitted Uses: The following uses shall be permitted in any R-15 Zoning District:

- a) Single family dwelling unit (other than mobile home).
- b) Publicly owned building, facility or land, except those included in Section 502.3.
- c) Unlighted golf course, excluding miniature golf and driving range, unless as a component of a golf course.
- d) Non-commercial horticulture activities.
- e) Public parks and recreation areas.
- f) Customary home occupation, as provided in Section 710.
- g) Accessory use, as provided in Sections 711 and 712.
- h) Automobile parking lot, as provided in Section 718.
- i) Temporary use, as provided in Section 805.

502.3 Conditional Uses: The following uses shall be permitted in any R-15 Zoning District on a conditional basis, subject to the conditions set forth in Section 805. All Conditional Uses within R-15 Zoning Districts shall be subject to the Buffer provisions, as set forth in Section 730.

- a) Churches, synagogues, temples and other places of worship, along with related schools, provided that:
 - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
 - 2) such use is located on a lot of not less than 20,000 square feet in area; and
 - 3) exterior lights do not reflect into adjoining residential properties.
- b) Facilities for the use of civic associations, provided that:
 - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
 - 2) such use is located on a lot of not less than 40,000 square feet in area; and

3) exterior lights do not reflect into adjoining residential properties.

c) Public utility substation or sub-installation including water towers, provided that:

- 1) such use is enclosed by a wall or chain-link fence of at least six (6) feet in height above finished grade;
- 2) there is no office or commercial operation on site; and
- 3) there is no equipment or vehicle storage on site.

d) Cemetery, provided that:

- 1) such use consists of a site of at least five (5) acres;
- 2) such use includes no crematorium;
- 3) that a minimum front setback of fifty (50) feet be maintained; and
- 4) not more than one sign be utilized. Such sign to be of a maximum thirty (30) square feet in area, and to be non-illuminated.

e) Educational facilities of the State of South Carolina or the Oconee County School System, private schools - grades K-12, and nursery schools, provided that such uses are located on a lot of at least 40,000 square feet in area.

f) Bed and Breakfast Inn, provided that:

- 1) such use is located on a lot of at least 40,000 square feet in area;
- 2) no more than eight (8) guest rooms are provided;
- 3) required paved parking be provided to the rear of the principal structure; and
- 4) such use is a part of a dwelling unit with a resident owner or manager.

g) Cellular towers, as per Section 735.

502.4 Other Requirements: Uses permitted within the R-15 Residential District shall be required to conform to the standards set forth in Section 522.

SECTION 503 R-10 ONE-FAMILY RESIDENTIAL DISTRICT

503.1 Intent of District: It is the intent of this Section that the R-10 Zoning District be developed and reserved for low-to-medium density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots having an area of at least ten thousand (10,000) square feet, and are to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

503.2 Permitted Uses: The following uses are permitted in any R-10 One-Family Residential District:

- a) Single family dwelling unit (other than mobile home).
- b) Publicly owned building, facility or land, except those included in Section 503.3.
- c) Unlighted golf course, excluding miniature golf and driving range, unless as a component of a golf course.
- d) Non-commercial horticulture activities.
- e) Public parks and recreation areas.
- f) Customary home occupation, as provided in Section 710.
- g) Accessory use, as provided in Sections 711 and 712.
- h) Automobile parking lot, as provided in Section 718.
- i) Temporary use, as provided in Section 805.

503.3 Conditional Uses: The following uses shall be permitted in any R-10 Zoning District on a conditional basis, subject to conditions set forth in Section 805. All Conditional Uses within R-10 Zoning Districts shall be subject to the Buffer provisions, as set forth in Section 730.

- a) Churches, synagogues, temples and other places of worship, along with related schools, provided that:
 - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
 - 2) such use is located on a lot of not less than 20,000 square feet in area; and
 - 3) exterior lights do not reflect into adjoining residential properties.

- b) Facilities for the use of civic associations, provided that:
 - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
 - 2) such use is located on a lot of not less than 40,000 square feet in area; and
 - 3) exterior lights do not reflect into adjoining residential properties.

- c) Public utility substation or sub-installation including water towers, provided that:
 - 1) such use is enclosed by a wall or chain-link fence of at least six (6) feet in height above finished grade;
 - 2) there is no office or commercial operation on site; and
 - 3) there is no equipment or vehicle storage on site.

- d) Cemetery, provided that:
 - 1) such use consists of a site of at least five (5) acres;
 - 2) such use includes no crematorium;
 - 3) a minimum front setback of fifty (50) feet be maintained; and
 - 4) not more than one sign be utilized. Such sign to be of a maximum thirty (30) square feet in area, and to be non-illuminated.

- e) Educational facilities of the State of South Carolina or the Oconee County School System, private schools - grades K-12, and nursery schools, provided that such uses are located on a lot of at least forty thousand (40,000) square feet in area.

- f) Bed and Breakfast Inn, provided that:
 - 1) such use is located on a lot of at least 40,000 square feet in area;
 - 2) no more than eight (8) guest rooms are provided;
 - 3) required paved parking be provided to the rear of the principal structure; and
 - 4) such use is part of a dwelling unit with a resident owner or manager.

- g) Cellular towers, as per Section 735.

503.4 Other Requirements: Uses permitted within the R-10 Residential District shall be required to conform to the standards set forth in Section 522.

SECTION 504 R-6 ONE-FAMILY RESIDENTIAL DISTRICT

504.1 Intent of District: It is the intent of this Section that the R-6 Zoning District be developed and reserved for medium-density one-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots of at least six thousand (6,000) square feet; and to discourage any encroachment by commercial, industrial, or other use capable of adversely affecting the residential character of the district.

504.2 Permitted Uses: The following uses shall be permitted in any R-6 Zoning District:

- a) Single family dwelling unit (other than mobile home).
- b) Publicly owned building, facility or land, except those included in Section 504.3.
- c) Unlighted golf course, excluding miniature golf and driving range, unless as a component of a golf course.
- d) Non-commercial horticulture activities.
- e) Public parks and recreation areas.
- f) Customary home occupation, as provided in Section 710.
- g) Accessory use, as provided in Sections 711 and 712.
- h) Automobile parking lot, as provided in Section 718.
- i) Temporary use, as provided in Section 805.

504.3 Conditional Uses: The following uses shall be permitted in any R-6 Zoning District on a conditional basis, subject to conditions set forth in Section 805. All Conditional Uses within R-6 Zoning Districts shall be subject to the Buffer provisions, as set forth in Section 730.

- a) Churches, synagogues, temples and other places of worship, along with related schools, provided that:
 - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
 - 2) such use is located on a lot of not less than 20,000 square feet in area; and
 - 3) exterior lights do not reflect into adjoining residential properties.
- b) Facilities for the use of civic associations, provided that:
 - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
 - 2) such use is located on a lot of not less than 40,000 square feet in area; and
 - 3) exterior lights do not reflect into adjoining residential properties.
- c) Public utility substation or sub-installation including water towers, provided that:
 - 1) such use is enclosed by a wall or chain-link fence of at least six (6) feet in height above finished grade;
 - 2) there is no office or commercial operation on site; and
 - 3) there is no equipment or vehicle storage on site.
- d) Cemetery, provided that:
 - 1) such use consists of a site of at least five (5) acres;
 - 2) such use includes no crematorium;
 - 3) a minimum front setback of fifty (50) feet be maintained; and
 - 4) not more than one sign be utilized. Such sign to be of a maximum thirty (30) square feet in area, and to be non-illuminated.

- e) Educational facilities of the State of South Carolina or the Oconee County School System, private schools - grades K-12, and nursery schools, provided that such uses are located on a lot of at least 40,000 square feet in area.
- f) Bed and Breakfast Inn, provided that:
 - 1) such use is located on a lot of at least 40,000 square feet in area;
 - 2) no more than eight (8) guest rooms are provided;
 - 3) required paved parking be provided to the rear of the principal structure; and
 - 4) such use is a part of a dwelling unit with a resident owner or manager.
- g) Cellular towers, as per Section 735.

504.4 Other Requirements: Uses permitted within the R-6 Residential District shall be required to conform to the standards set forth in Section 522.

SECTION 505 RM-8 RESIDENTIAL DISTRICT

505.1 Intent of District: It is the intent of this Section that the RM-8 Zoning District be developed and reserved for high density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for such dwellings and to discourage unwarranted encroachment of commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

505.2 Permitted Uses: The following uses shall be permitted in the RM-8 Zoning District:

- a) Multi-family dwelling units.
- b) Publicly owned buildings, facilities or land, except those included in Section 505.3.
- c) Unlighted golf course, excluding miniature golf and driving range, unless as a component of a golf course.
- d) Non-commercial horticultural activities.
- e) Public parks and recreation areas.
- f) Customary Home Occupation, as provided in Section 710.
- g) Accessory use, as provided in Sections 711 and 712.
- h) Automobile parking lot, as provided in Section 718.
- i) Temporary use, as provided in Section 805.

505.3 Conditional Uses: The following uses may be permitted in any RM-8 Zoning District on a conditional basis, subject to the conditions set forth in Section 805. All Conditional Uses within RM-8 Zoning Districts shall be subject to the Buffer provisions, as set forth in Section 730.

- a) Churches, synagogues, temples and other places of worship, along with related schools, provided that:
 - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
 - 2) such use is located on a lot of not less than 20,000 square feet in area; and
 - 3) exterior lights do not reflect into adjoining residential properties.
- b) Facilities for the use of civic associations, provided that:
 - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
 - 2) such use is located on a lot of not less than 40,000 square feet in area; and

3) exterior lights do not reflect into adjoining residential properties.

c) Public utility substation or sub-installation including water towers, provided that:

- 1) such use is enclosed by a wall or chain-link fence of at least six (6) feet in height above finished grade;
- 2) there is no office or commercial operation on site; and
- 3) there is no equipment or vehicle storage on site.

d) Cemetery, provided that:

- 1) such use consists of a site of at least five (5) acres;
- 2) such use includes no crematorium;
- 3) a minimum front setback of fifty (50) feet be maintained; and
- 4) not more than one sign be utilized. Such sign to be of a maximum thirty (30) square feet in area, and to be non-illuminated.

e) Educational facilities of the State of South Carolina or the Oconee County School System, private schools - grades K-12, and nursery schools, provided that such uses are located on a lot of at least 40,000 square feet in area.

f) Bed and Breakfast Inn, provided that:

- 1) is located on a lot of at least 40,000 square feet in area;
- 2) no more than eight (8) guest rooms are provided;
- 3) that required paved parking be provided to the rear of the principal structure; and
- 4) such use is a part of a dwelling unit with a resident owner or manager.

g) Single family dwelling unit, except mobile homes, provided that:

- 1) such use is located on a lot of at least 12,500 square feet;
- 2) a minimum width of 75 feet is provided; and
- 3) minimum setbacks of front-30 feet, side-15 feet, rear-20 feet are maintained.

h) Day care centers, children or adult, provided that such uses are located on a lot of at least 40,000 square feet in area.

i) Community residential care facilities, provided that:

- 1) such use is located on a lot of at least one (1) acre;
- 2) that paved parking is provided to the rear of the front line of the principal building to accommodate at least two (2) staff persons, plus one (1) space per two (2) residents at full capacity;
- 3) no more than ten (10) residents be accommodated;
- 4) no building or structure be greater than two (2) stories above grade; and
- 5) such use is approved by the Zoning Board of Appeals as being compatible with the surrounding area and appropriate for the requested site.

j) Cellular towers, per Section 735.

505.4 Other Requirements: Uses permitted within the RM-8 Districts shall be required to conform to the standards set forth in Section 522.

SECTION 506 RM-16 RESIDENTIAL DISTRICT

506.1 Intent of District: It is the intent of this Section that the RM-16 Zoning District be developed and reserved for high density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment of such dwellings and to discourage un-warranted encroachment of commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

506.2 Permitted Uses: The following uses shall be permitted in the RM-16 Zoning District:

- a) Multi-family dwelling units.
- b) Publicly owned buildings, facilities or land, except those included in Section 506.3.
- c) Unlighted golf course, excluding miniature golf and driving range, unless as a component of a golf course.
- d) Non-commercial horticultural activities.
- e) Public parks and recreation areas.
- f) Customary Home Occupation, as provided in Section 710.
- g) Accessory use, as provided in Sections 711 and 712.
- h) Automobile parking lot, as provided in Section 718.
- i) Temporary use, as provided in Section 805.

506.3 Conditional Uses: The following uses may be permitted in any RM-16 Zoning District on a conditional basis, subject to the conditions set forth in Section 805. All Conditional Uses within RM-16 Zoning Districts shall be subject to the Buffer provisions, as set forth in Section 730.

- a) Churches, synagogues, temples and other places of worship, along with related schools, provided that:
 - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
 - 2) such use is located on a lot of not less than 20,000 square feet in area; and
 - 3) exterior lights do not reflect into adjoining residential properties.
- b) Facilities for the use of civic associations, provided that:
 - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
 - 2) such use is located on a lot of not less than 40,000 square feet in area; and
 - 3) exterior lights do not reflect into adjoining residential properties.
- c) Public utility substation or sub-installation including water towers, provided that:
 - 1) such use is enclosed by a wall or chain-link fence of at least six (6) feet in height above finished grade;
 - 2) there is no office or commercial operation on site; and
 - 3) there is no equipment or vehicle storage on site.
- d) Cemetery, provided that:
 - 1) such use consists of a site of at least five (5) acres;
 - 2) such use includes no crematorium;
 - 3) a minimum front setback of fifty (50) feet be maintained; and
 - 4) not more than one sign be utilized. Such sign to be of a maximum thirty (30) square feet in area, and to be non-illuminated.

- e) Educational facilities of the State of South Carolina or the Oconee County School System, private schools - grades K-12, and nursery schools, provided that such uses are located on a lot of at least 40,000 square feet in area.
- f) Bed and Breakfast Inn, provided that:
 - 1) is located on a lot of at least 40,000 square feet in area;
 - 2) no more than eight (8) guest rooms are provided;
 - 3) that required paved parking be provided to the rear of the principal structure; and
 - 4) such use is a part of a dwelling unit with a resident owner or manager.
- g) Single family dwelling unit, except mobile homes, provided that:
 - 1) such use is located on a lot of at least 12,500 square feet;
 - 2) a minimum width of 75 feet is provided; and
 - 3) minimum setbacks of front-30 feet, side-15 feet, rear-20 feet are maintained.
- h) Day care centers, children or adult, provided that such uses are located on a lot of at least 40,000 square feet in area.
- i) Community residential care facilities, provided that:
 - 1) such use is located on a lot of at least one (1) acre;
 - 2) that paved parking is provided to the rear of the front line of the principal building to accommodate at least two (2) staff persons, plus one (1) space per two (2) residents at full capacity;
 - 3) no more than ten (10) residents be accommodated;
 - 4) no building or structure be greater than two (2) stories above grade; and
 - 5) such use is approved by the Zoning Board of Appeals as being compatible with the surrounding area and appropriate for the requested site.
- j) Cellular towers, as per Section 735.

506.4 Other Requirements. Uses permitted within the RM-16 Districts shall be required to conform to the standards set forth in Section 522.

SECTION 507 RG RESIDENCE GENERAL DISTRICT

507.1 Purpose: It is the intent of this section that the RG zoning district be developed and reserved for medium density one-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy, environment for one-family dwellings situated on lots of ten thousand (10,000) square feet or more, and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the district.

507.2 Permitted Uses: The following uses are permitted in any RG Zoning District:

- a) Single family dwelling unit of at least 1200 square feet of heated floor space.
- b) Publicly owned building, facility or land, except those included in Section 507.3.
- c) Unlighted golf course, excluding miniature golf and driving range, unless as a component of a golf course.
- d) Non-commercial horticultural activities.
- e) Public parks and recreation areas.
- f) Customary Home Occupation, as provided in Section 710.
- g) Accessory use, as provided in Sections 711 and 712.

- h) Automobile parking lot, as provided in Section 718.
- i) Temporary use, as provided in Section 805.
- j) Mobile homes, as a single family dwelling unit, in compliance with square footage requirements included in Section 507.2.a, and in compliance with the Mobile Home Standards included in Section 731.

507.3 Conditional Uses: The following uses shall be permitted in any RG Zoning District on a conditional basis, subject to conditions set forth in Article VIII, Section 805. All conditional uses within the RG Zoning Districts shall be subject to the Buffer provision, as set forth in Section 730.

- a) Churches, synagogues, temples and other places of worship, along with related schools, provided that:
 - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
 - 2) such use is located on a lot of not less than 20,000 square feet in area; and
 - 3) exterior lights do not reflect into adjoining residential properties.
- b) Facilities for the use of civic associations, provided that:
 - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
 - 2) such use is located on a lot of not less than 40,000 square feet in area; and
 - 3) exterior lights do not reflect into adjoining residential properties.
- c) Public utility substation or sub-installation including water towers, provided that:
 - 1) such use is enclosed by a wall or chain-link fence of at least six (6) feet in height above finished grade;
 - 2) there is no office or commercial operation on site; and
 - 3) there is no equipment or vehicle storage on site.
- d) Cemetery, provided that:
 - 1) such use consists of a site of at least five (5) acres;
 - 2) such use includes no crematorium;
 - 3) a minimum front setback of fifty (50) feet be maintained; and
 - 4) not more than one sign be utilized. Such sign to be of a maximum thirty (30) square feet in area, and to be non-illuminated.
- e) Educational facilities of the State of South Carolina or the Oconee County School System, private schools - grades K-12, and nursery schools, provided that such uses are located on a lot of at least 40,000 square feet in area.
- f) Bed and Breakfast Inn, provided that:
 - 1) it is located on a lot of at least 40,000 square feet in area;
 - 2) no more than eight (8) guest rooms are provided;
 - 3) required paved parking be provided to the rear of the principal structure; and
 - 4) such use is a part of a dwelling unit with a resident owner or manager.
- g) Cellular towers as per Section 735.

507.4 Other Requirements. Uses permitted within the RG Districts shall be required to conform to the standards set forth in Section 522.

SECTION 508 MHP MOBILE HOME PARK DISTRICT

508.1 Purpose: The intent of the MHP Mobile Home Park District is to provide a sound and healthy high density residential environment sufficient to meet the unique needs of inhabitants living in mobile homes, to protect mobile home parks from encroachment by incompatible uses, and to encourage the consolidation of mobile homes into mobile home parks. Any mobile home park within the City of Seneca shall henceforth be located in conformance with the regulations set forth herein.

508.2 General Provisions: Unless otherwise set forth herein, mobile home parks shall be permitted only in an officially approved MHP District. Uses permitted in MHP Districts shall include mobile homes, as well as other uses which may be required to serve the residents of that particular MHP District.

508.3 Definitions: For definitions of the terms "Mobile Home", "Mobile Home Park", "Mobile Home Space", "Camper", "Trailer", and "House Trailer", see Article XI.

508.4 Park Plan: Mobile home parks permitted in MHP Districts shall conform to the following requirements:

- a) Each park shall be no less than two (2) acres in size, and shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water;
- b) Each mobile home park shall not contain more than eight (8) mobile home units per net acre;
- c) Mobile home spaces shall be provided consisting of an average of not less than 4,000 square feet of area, each space to be at least forty (40) feet wide and clearly defined;
- d) Mobile homes shall be situated on each space so as to provide:
 - 1) A minimum of fifteen (15) feet of clearance between any two (2) mobile homes or a mobile home and any property line bounding the park; and
 - 2) A minimum of fifteen (15) feet of clearance between any mobile home and any building located within the park.
- e) Mobile homes shall be harbored on each space so that there will be a minimum front yard setback of not less than fifteen (15) feet between the mobile home and any abutting drive;
- f) Each mobile home park shall have a minimum area of ten thousand (10,000) square feet set aside as a common open space or amenity area; if a park is larger than two (2) acres, or if a park is expanded, one hundred (100) square feet of common open space shall be added for each mobile home unit after the twentieth (20th) unit. The common area may be maintained as open space, or may include recreational facilities, such as, but not limited to, playground equipment, a swimming pool, tennis courts, or a clubhouse;
- g) All mobile home spaces shall abut upon a paved drive of not less than twenty (20) feet in width, which shall have unobstructed access to a street and be maintained in good condition; all mobile home spaces shall be serviced with a concrete sidewalk of not less than three (3) feet in width and maintained in good condition; (Ord. 2002-02)
- h) A greenbelt planting strip shall be located along all property lines bounding the park but not bordering a street. The planting strip shall be:
 - 1) Not less than twenty (20) feet in width where the property line abuts a residential district; such strip shall be composed of two (2) or more rows of greenery spaced not more than six (6) feet apart and which grow to a height of seven (7) feet or more after two (2) full growing seasons; the planting rows shall be offset so as to produce a dense compact planting screen; and

- 2) Not less than five (5) feet in width where the property line abuts any Zoning District other than a Residential District; such strip shall be composed of greenery which possesses growth characteristics of such a nature as to produce a dense compact planting screen not less than seven (7) feet in height after two (2) full growing seasons.
- i) Off-street parking, loading and other requirements shall conform to the standards set forth in Article VII;
- j) The site plan for a MHP District must be reviewed by the Oconee County Health Department in the event that the district will be serviced by a septic system, which shall advise the Planning Commission of its findings prior to the Planning Commission making any recommendation on the proposal.. The Planning Commission shall be restricted from making a favorable recommendation unless the Oconee County Health Department determines that all state regulations, codes and standards governing health, safety and environmental sanitation in Mobile Home Parks have been met by the applicant(s). A site plan shall be submitted to the Planning Commission with each MHP rezoning request, indicating the general circulation pattern, mobile home space locations, open park space, etc., to assist the Planning Commission and the City Council in reaching a decision. The site plan must present the proposal in precise terms, indicating mobile home space dimensions, and must show that the plan complies with the regulations and standards in this section; and (Ord. 2002-02)
- k) Signs permitted in MHP Zoning Districts, including the conditions under which they may be located, are set forth in Article VI.

508.5 Mobile Home Subdivision: If spaces for mobile homes are to be offered for sale, lots proposed for sale must be recorded according to the requirements in effect in the City of Seneca and Oconee County for subdivision developments. Application for subdivision may be processed in conjunction with the administrative review procedure required under this Ordinance to obtain authorization for development within a MHP Zoning District. Whether spaces are proposed for sale, rental, or lease, the design of the park shall comply with the standards set forth in this section, or, if in subdivision form, must meet requirements under Section 522.

508.6 Revocation of License: The City Council may revoke any license to maintain and operate a mobile home park when the licensee has been found guilty by a court of competent jurisdiction of violating any provisions of this Ordinance. After such conviction, the license may be reissued if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with the law. Deleted (Ord. 2002-02)

508.7 Posting of Certificate of Occupancy. The Certificate of Occupancy shall be conspicuously posted in the office or on the premises of each MHP District.

508.8 Each mobile home within a mobile home park shall be required to conform within the following standards:

- a) The mobile home shall bear a label or seal of compliance with Federal Mobile Home Construction and Safety Standards approved by the Department of Housing and Urban Development of the United States of America;
- b) Permanent steps made of either precast concrete, mortar, brick, wood, or metal are to be installed with a minimum width of 36 inches;
- c) If steps are over 30 inches in height, handrails are to be installed;
- d) All corners and axles are to be supported by double blocked piers and additional piers are to be spaced no greater than ten (10) feet apart;
- e) All corner piers and all other piers of at least 40 inches in height are to have minimum length and width dimensions of 16" x 16", are to be composed of interlocking masonry, and are to be capped with a minimum four inch thick solid masonry unit;

- f) All piers are to be set in a concrete base of at least 16" x 16" x 4";
- g) Either over-the-top or frame based tie-downs, of at least three per side, are to be installed and maintained;
- h) Solid skirting of wood, brick, vinyl, metal or masonry is to be installed, and is to be painted, unless composed of brick or stone;
- i) Skirting is to be constructed and maintained in a manner so as not to create a fire hazard or to harbor trash or rodents;
- j) Skirting material is to be maintained in a sound state of repair, is to be vented, and is to have an access door; and
- k) Each mobile home site is to be equipped with a paved driveway to accommodate two vehicles.

508.9 Other Requirements: Uses permitted within the Mobile Home District shall be required to conform to the standards set forth in Section 522.

508.10 Existing Mobile Home Parks: Existing mobile home parks not in conformance with the provisions of this section shall be considered as non-conforming uses, and shall be governed by the provisions regulating such uses under Section 708.

SECTION 509 RO RESIDENCE OFFICE DISTRICT

509.1 Purpose: The intent of the RO zoning district is to provide for the transition of areas from residential to office and limited commercial activities which do not generate large volumes of traffic, noise, or other harmful effects, and which are compatible with residential uses. The regulations which apply within this district are designed to encourage conservation and preservation of structurally sound residences in transitional neighborhoods.

509.2 Permitted Uses. The following uses shall be permitted in any RO Zoning District:

- a) Professional offices.
- b) Medical offices, clinics.
- c) Off-street automobile parking lots.
- d) Single family dwelling units.
- e) Customary home occupation, as provided in Section 710.
- f) Accessory use, as provided in Sections 711 and 712.
- g) Automobile parking lot, as provided in Section 718.
- h) Temporary use, as provided in Section 805.

509.3 Conditional Uses: The following uses shall be permitted in any RO Zoning District on a conditional basis, subject to the conditions set forth in Section 805. All Conditional Uses within RO Zoning Districts shall be subject to the Buffer provisions, as set forth in Section 730.

- a) Churches, synagogues, temples and other places of worship, along with related schools, provided that:
 - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
 - 2) such use is located on a lot of not less than 20,000 square feet in area; and
 - 3) exterior lights do not reflect into adjoining residential properties.
- b) Facilities for the use of civic associations, provided that:
 - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
 - 2) such use is located on a lot of not less than 40,000 square feet in area; and

- 3) exterior lights do not reflect into adjoining residential properties.
- c) Public utility substation or sub-installation, including water towers, provided that:
 - 1) such use is enclosed by a wall or chain-link fence of at least six (6) feet in height above finished grade;
 - 2) there is no office or commercial operation on site; and
 - 3) there is no equipment or vehicle storage on site.
- d) Educational facilities of the State of South Carolina or the Oconee County School System, private schools – grades K-12, and nursery schools, provided that such uses are located on a lot of at least 40,000 square feet in area.
- e) Bed and Breakfast Inn, provided that:
 - 1) such use is located on a lot of at least 40,000 square feet in area;
 - 2) no more than eight (8) guest rooms are provided;
 - 3) required paved parking be provided to the rear of the principle structure; and
 - 4) such use is part of a dwelling unit with a resident owner or manager.
- f) Cellular Towers as per Section 735.

509.4 Other requirements: Except for off-street parking and other authorized outdoor uses, all commercial sales and service activities shall be within completely enclosed buildings; and there shall be no unenclosed displays of merchandise. Uses permitted within the RO District shall be required to conform to the standards set forth in Section 522.

SECTION 510 OC OFFICE COMMERCIAL DISTRICT

510.1 Purpose: The intent of the OC Zoning District is to develop and reserve land for business office, institutional, public, semi-public, and limited group residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a quiet, compatible and uncongested environment for office type business or professional firms and certain public or semi-public uses; and to discourage any encroachment by unrestricted retail and/or wholesale business establishments, industrial concerns, or other uses capable of adversely affecting the specialized commercial, institutional and housing character of the district.

510.2 Permitted Uses: The following uses shall be permitted in any OC Zoning District:

- a) Professional offices.
- b) Medical offices, clinics.
- c) Banks and other financial institutions.
- d) Pre-Schools, day care centers, adult and child.
- e) Cultural and community centers, including libraries, neighborhood recreation centers, churches and other religious facilities.
- f) Public utility facilities, including offices, electric transformer stations, gas regulator stations, telephone switching stations, etc, but excluding transmission towers.
- g) Proprietary schools, offering instruction in art, music, dance, skills, business and technical schools.
- h) Nursing homes, convalescence homes, personal care homes, community residential care facilities.
- i) Veterinary offices and accessory kennels.
- j) Funeral homes, mortuaries.
- k) Off-street automobile parking lots.

- l) Commercial printers.
- m) Facilities of city, county, state or federal government, except those provided for in Section 510.3.
- n) Facilities of the Oconee County Public School System.
- o) Facilities of public service districts, except those provided for in Section 510.3.
- p) Accessory uses, as provided in Section 711 and 712.
- q) Temporary uses, as provided in Section 805.

510.3 Conditional Uses: The following uses shall be permitted in any OC Zoning District on a conditional basis, subject to the conditions set forth in Section 805.

- a) Pharmacy, drug stores, as an accessory use to a medical office, clinic, or group residential care facility.
- b) Public utility sub-station or sub-installation, including water towers, provided that:
 - 1) such use is enclosed by a chain link fence or wall of at least six (6) feet in height above finished grade;
 - 2) there is no office or commercial operation on-site; and
 - 3) there is no equipment or vehicle storage on-site.
- c) A residential use as an accessory activity to any use permitted within the zoning district.
- d) Cellular Towers as per Section 735.

510.4 Other Requirements: Uses permitted within the Office Commercial District shall be required to conform to the standards set forth in Section 522.

SECTION 511 NC NEIGHBORHOOD COMMERCIAL DISTRICT

511.1 Purpose: It is the intent of this Section that the NC Zoning District be developed and reserved for local or neighborhood oriented business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy and compatible environment for uses that are located so as to provide nearby residential areas with convenient shopping and service facilities; reduce traffic and parking congestion; avoid the development of "strip" business districts; and discourage industrial and other encroachment capable of adversely affecting the localized commercial character of the district.

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

- a) General retail stores, provided no external storage of machinery, parts, inventory or equipment.
- b) Service businesses, including, but not limited to, plumbers, beauticians, repair services, photographers, etc., provided all services take place within an enclosed building and there is no external storage of inventory, parts, machinery or equipment.
- c) Professional offices.
- d) Restaurants, delicatessens, excluding drinking establishments, as defined herein.
- e) Retail food stores, including general groceries, produce stands, bakeries, meat markets (without slaughtering on-site), etc.
- f) Food preparation establishments for off-premise delivery.
- g) Medical offices, clinics.
- h) Banks and other financial institutions.
- i) Pre-school, day care centers, adult and child.
- j) Cultural and community centers, including libraries, neighborhood recreation centers, churches and other religious facilities.
- k) Public utility facilities, including offices, transformer stations, gas regulators, telephone switching stations, etc., but excluding transmission towers.
- l) Proprietary schools, offering instruction in art, music, dance, skills, business and technical schools.
- m) Nursing homes, convalescent homes, personal care homes, community residential care facilities.

- n) Veterinary offices with no external runs.
- o) Coin operated laundry, dry cleaning - excluding dry cleaning plants.
- p) Funeral homes, mortuaries.
- q) Off-street automobile parking lots.
- r) Commercial printers.
- s) Facilities of city, county, state or federal government, except those provided for in Section 511.3.
- t) Facilities of the Oconee County Public School System.
- u) Facilities of public service districts, except those provided for in Section 511.3.
- v) Accessory uses, as provided in Section 711 and 712.
- w) Temporary uses, as provided in Section 805.

511.3 Conditional Uses: The following uses shall be permitted in any NC Zoning District on a conditional basis, subject to the conditions set forth in Section 805.

- a) Automobile service stations, provided all operations involving major repairs, body and fender work, painting or the sale or rental of new or used cars, trucks, trailers (of any type) or boats, are not conducted on the premises; provided further that all pumps are set back at least twenty-five (25) feet from the right-of-way line of all abutting streets, and all fuel tanks are installed underground.
- b) Retail bakery, provided all goods sold at retail.
- c) Public utility sub-station or sub-installation including water towers, provided that:
 - 1) such use is enclosed by a chain-link fence or wall of at least six (6) feet in height above finished grade;
 - 2) provided there is no office or commercial operation on site; and
 - 3) there is no equipment or vehicle storage on-site.
- d) A residential use as an accessory activity to any use permitted within the zoning district.
- e) Cellular Towers as per Section 735.

511.4 Other Requirements: Uses permitted within the NC District shall be required to conform to the standards set forth in Section 522.

SECTION 512 HC HIGHWAY COMMERCIAL DISTRICT

512.1 Purpose: It is the intent of this Section that the HC Zoning District be developed and reserved for general business purposes and with particular consideration for the automobile-oriented commercial development existing or proposed along major thoroughfares. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible and economically healthy environment for business, financial, service, and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, residential, or other uses considered capable of adversely affecting the basic commercial character of the district.

512.2 Permitted Uses: The following uses shall be permitted in any HC Zoning District:

- a) General retail stores and rental stores, provided any external storage of machinery, parts, inventory, or equipment is completely enclosed by a six foot solid wall (composed of brick, finished concrete, mortar, wood, stone, masonry units, or a combination of the above), stockade fence (composed of wood and solid in appearance), or a chain link fence with slats and a six foot high continuous, uninterrupted, opaque evergreen vegetation screen extending along the external length of the fence. All fence or wall types shall be properly maintained and shall not be allowed to deteriorate into a dilapidated or unstable condition. The chain link fence with slats is to be maintained in proper condition so as no slat is missing or broken or in need of repair in any way so as to remain opaque. The chain link fence is to be maintained so that no rust, decay,

- chipping or peeling of paint, or unevenness of the chain link is visible (present). The vegetation is to be maintained and given proper care so as to retain a healthy and neat condition. Slats are to consist of earth tone colors (such as dark green, brown, tan, beige, rust, or gray). A chain link fence with slats is to have only one color, where there is no intermixing of more than one color on the same fence. Fence is not to impede vision at intersections or drives. (Ord. 2000-01) (rental stores added Ord. 2000-15)
- b) Service businesses, including, but not limited to, plumbers, beauticians, repair services, photographers, etc., provided all services take place within an enclosed building and there is no external storage of inventory, parts, machinery or equipment.
 - c) Professional offices.
 - d) Restaurants, delicatessens, drinking establishments.
 - e) Retail food stores, including general groceries, produce stands, bakeries, meat markets (without slaughtering on-site), etc.
 - f) Food preparation establishments for off-premise delivery.
 - g) Medical offices, clinics.
 - h) Banks and other financial institutions.
 - i) Pre-school, day care centers, adult and child.
 - j) Cultural and community centers, including libraries, neighborhood recreation centers, churches and other religious facilities.
 - k) Public utility facilities, including offices, transformer stations, gas regulators, telephone switching stations, etc., but excluding transmission towers.
 - l) Proprietary schools, offering instruction in art, music, dance, skills, business and technical schools.
 - m) Nursing homes, convalescent homes, personal care homes, community residential care facilities.
 - n) Veterinary offices with no external runs.
 - o) Coin operated laundry, dry cleaning - excluding dry cleaning plants.
 - p) Funeral homes, mortuaries.
 - q) Off-street automobile parking lot.
 - r) Commercial printers and similar.
 - s) Radio or television studios.
 - t) Car wash.
 - u) Automobile, boat, recreational vehicle dealership.
 - v) Commercial recreational facilities.
 - w) Theaters, single screen and multi-plex.
 - x) Hotels and Motels.
 - y) Facilities of city, county, state or federal government, except those provided for in Section 512.3.
 - z) Facilities of the Oconee County Public School System.
 - aa) Facilities of public service districts, except those provided for in Section 512.3.
 - bb) Accessory uses, as provided in Section 711 and 712.
 - cc) Temporary uses, as provided in Section 805.

512.3 Conditional Uses: The following uses shall be permitted in any HC Zoning District on a conditional basis, subject to the conditions set forth in Section 805.

- a) Automobile service station provided all operations involving major repairs, body and fender work, painting or the sale or rental of new or used cars or trucks, trailer of any type, or boats are not conducted on the premises. Provided further that all pumps are set back at least twenty-five (25) feet from the right-of-way line of all abutting streets, and all fuel tanks are installed underground.
- b) Garage for the repair and servicing of motor vehicles, provided all operations are conducted within a fully enclosed building, that there is no storage of wrecked vehicles, and that any storage of dismantled parts, machinery, or equipment be fully enclosed by a solid wall or stockade fence of at least six (6) feet in height.
- c) Electronic, mechanical, or similar repair service, provided that all activity is conducted within a fully enclosed building, and that there is no external emissions of any type including sound. Further provided that there is no external storage of parts, machinery, inventory, or equipment.

- d) Public utility substation or sub-installations including water towers, provided that:
 - 1) such use is enclosed by a wall or chain link fence of at least six (6) feet in height above finished grade;
 - 2) there is no office or commercial operation on-site; and
 - 3) there is no equipment or vehicle storage on-site.
- e) Newspaper publishing plant provided that the requirements for parking, loading, and unloading conform to those for Industrial activities, as set forth in Article VII.
- f) Animal hospital and/or boarding facility provided all boarding arrangements are indoor, and no noise is audible beyond the premises.
- g) Truck terminals, provided an acceleration/deceleration lane of at least ten (10) feet in width and fifty (50) feet in length is provided at the main entry/exit points for trucks.
- h) A residential use as an accessory activity to any use permitted within the zoning district.
- i) Flea markets, open lots for the sale or rental of materials or equipment, excluding salvage materials or junk, provided that such use is in compliance with all requirements listed below:

1) Permitting and Licensing Requirements:

- a) No flea market shall be operated unless a Flea Market permit has been granted by the City Council of Seneca. (Procurement of a Flea Market Permit in no way relieves compliance with all other provisions of this ordinance, as well as all other applicable ordinances of the City of Seneca).
- b) Applications for Flea market permits shall be administered the same way as petitions for rezones, with the Planning Commission holding a duly advertised public hearing and issuing a recommendation for final action by City Council.
- c) Applications for Flea Market permits shall include the name of the owner, operator, or promoter of the flea market, the location of the flea market, the maximum number of booths, stalls, sales display areas, and vendors permitted at any one time, a detailed plot plan of the flea market site indicating sales areas, parking areas, restroom facilities, and all other structures. Notes indicating how electrical, water, and wastewater treatment shall be provided are also required. A description of all perimeter landscaping shall be included. Said plot plan shall show the area of the parcel, shall include scale and north arrow, and shall show any portion of the parcel that is in any 100 year flood plain. The plot plan shall be completed by a surveyor, architect, or engineer licensed by the State of South Carolina, and shall bear the seal of that surveyor, architect, or engineer.
- d) The City Council of Seneca is authorized to adopt a fee schedule for Flea Market permits.
- e) Flea Market permits are valid for a period of twelve months, but may be suspended or revoked by the Zoning Administrator or City Council upon a finding that any portion of this or other applicable ordinances are violated.
- f) The City Council of the City of Seneca shall issue a Flea Market Permit only upon concluding that the activity shall present no significant adverse affects upon the surrounding area, that no significant traffic congestion or safety problems will be produced, that no nuisance as defined by South Carolina statutory or case law would result, that the quiet enjoyment of surrounding properties would not be affected, and that all provisions of this and other applicable ordinances can be upheld by the flea market operator for the subject parcel.
- g) The City Council of Seneca shall not issue a Flea Market permit to any owner, operator, or promoter who has previously had a Flea Market permit revoked within the past ten (10) years for noncompliance with this or any other applicable ordinance of the City of Seneca, or who, at the time of application, has a Flea Market permit under suspension, or who has been convicted of a felony by a court of law within the previous three (3) years, or who has pleaded guilty or no contest to a felony charge in a court of law within the past three (3) years.
- h) The finding of any inaccurate information given on an application for a Flea Market permit shall be cause for immediate revocation of said permit, except that if such inaccurate information is determined purely accidental on the part of the applicant and to be of little significance, the City Council for the City of Seneca shall have the authority to waive this provision.
- i) Flea Market permits are not transferable and are valid only for the specific site for which applied.
- j) It shall be unlawful for any person or entity to conduct a flea market business or for any flea market promoter, operator or owner to operate, or allow the operation of, such a business or for any flea

market vendor to display or sell wares of any kind at a flea market without a valid business license issued by the City of Seneca.

- k) The owner, operator, or promoter of a flea market must secure a separate business license for each flea market site operated.
- l) A business license issued to any flea market vendor shall be valid for operation from any duly permitted and licensed flea market operated in the City of Seneca.
- m) It shall be unlawful for any flea market owner, operator or promoter to provide or rent space or to allow any vendor to use any sales area within a flea market unless the vendor has a valid business license issued by the City of Seneca. Failure to verify that each vendor has a valid business license could subject the promoter, owner or operator of the flea market to penalties contained herein, including the suspension or revocation of the operator's Flea Market Permit and/or business license.
- n) The business license of the flea market, as well as each individual vendor, shall be conspicuously displayed during all hours of business operation.

2) General Regulations:

- a) Compliance with any provision of this ordinance is in no way intended to relieve mandatory compliance with any other portion of this ordinance or any other applicable ordinance of the City of Seneca.
- b) Each flea market shall provide on-site paved parking. No parking, or parking space, shall be permitted on any public right-of-way. It shall be the responsibility of the owner, operator, or promoter to ensure that no vehicle of any vendor, customer, patron, visitor, guest, or invitee is parked on any public right-of-way, or on any private property without the permission of that property owner. Violations of this clause, as with any portion of this ordinance, could result in the suspension or revocation of the Flea Market Permit.
- c) No individual parking space shall have direct access to a public road.
- d) No sales or other business activity shall be made from any shed, structure, or building of any kind, unless said shed, structure or building shall comply with all building and related codes adopted and enforced by the City of Seneca. For any shed, structure, or building in use, the flea market owner, operator, or promoter shall produce a Certificate of Occupancy upon demand by the authorized Zoning Administrator or Building Inspector of the City of Seneca. (Note: Flea Market sheds, structures, and buildings are classified as Group M, Mercantile Occupancy in the Southern Standard Building Code).
- e) No temporary restroom facilities shall be utilized.
- f) No person shall camp overnight at a flea market site. This provision does not prohibit the employment and usage of a reasonable number of overnight security personnel.
- g) No animal, fish, fowl, or insect of any kind shall be sold, traded, housed, caged, bartered, swapped or given away at any flea market.

3) Records Required:

- a) Each Flea Market owner, operator, or promoter shall maintain accurate records for each day of operation, to include the name, permanent address, and business license number of each vendor conducting business from the flea market.
- b) Each flea market vendor shall maintain two copies of accurate records indicating the vendor's name, permanent address, business license number and total revenue collected for each day of operation.
- c) At the end of each sales day, each vendor shall furnish one copy of the records from paragraph 3.b to the flea market owner, operator, or promoter, who shall maintain said records, along with required records from paragraphs 3.a.
- d) All records required in paragraphs 3.a, 3.b, and 3.c must be maintained for a minimum period of 24 months, and must be made available for inspection upon demand by any authorized agent or

employee of the City of Seneca, Oconee County Sheriff's Department, South Carolina Law Enforcement agency, South Carolina Tax Official, or authorized agent or employee of the U.S. Internal Revenue Department.

4) Non-conforming Use Clause: Any flea market legally in existence and operating prior to the adoption of this ordinance, which does not meet all the provisions and requirements for this ordinance, may continue in operation for a period of up to twelve (12) months from the effective date of this ordinance, so long as the operation or size is not increased beyond what had been existing as of the effective date of this ordinance. Any and all flea markets shall be brought into full compliance with the requirements and provisions of this ordinance on or before twelve (12) months from the effective date of this ordinance.

j) Self-storage or mini-warehouse facilities, subject to all requirements listed below:

- 1) Storage bays, parking areas, loading areas, required setback areas, and buffer areas shall not be used to manufacture, fabricate, or process goods or services, or repair vehicles, boats, small engines or electrical equipment or to conduct similar repair activities, conduct garage sales, wholesale activities, or retail sales of any kind.
- 2) No storage bays, parking areas, loading areas, required setback areas, or buffer areas shall be used as, or converted into, an apartment or dwelling unit, except that one dwelling unit for a resident manager or security guard and immediate family members may be provided.
- 3) No storage bays, parking areas, loading areas, required setback areas, or buffer areas shall be used as, or converted into, an office, nor shall be considered a premise for assigning a legal address in order to obtain an occupational license or other governmental permit to conduct business. This provision does not prohibit a mini-warehouse from having an on-site office.
- 4) The facility shall be enclosed by a continuous, solid fence or wall of a minimum of six feet in height. Any fence paralleling or fronting a public right of way shall be constructed of either brick, stone, masonry units, or wood, except that a swinging gate may be constructed of chain link or cyclone fencing material. Side and rear portions of fences shall be constructed of either brick, stone, masonry units, wood or chain link or cyclone fencing material. Said fence shall meet the following setback requirements.

Front: 30 feet

Sides: 10 feet

Rear: 10 feet

The side or rear fence setback shall be zero (0), and the landscaping requirement in section 512.3 (j) (13) shall be waived, if solid fence of either brick, stone, masonry units, or wood is used.

A climate controlled storage facility, where all storage doors are contained within a completely enclosed building, shall be exempt from the front fence contained in this section. No storage bays shall have direct access to parking areas, driveways, loading areas, or other exterior areas. (Ord. 2001-02)

- 5) Except as provided herein, all materials stored on site shall be entirely within enclosed buildings. Storage of flammable liquids, highly combustible or explosive materials, or hazardous materials or chemicals is prohibited.
- 6) The minimum lot size for a self-storage or mini-warehouse facility shall be one (1) acre.
- 7) Open storage of recreational vehicles and dry storage of pleasure boats shall be permitted, provided that:
 - a) Such storage takes place only within a designated area that is clearly delineated upon the site;
 - b) The storage area shall not exceed 25% of the total area enclosed by the fence required in paragraph 4;
 - c) All storage takes place within the area enclosed by the wall or fence required in paragraph 4;
 - d) No vehicle maintenance, washing, or repair shall occur on site; and

e) No dry stacking of boats shall take place.

8) Individual buildings must be separated from any other building by a distance of at least ten (10) feet.

9) Storage buildings must be located and situated so that overhead access doors are not visible from any public right-of-way or from any other parcel.

10) The maximum size of any storage bay shall be no greater than four hundred (400) square feet.

11) The exterior facade of all buildings or structures shall be composed of either brick, stone, masonry units, vinyl, or aluminum. This requirement does not apply to the fence described in paragraph 4, or to overhead storage bay doors, so long as such doors shall meet the requirements of paragraph 9.

12) A minimum of five (5) parking spaces shall be provided at the facility office. If a dwelling unit for a manager or watchman is constructed, two (2) additional parking spaces shall be provided.

13) The following landscape requirements shall be met and maintained:

a) A detailed landscape plan shall be submitted with development plans to secure a Certificate of Zoning Compliance. Landscaping shall be provided in the areas between property lines and the wall or fence required in paragraph 4 of this section. Landscaping shall be designed, placed and maintained in such a manner so as not to interfere with traffic visibility. A landscape strip of at least twenty (20) feet shall be provided along all street frontages. A landscape strip of at least ten (10) feet shall be provided along all other property lines.

b) A minimum of one tree shall be planted for each twenty (20) feet in the perimeter landscape area.

c) Trees shall reach a height of at least ten (10) feet within 120 days of the issuance of a Certificate of Occupancy for the self-storage or mini-warehouse facility.

d) Dumpsters and other trash receptacles are to be located inside the wall or fence required in paragraph 4 of this section and must be screened so that they cannot be seen from any public right-of-way or neighboring property.

14) No exterior loudspeakers or paging systems shall be utilized.

15) The provisions of this section are in no way intended to relieve compliance with provisions of any other portions of the zoning ordinance or any other ordinance of the City of Seneca.

16) All driveways shall be paved.

17) All driveways must have a width of at least twenty four (24) feet.

k) Mobile Home Dealerships, provided that such use is in compliance with all requirements listed below:

1) All mobile homes stored on site shall comply with the following setbacks:

Front: 40 Feet Sides: 10 Feet Rear: 10 Feet

2) A maximum of 8 mobile homes per acre shall be permitted on site at any one time.

3) No mobile homes shall ingress or egress the property during the following hours:

7:00 am to 9:00 am

11:30 am to 1:30 pm

3:00 pm to 7:00 pm

4) All drives shall be paved with asphalt, brick, or concrete.

5) A detailed landscape plan shall be submitted with development plans to secure a Certificate of Zoning Compliance. Landscaping shall be designed, placed, and maintained in such a manner so as not to interfere with traffic visibility. A landscape strip of at least twenty (20) feet shall be provided along all street frontages. A landscape strip of at least ten (10) feet shall be provided along all other property lines. A minimum of one tree for each twenty (20) feet in the perimeter landscape area.

6) Units within ninety (90) feet of the street right-of-way shall be underpinned on all sides visible from the street. (Ord. 2001-18) A deck 14 feet in length and 8 feet in width shall be maintained. Said deck shall meet all requirements of the Standard Building Code 1997.

7) The minimum lot size for a mobile home dealership shall be one (1) acre.

- 8) Curb cuts and access points must be a minimum of 30 feet wide.
 - 9) There shall be a minimum of ten (10) feet of clearance between any two mobile homes and a minimum of ten (10) feet clearance between any mobile home and any building located on the property.
- l) Cellular Towers per Section 735.
- m) Plant Nurseries and Landscape Supply Dealers, provided that such use is in compliance with all requirements listed below: (Ord. 2000-24)
1. A minimum lot size on one (1) acre is required and such use is strictly prohibited as an accessory use;
 2. External storage of rock intended for immediate sale must be bundled and placed on pallets. The pallets may front no less than ten feet from the right of way and be no more than two rows wide. All other bundled inventory must be behind the front line of the principal structure;
 3. All plants and landscape material, intended for retail or wholesale distribution, must be no less than ten feet from the right of way;
 4. Piles of unbundled and/or loose rock, stone, dirt, mulch or other landscape material closest to the right of way must be screened from view by a six foot solid wall or stockade fence, corral, or other screening device as approved by the zoning administrator. Such material must be behind the principal use structure.
- n) Tattoo facilities, provided that
- 1) In accordance with state law, such use is not located within one thousand (1000) feet of:
 - a) a church;
 - b) a public or private elementary or secondary school;
 - c) a playground
 - 2) such use is not located within one thousand (1000) feet (as measured from the property lines) of:
 - a) another licensed tattoo facility;
 - b) a drinking establishment, or liquor store;
 - 3) the applicant for a tattoo facility conditional use shall submit to the zoning administrator an application for a tattoo facility conditional use permit; the application shall include: a zoning amendment filing fee; a site plan in accordance with Section 801 of the Zoning Ordinance, the addresses of any established churches, schools, playgrounds, existing licensed tattoo facilities or drinking establishments within ¼ mile of the proposed site. Notice of the conditional use shall be published in a paper of local circulation for two (2) weeks. Upon review of the application, the zoning administrator shall furnish a letter to the applicant stating whether the use is in compliance with the city's zoning laws; a letter stating that the use is in compliance with the city's zoning laws may be used to obtain licensing from the Department of Health and Environmental Control (DHEC).
 - 4) the applicant shall submit a copy of the DHEC license for the proposed location before a certificate of zoning compliance may be issued. (Ord. 2006-12)

512.4 Other Requirements. Uses permitted within the HC District shall be required to conform to the standards set forth in Section 522.

- a) In addition: To minimize congestion at business access points, the following limitation shall apply to all major thoroughfares in the District.
- 1) There shall be no more than two (2) access points on a major thoroughfare in the HC District.
 - 2) If a primary access to an establishment is available on an intersecting roadway, then access on the major thoroughfare shall be limited to one (1) access per establishment.

- 3) Such access on a major thoroughfare is granted only provided that there is a minimum of eighty (80) feet from such access to the right-of-way of an intersection roadway. This shall apply regardless of whether the establishment is granted one or two access points by subsections 1 or 2 above.
- 4) There shall be no more than one (1) access point granted within a given fifty (50) feet of frontage.
- 5) Where one-way driveways are used, a minimum distance of 40 feet between the edges of the entrance driveway and the exit driveway shall be permitted and directional arrows shall be painted on ground.

SECTION 513 GC GENERAL COMMERCIAL DISTRICT

513.1 Purpose. It is the intent of this Section that GC Zoning Districts be developed and reserved for general business purposes. The regulations which apply within these districts are designed to encourage the formation and continuance of a compatible and economically healthy environment for business, financial, service and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the basic commercial character of the district.

513.2 Permitted Uses: The following uses shall be permitted in any GC Zoning District.

- a) General retail stores and rental stores, provided any external storage of machinery, parts, inventory, or equipment is completely enclosed by a six foot solid wall (composed of brick, finished concrete, mortar, wood, stone, masonry units, or a combination of the above), stockade fence (composed of wood and solid in appearance), or a chain link fence with slats and a six foot high continuous, uninterrupted, opaque evergreen vegetation screen extending along the external length of the fence. All fence or wall types shall be properly maintained and shall not be allowed to deteriorate into a dilapidated or unstable condition. The chain link fence with slats is to be maintained in proper condition so as no slat is missing or broken or in need of repair in any way so as to remain opaque. The chain link fence is to be maintained so that no rust, decay, chipping or peeling of paint, or unevenness of the chain link is visible (present). The vegetation is to be maintained and given proper care so as to retain a healthy and neat condition. Slats are to consist of earth tone colors (such as dark green, brown, tan, beige, rust, or gray). A chain link fence with slats is to have only one color, where there is no intermixing of more than one color on the same fence. Fence is not to impede vision at intersections or drives. (Ord. 00-01 2/8/00) (rental stores added Ord.2000-15)
- b) Service businesses, including, but not limited to, plumbers, beauticians, repair services, photographers, etc., provided all services take place within an enclosed building and there is no external storage of inventory, parts, machinery or equipment;
- c) Professional offices;
- d) Restaurants, delicatessens, drinking establishments;
- e) Retail food stores, including general groceries, produce stands, bakeries, meat markets (without slaughtering on-site), etc.;
- f) Food preparation establishments for off-premise delivery;
- g) Hospitals, medical offices, clinics;
- h) Banks and other financial institutions;
- i) Pre-school, day care centers, adult and child;
- j) Cultural and community centers, including libraries, neighborhood recreation centers, churches and other religious facilities;
- k) Public utility facilities, including offices, transformer stations, gas regulators, telephone switching stations, etc., but excluding transmission towers;
- l) Proprietary schools, offering instruction in art, music, dance, skills, business and technical schools;
- m) Nursing homes, convalescent homes, personal care homes, community residential care facilities;
- n) Veterinary offices with no external runs;
- o) Coin operated laundry, dry cleaning - excluding dry cleaning plants;
- p) Funeral homes, mortuaries;
- q) Off-street automobile parking lots;

- r) Commercial printers and similar;
- s) Radio or television studios;
- t) Car wash;
- u) Automobile, boat, recreational vehicle dealership;
- v) Commercial recreational facilities;
- w) Theaters, single screen;
- x) Hotels and Motels.
- y) Facilities of city, county, state or federal government, except those provided for in Section 513.3;
- z) Facilities of the Oconee County Public School System;
- aa) Facilities of public service districts, except those provided for in Section 513.3;
- bb) Accessory uses, as provided in Section 711 and 712;
- cc) Temporary uses, as provided in Section 805.

513.3 Conditional Uses. The following uses shall be permitted on a conditional basis in any GC Zoning District, subject to the conditions set forth in Section 805.

- a) Automobile service station provided all operations involving major repairs, body and fender work, painting or the sale or rental of new or used cars or trucks, trailer of any type, or boats are not conducted on the premises. Provided further that all pumps are set back at least twenty-five (25) feet from the right-of-way line of all abutting streets, and all fuel tanks are installed underground.
- b) Garage for the repair and servicing of motor vehicles, provided all operations are conducted within a fully enclosed building, that there is no storage of wrecked vehicles, and that any storage of dismantled parts, machinery, or equipment be fully enclosed by a solid wall or stockade fence of at least six (6) feet in height.
- c) Electronic, mechanical, or similar repair service, provided that all activity is conducted within a fully enclosed building, and that there is no external emissions of any type including sound. Further provided that there is no external storage of parts, machinery, inventory, or equipment.
- d) Public utility substation or sub-installations including water towers, provided that:
 - 1) such use is enclosed by a wall or chain link fence of at least six (6) feet in height above finished grade;
 - 2) there is no office or commercial operation on-site; and
 - 3) there is no equipment or vehicle storage on-site.
- e) Newspaper publishing plant provided that the requirements for parking, loading, and unloading conform to those for Industrial activities, as set forth in Article VII.
- f) Animal hospital and/or boarding facility provided all boarding arrangements are indoor, and no noise is audible beyond the premises.
- g) Truck terminals, provided an acceleration/deceleration lane of at least ten (10) feet in width and fifty (50) feet in length is provided at the main entry/exit points for trucks.
- h) A residential use as an accessory activity to any use permitted within the zoning district.
- i) Flea markets, open lots for the sale or rental of materials or equipment, excluding salvage materials or junk, provided that such use is in compliance with all requirements listed below:
 - 1) Permitting and Licensing Requirements:
 - a) No flea market shall be operated unless a Flea Market permit has been granted by the City Council of Seneca. (Procurement of a Flea Market Permit in no way relieves compliance with all other provisions of this ordinance, as well as all other applicable ordinances of the City of Seneca).
 - b) Applications for Flea market permits shall be administered the same way as petitions for rezones, with the Planning Commission holding a duly advertised public hearing and issuing a recommendation for final action by City Council.
 - c) Applications for Flea Market permits shall include the name of the owner, operator, or promoter of the flea market, the location of the flea market, the maximum number of booths, stalls, sales

display areas, and vendors permitted at any one time, a detailed plot plan of the flea market site indicating sales areas, parking areas, restroom facilities, and all other structures. Notes indicating how electrical, water, and wastewater treatment shall be provided are also required. A description of all perimeter landscaping shall be included. Said plot plan shall show the area of the parcel, shall include scale and north arrow, and shall show any portion of the parcel that is in any 100 year flood plain. The plot plan shall be completed by a surveyor, architect, or engineer licensed by the State of South Carolina, and shall bear the seal of that surveyor, architect, or engineer.

- d) The City Council of Seneca is authorized to adopt a fee schedule for Flea Market permits.
- e) Flea Market permits are valid for a period of twelve months, but may be suspended or revoked by the Zoning Administrator or City Council upon a finding that any portion of this or other applicable ordinances are violated.
- f) The City Council of the City of Seneca shall issue a Flea Market Permit only upon concluding that the activity shall present no significant adverse affects upon the surrounding area, that no significant traffic congestion or safety problems will be produced, that no nuisance, as defined by South Carolina statutory or case law would result, that the quiet enjoyment of surrounding properties would not be affected, and that all provisions of this and other applicable ordinances can be upheld by the flea market operator for the subject parcel.
- g) The City Council of Seneca shall not issue a Flea Market permit to any owner, operator, or promoter who has previously had a Flea Market permit revoked within the past ten (10) years for noncompliance with this or any other applicable ordinance of the City of Seneca, or who, at the time of application, has a Flea Market permit under suspension, or who has been convicted of a felony by a court of law within the previous three (3) years, or who has pleaded guilty or no contest to a felony charge in a court of law within the past three (3) years.
- h) The finding of any inaccurate information given on an application for a Flea Market permit shall be cause for immediate revocation of said permit, except that if such inaccurate information is determined purely accidental on the part of the applicant and to be of little significance, the City Council for the City of Seneca shall have the authority to waive this provision.
- i) Flea Market permits are not transferable and are valid only for the specific site for which applied.
- j) It shall be unlawful for any person or entity to conduct a flea market business or for any flea market promoter, operator or owner to operate, or allow the operation of, such a business or for any flea market vendor to display or sell wares of any kind at a flea market without a valid business license issued by the City of Seneca.
- k) The owner, operator, or promoter of a flea market must secure a separate business license for each flea market site operated.
- l) A business license issued to any flea market vendor shall be valid for operation from any duly permitted and licensed flea market operated in the City of Seneca.
- m) It shall be unlawful for any flea market owner, operator or promoter to provide or rent space or to allow any vendor to use any sales area within a flea market unless the vendor has a valid business license issued by the City of Seneca. Failure to verify that each vendor has a valid business license could subject the promoter, owner or operator of the flea market to penalties contained herein, including the suspension or revocation of the operator's Flea Market Permit and/or business license.
- n) The business license of the flea market, as well as each individual vendor, shall be conspicuously displayed during all hours of business operation.

2) General Regulations:

- a) Compliance with any provision of this ordinance is in no way intended to relieve mandatory compliance with any other portion of this ordinance or any other applicable ordinance of the City of Seneca.
- b) Each flea market shall provide on-site paved parking. No parking, or parking space, shall be permitted on any public right-of-way. It shall be the responsibility of the owner, operator, or promoter to ensure that no vehicle of any vendor, customer, patron, visitor, guest, or invitee is parked on any public right-of-way, or on any private property without the permission of that

property owner. Violations of this clause, as with any portion of this ordinance, could result in the suspension or revocation of the Flea Market Permit.

- c) No individual parking space shall have direct access to a public road.
- d) No sales or other business activity shall be made from any shed, structure, or building of any kind, unless said shed, structure or building shall comply with all building and related codes adopted and enforced by the City of Seneca. For any shed, structure, or building in use, the flea market owner, operator, or promoter shall produce a Certificate of Occupancy upon demand by the authorized Zoning Administrator or Building Inspector of the City of Seneca. (Note: Flea Market sheds, structures, and buildings are classified as Group M, Mercantile Occupancy in the Southern Standard Building Code).
- e) No temporary restroom facilities shall be utilized.
- f) Prohibit the employment and usage of a reasonable number of overnight security personnel.
- g) No animal, fish, fowl, or insect of any kind shall be sold, traded, housed, caged, bartered, swapped or given away at any flea market.

3) Records Required:

- a) Each Flea Market owner, operator, or promoter shall maintain accurate records for each day of operation, to include the name, permanent address, and business license number of each vendor conducting business from the flea market.
- b) Each flea market vendor shall maintain two copies of accurate records indicating the vendor's name, permanent address, business license number and total revenue collected for each day of operation.
- c) At the end of each sales day, each vendor shall furnish one copy of the records from paragraph 3.b to the flea market owner, operator, or promoter, who shall maintain said records, along with required records from paragraphs 3.a.
- d) All records required in paragraphs 3.a, 3.b, and 3.c must be maintained for a minimum period of 24 months, and must be made available for inspection upon demand by any authorized agent or employee of the City of Seneca, Oconee County Sheriff's Department, South Carolina Law Enforcement agency, South Carolina Tax Official, or authorized agent or employee of the U.S. Internal Revenue Department.

4) Non-conforming Use Clause: Any flea market legally in existence and operating prior to the adoption of this ordinance, which does not meet all the provisions and requirements for this ordinance, may continue in operation for a period of up to twelve (12) months from the effective date of this ordinance, so long as the operation or size is not increased beyond what had been existing as of the effective date of this ordinance. Any and all flea markets shall be brought into full compliance with the requirements and provisions of this ordinance on or before twelve (12) months from the effective date of this ordinance.

j) Self-storage or mini-warehouse facilities, subject to all requirements listed below:

- 1) Storage bays, parking areas, loading areas, required setback areas, and buffer areas shall not be used to manufacture, fabricate, or process goods or services, or repair vehicles, boats, small engines or electrical equipment or to conduct similar repair activities, conduct garage sales, wholesale activities, or retail sales of any kind.
- 2) No storage bays, parking areas, loading areas, required setback areas, or buffer areas shall be used as, or converted into, an apartment or dwelling unit, except that one dwelling unit for a resident manager or security guard and immediate family members may be provided.
- 3) No storage bays, parking areas, loading areas, required setback areas, or buffer areas shall be used as, or converted into, an office, nor shall be considered a premise for assigning a legal address in order to obtain an occupational license or other governmental permit to conduct business. This provision does not prohibit a mini-warehouse from having an on-site office.

- 4) The facility shall be enclosed by a continuous, solid fence or wall of a minimum of six feet in height. Any fence paralleling or fronting a public right of way shall be constructed of either brick, stone, masonry units, or wood, except that a swinging gate may be constructed of chain link or cyclone fencing material. Side and rear portions of fences shall be constructed of either brick, stone, masonry units, wood or chain link or cyclone fencing material. Said fence shall meet the following setback requirements:

Front: 30 feet

Sides: 10 feet

Rear: 10 feet

The side or rear fence setback shall be zero (0), and the landscaping requirement in section 513.3 (j) (13) shall be waived, if solid fence of either brick, stone, masonry units, or wood is used.

A climate controlled storage facility, where all storage doors are contained within a completely enclosed building, shall be exempt from the front fence contained in this section. No storage bays shall have direct access to parking areas, driveways, loading areas, or other exterior areas.(Ord. 01-02)

- 5) Except as provided herein, all materials stored on site shall be entirely within enclosed buildings. Storage of flammable liquids, highly combustible or explosive materials, or hazardous materials or chemical is prohibited.
- 6) The minimum lot size for a self-storage or mini-warehouse facility shall be one (1) acre.
- 7) Open storage of recreational vehicles and dry storage of pleasure boats shall be permitted, provided that:
- a) Such storage takes place only within a designated area that is clearly delineated upon the site.
 - b) The storage area shall not exceed 25% of the total area enclosed by the fence required in paragraph 4.
 - c) All storage takes place within the area enclosed by the wall or fence required in paragraph 4.
 - d) No vehicle maintenance, washing, or repair shall occur on site.
 - e) No dry stacking of boats shall take place.
- 8) Individual buildings must be separated from any other building by a distance of at least ten (10) feet.
- 9) Storage buildings must be located and situated so that overhead access doors are not visible from any public right-of-way or from any other parcel.
- 10) The maximum size of any storage bay shall be no greater than four hundred (400) square feet.
- 11) The exterior facade of all buildings or structures shall be composed of either brick, stone, masonry units, vinyl, or aluminum. This requirement does not apply to the fence described in paragraph 4, or to overhead storage bay doors, so long as such doors shall meet the requirements of paragraph 9.
- 12) A minimum of five (5) parking spaces shall be provided at the facility office. If a dwelling unit for a manager or watchman is constructed, two (2) additional parking spaces shall be provided.
- 13) The following landscape requirements shall be met and maintained:
- a) A detailed landscape plan shall be submitted with development plans to secure a Certificate of Zoning Compliance. Landscaping shall be provided in the areas between property lines and the wall or fence required in paragraph 4 of this section. Landscaping shall be designed, placed and maintained in such a manner so as not to interfere with traffic visibility. A landscape strip of at least twenty (20) feet shall be provided along all street frontages. A landscape strip of at least ten (10) feet shall be provided along all other property lines.
 - b) A minimum of one tree shall be planted for each twenty (20) feet in the perimeter landscape area.
 - c) Trees shall reach a height of at least ten (10) feet within 120 days of the issuance of a Certificate of Occupancy for the self-storage or mini-warehouse facility.
 - d) Dumpsters and other trash receptacles are to be located inside the wall or fence required in paragraph 4 of this section and must be screened so that they cannot be seen from any public right-of-way or neighboring property.

- 14) No exterior loudspeakers or paging systems shall be utilized.
- 15) The provisions of this section are in no way intended to relieve compliance with provisions of any other portions of the Zoning Ordinance or any other ordinance of the City of Seneca.
- 16) All driveways shall be paved.
- 17) All driveways must have a width of at least twenty four feet.

k) Sexually Oriented Businesses per Section 734.

l) Cellular Towers per Section 735.

m) Plant and Landscape Supply Dealers, provided that such use is in compliance with all requirements listed below: (Ord. 00-24 10/10/00)

1. A minimum lot size of one (1) acre is required and such use is strictly prohibited as an accessory use;
2. External storage of rock intended for immediate sale must be bundled and placed on pallets. The pallets may front no less than ten feet from the right of way and be no more than two rows wide. All other bundled inventory must be behind the front line of the principal structure;
3. All plants and landscape material, intended for retail or wholesale distribution, must be no less than ten feet from the right of way;
4. Piles of unbundled and/or loose rock, stone, dirt, mulch or other landscape material closest to the right of way must be screened from view by a six foot solid wall or stockade fence, corral, or other screening device as approved by the zoning administrator. Such material must be behind the principal use structure.

513.4 Other Requirements. Uses permitted within the GC Districts shall be required to conform to the standards set forth in Section 522

SECTION 514 CC CORE COMMERCIAL DISTRICT

514.1 Purpose. The intent of the CC District is to encourage the maintenance of a centrally located trade, commercial, and community service area.

514.2 Permitted Uses. The following uses shall be permitted in any CC District:

- a) General retail stores, provided any external storage of machinery, parts, inventory, or equipment is completely enclosed by a six foot solid wall (composed of brick, finished concrete, mortar, wood, stone, masonry units, or a combination of the above), stockade fence (composed of wood and solid in appearance), or a chain link fence with slats and a six foot high continuous, uninterrupted, opaque evergreen vegetation screen extending along the external length of the fence. All fence or wall types shall be properly maintained and shall not be allowed to deteriorate into a dilapidated or unstable condition. The chain link fence with slats is to be maintained in proper condition so as no slat is missing or broken or in need of repair in any way so as to remain opaque. The chain link fence is to be maintained so that no rust, decay, chipping or peeling of paint, or unevenness of the chain link is visible (present). The vegetation is to be maintained and given proper care so as to retain a healthy and neat condition. Slats are to consist of earth tone colors (such as dark green, brown, tan, beige, rust, or gray). A chain link fence with slats is to have only one color, where there is no intermixing of more than one color on the same fence. Fence is not to impede vision at intersections or drives; (Ord. 00-01 2/8/00)
- b) Service businesses, including, but not limited to, plumbers, beauticians, repair services, photographers, etc., provided all services take place within an enclosed building and there is no external storage of inventory, parts, machinery or equipment;
- c) Professional offices;
- d) Restaurants, delicatessens, excluding drinking establishments as defined herein;

- e) Retail food stores, including general groceries, produce stands, bakeries, meat markets (without slaughtering on-site), etc.;
- f) Food preparation establishments for off-premise delivery;
- g) Hospitals, medical offices, clinics;
- h) Banks and other financial institutions;
- i) Pre-schools, day care centers, adult and child;
- j) Cultural and community centers, including libraries, neighborhood recreation centers, churches and other religious facilities;
- k) Public utility offices;
- l) Proprietary schools, offering instruction in art, music, dance, skills, business and technical schools;
- m) Nursing homes, convalescent homes, personal care homes, community residential care facilities;
- n) Veterinary offices and accessory kennels;
- o) Coin operated laundry, dry cleaning - excluding dry cleaning plants;
- p) Funeral homes, mortuaries;
- q) Off-street automobile parking lots;
- r) Commercial printers and similar;
- s) Radio or television studios;
- t) Automobile, boat, recreational vehicle dealership;
- u) Commercial recreational facilities;
- v) Theaters, single screen;
- w) Residential units;
- x) Facilities of the city, county, state or federal government, except those provided for in Section 514.3;
- y) Facilities of the Oconee County Public School System;
- z) Facilities of public service districts, except those provided for in Section 514.3;
- aa) Accessory uses, as provided in Section 711 and 712;
- bb) Temporary uses, as provided in Section 805.

514.3 Conditional Uses. The following uses shall be permitted on a conditional basis in any CC Core Commercial District, subject to the conditions set forth in Section 805:

- a) Automobile service stations, provided no operations involving major repairs, body and fender work, painting or the sale or rental of new or used cars or trucks, trailers of any type, or boats, are conducted on the premises. Provided further that all pumps are set back at least twenty-five (25) feet from the right-of-way line of all abutting streets, and all fuel tanks are installed underground.
- b) Animal hospital or boarding facility, provided all board arrangements are indoor, and no noise is audible beyond the premises.

514.4 Other Requirements. Uses permitted within the CC District shall be required to conform to the standards set forth in Section 522.

SECTION 515 LI LIMITED INDUSTRIAL DISTRICT

515.1 Purpose. The intent of the LI Zoning District is to provide areas for limited industrial purposes which are not significantly objectionable in terms of noise, odor, fumes, etc., to surrounding properties. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for uses generally classified to be limited industrial in nature; to protect and reserve undeveloped areas in the City of Seneca which are suitable for such industries; and to discourage encroachment by those residential, commercial or other uses capable of adversely affecting the basic industrial character of the district.

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

- a) Research or experimental laboratory;
- b) Transportation terminal, excluding truck terminals which shall be permitted as conditional uses, subject to

- the requirements of Section 515.3 (f);
- c) Public building, facilities, or land other than a school, playground, hospital, clinic, care home, or cultural facility;
 - d) Public utility installation;
 - e) Agricultural farm;
 - f) Horticultural farm;
 - g) Radio and/or television station and/or transmission tower, subject to Section 735;
 - h) Office building and/or offices for governmental, business, professional or general purposes;
 - i) Commercial trade or vocational school;
 - j) Certain commercial uses which would be of benefit to industrial workers, to include:
 - Restaurants, delicatessens and other eating establishments.
 - Food preparation establishments for off-premise delivery.
 - General merchandise stores not to exceed 15,000 square feet of floor area.
 - Convenience stores not to exceed 15,000 square feet of floor area.
 - k) Off-street parking lot or garage, as well as off-street parking or storage area for customer, client, or employee owned vehicles;
 - l) Accessory uses, as provided in Section 711 and 712;
 - m) Temporary uses, as provided in Section 805.

515.3 Conditional Uses. The following uses shall be permitted on a conditional basis in any LI Zoning District, subject to the conditions set forth in Section 805.

- a) Warehouse or other storage facility, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.
- b) Wholesale business outlet, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.
- c) Automobile service stations and garages for the repair and servicing of motor vehicles, provided that all pumps are setback at least twenty-five (25) feet from any public right-of-way provided that all operations are conducted within a fully enclosed building, provided that there is no storage of wrecked vehicles, and provided that any storage of dismantled parts, machinery or equipment is fully enclosed by a solid wall or stockade fence of at least six (6) feet in height.
- d) Animal hospital and/or boarding facility provided all boarding arrangements are maintained within an enclosed building.
- e) Retail business provided such business is incidental to a permitted use; is located on the same premises as a permitted use; and involves no open storage of junk or salvage materials of any type in conjunction with the operations.
- f) Truck terminal provided that paved acceleration and deceleration lanes at least twelve (12) feet in width and fifty (50) feet in length, respectively, are furnished and maintained where trucks enter or leave terminal sites located adjacent to major streets and provided no open storage of any type is conducted in connection with the operation.
- g) Watchman or caretaker's one-family dwelling provided that such a dwelling is located on the premises of a permitted use; and provided that a member of the household is employed by the industry as a watchman or caretaker.
- h) Dwelling incidental to a permitted agricultural or horticultural use, provided that such related dwellings are occupied only by persons employed directly on the premises.
- i) Garage or shop for the repair and servicing of motor vehicles, equipment or machine parts, provided any open yard storage, incidental to such an operation, is completely enclosed by a solid wall or stockade type fence of at least six (6) feet in height; and provided no sound, vibration, heat glare or electrical disturbance is created which creates a nuisance beyond the premises.
- j) Open yard use for the sale, rental and/or storage of materials or equipment excluding junk or other salvage, provided such use is completely enclosed by a solid wall or stockade type fence of at least six (6) feet in height.

k) Flea markets and jockey lots, provided that such uses are in full compliance with all conditions listed below:

1) Permitting and Licensing Requirements:

- a) No flea market shall be operated unless a Flea Market permit has been granted by the City Council of the City of Seneca. (Procurement of a Flea Market Permit in no way relieves compliance with all other provisions of this ordinance, as well as all other applicable ordinances of the City of Seneca).
- b) Applications for Flea market permits shall be administered the same way as petitions for rezones, with the Planning Commission holding a duly advertised public hearing and issuing a recommendation for final action by City Council.
- c) Applications for Flea Market permits shall include the name of the owner, operator, or promoter of the flea market, the location of the flea market, the maximum number of booths, stalls, sales display areas, and vendors permitted at any one time, a detailed plot plan of the flea market site indicating sales areas, parking areas, restroom facilities, and all other structures. Notes indicating how electrical, water, and wastewater treatment shall be provided are also required. A description of all perimeter landscaping shall be included. Said plot plan shall show the area of the parcel, shall include scale and north arrow, and shall show any portion of the parcel that is in any 100 year flood plain. The plot plan shall be completed by a surveyor, architect, or engineer licensed by the State of South Carolina, and shall bear the seal of that surveyor, architect, or engineer.
- d) The City Council of Seneca is authorized to adopt a fee schedule for Flea Market permits.
- e) Flea Market permits are valid for a period of twelve months, but may be suspended or revoked by the Zoning Administrator or City Council upon a finding that any portion of this or other applicable ordinances are violated.
- f) The City Council of the City of Seneca shall issue a Flea Market Permit only upon concluding that the activity shall present no significant adverse affects upon the surrounding area, that no significant traffic congestion or safety problems will be produced, that no nuisance as defined by South Carolina statutory or case law would result, that the quiet enjoyment of surrounding properties would not be affected, and that all provisions of this and other applicable ordinances can be upheld by the flea market operator for the subject parcel.
- g) The City Council of the City of Seneca shall not issue a Flea Market permit to any owner, operator, or promoter who has previously had a Flea Market permit revoked within the past ten (10) years for noncompliance with this or any other applicable ordinance of the City of Seneca, or who, at the time of application, has a Flea Market permit under suspension, or who has been convicted of a felony by a court of law within the previous three (3) years, or who has pleaded guilty or no contest to a felony charge in a court of law within the past three (3) years.
- h) The finding of any inaccurate information given on an application for a Flea Market permit shall be cause for immediate revocation of said permit, except that if such inaccurate information is determined purely accidental on the part of the applicant and to be of little significance, the City Council for the City of Seneca shall have the authority to waive this provision.
- i) Flea Market permits are not transferable and are valid only for the specific site for which applied.
- j) It shall be unlawful for any person or entity to conduct a flea market business or for any flea market promoter, operator or owner to operate, or allow the operation of, such a business or for any flea market vendor to display or sell wares of any kind at a flea market without a valid business license issued by the City of Seneca.
- k) The owner, operator, or promoter of a flea market must secure a separate business license for each flea market site operated.
- l) A business license issued to any flea market vendor shall be valid for operation from any duly permitted and licensed flea market operated in the City of Seneca.
- m) It shall be unlawful for any flea market owner, operator or promoter to provide or rent space or to allow any vendor to use any sales area within a flea market unless the vendor has a valid business license issued by the City of Seneca. Failure to verify that each vendor has a valid business license could subject the promoter, owner or operator of the flea market to penalties contained herein,

- including the suspension or revocation of the operator's Flea Market Permit and/or business license.
- n) The business license of the flea market, as well as each individual vendor, shall be conspicuously displayed during all hours of business operation.

2) General Regulations:

- a) Compliance with any provision of this ordinance is in no way intended to relieve mandatory compliance with any other portion of this ordinance or any other applicable ordinance of the City of Seneca.
- b) Each flea market shall provide on-site paved parking. No parking, or parking space, shall be permitted on any public right-of-way. It shall be the responsibility of the owner, operator, or promoter to ensure that no vehicle of any vend-or, customer, patron, visitor, guest, or invitee is parked on any public right-of-way, or on any private property without the permission of that property owner. Violations of this clause, as with any portion of this ordinance, could result in the suspension or revocation of the Flea Market Permit.
- c) No individual parking space shall have direct access to a public road.
- d) No sales or other business activity shall be made from any shed, structure, or building of any kind, unless said shed, structure or building shall comply with all building and related codes adopted and enforced by the City of Seneca. For any shed, structure, or building in use, the flea market owner, operator, or promoter shall produce a Certificate of Occupancy upon demand by the authorized Zoning Administrator or Building Inspector of the City of Seneca. (Note: Flea Market sheds, structures, and buildings are classified as Group M, Mercantile Occupancy in the Southern Standard Building Code).
- e) No temporary restroom facilities shall be utilized.
- f) No person shall camp overnight at a flea market site. This provision does not prohibit the employment and usage of a reasonable number of overnight security personnel.
- g) No animal, fish, fowl, or insect of any kind shall be sold, traded, housed, caged, bartered, swapped or given away at any flea market.

3) Records Required:

- a) Each Flea Market owner, operator, or promoter shall maintain accurate records for each day of operation, to include the name, permanent address, and business license number of each vendor conducting business from the flea market.
- b) Each flea market vendor shall maintain two copies of accurate records indicating the vendor's name, permanent address, business license number and total revenue collected for each day of operation.
- c) At the end of each sales day, each vendor shall furnish one copy of the records from paragraph 3.b to the flea market owner, operator, or promoter, who shall maintain said records, along with required records from paragraphs 3.a.
- d) All records required in paragraphs 3.a, 3.b, and 3.c must be maintained for a minimum period of 24 months, and must be available for inspection upon demand by an authorized agent or employee of the City of Seneca, Oconee County Sheriff's Department, South Carolina Law Enforcement agency, South Carolina Tax Official, or authorized agent or employee of the U.S. Internal Revenue Department.

- 4) Non-conforming Use Clause: Any flea market legally in existence and operating prior to the adoption of this ordinance, which does not meet all the provisions and requirements for this ordinance, may continue in operation for a period of up to twelve (12) months from the effective date of this ordinance, so long as the operation or size is not increased beyond what had been existing as of the effective date of this ordinance. Any and all flea markets shall be brought into full compliance with the requirements and provisions of this ordinance on or before twelve (12) months from the effective date of this ordinance.

- l) Manufacturing establishments, provided there are no emissions generated in the manufacturing process, and provided any externally stored parts, inventory, or machinery are stored behind the front line of the principal building or structure, and are enclosed by a solid wall or fence of at least six (6) feet in height.
- m) Cellular Towers as per Section 735.

515.4 Other Requirements.

- a) Uses permitted in the LI Districts shall be required to conform to the standards set forth in Section 522.
- b) A buffer in compliance with Section 730 shall be required for any use in an LI Zoning District which adjoins a parcel zoned for residential uses.

SECTION 516 BI BASIC INDUSTRIAL DISTRICT

516.1 Purpose. The intent of the BI District is to promote the development and continued use of land for basic or primary industrial purposes which involve extensive manufacturing, processing or assembly operations; and to preserve undeveloped sizable tracts of land with potential for industrial use.

516.2 Permitted Uses. The following uses shall be permitted in any BI Zoning District:

- a) Research or experimental laboratory;
- b) Transportation terminal, excluding truck terminals which shall be permitted as conditional uses, subject to the requirements of Section 516.3 (f);
- c) Public building, facilities, or land other than a school, playground, hospital, clinic, care home, or cultural facility;
- d) Public utility installation;
- e) Agricultural farm;
- f) Horticultural farm;
- g) Radio and/or television station and/or transmission tower;
- h) Office building and/or offices for governmental, business, professional or general purposes;
- i) Commercial trade or vocational school;
- j) Certain commercial uses which would be of benefit to industrial workers, to include:
 - Restaurants, delicatessens and other eating establishments.
 - Food preparation establishments for off-premise delivery.
 - General merchandise stores not to exceed 15,000 square feet of floor area.
 - Convenience stores not to exceed 15,000 square feet of floor area.
- k) Off-street parking lot or garage, as well as off-street parking or storage area for customer, client, or employee owned vehicles;
- l) Accessory uses, as provided in Section 711 and 712;
- m) Temporary uses, as provided in Section 805.

516.3 Conditional Uses. The following uses shall be permitted on a conditional basis in any BI Zoning District, subject to the conditions set forth in Section 805.

- a) Warehouse or other storage facility, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.
- b) Wholesale business outlet, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.
- c) Automobile service station provided that all pumps are set back at least twenty-five (25) feet from the right-of-way line of any street; and provided that there is no open storage of dismantled parts in conjunction with the operation.
- d) Animal hospital and/or boarding facility provided all boarding arrangements are maintained within an enclosed building.

- e) Retail business provided such business is incidental to a permitted use; is located on the same premises as a permitted use; and involves no open storage of junk or salvage materials of any type in conjunction with the operations.
- f) Truck terminal provided that paved acceleration and deceleration lanes at least twelve (12) feet in width and fifty (50) feet in length, respectively, are furnished and maintained where trucks enter or leave terminal sites located adjacent to major streets and provided no open storage of any type is conducted in connection with the operation.
- g) Watchman or caretaker's one-family dwelling provided that such a dwelling is located on the premises of a permitted use; and provided that a member of the household is employed by the industry as a watchman or caretaker.
- h) Dwelling incidental to a permitted agricultural or horticultural use, provided that such related dwellings are occupied only by persons employed directly on the premises.
- i) Garage or shop for the repair and servicing of motor vehicles, equipment or machine parts, provided any open yard storage, incidental to such an operation, is completely enclosed by a solid wall or stockade type fence of at least six (6) feet in height; and provided no sound, vibration, heat glare or electrical disturbance is created which creates a nuisance beyond the premises.
- j) Open yard use for the sale, rental and/or storage of new, used or salvaged materials or equipment excluding junk or other salvage, provided such use is conducted on a site of no less than one (1) acre in size, and provided no burning of materials or products is conducted on the premise except by means approved by the Fire Chief or Fire Inspector; and if open storage of used or salvaged materials and/or equipment is used, such use shall be completely enclosed by a solid wall or stockade type fence of at least six (6) feet in height above finished grade.
- k) Flea markets and jockey lots, provided that such uses are in full compliance with all conditions listed below:

1) Permitting and Licensing Requirements:

- a) No flea market shall be operated unless a Flea Market permit has been granted by the City Council of the City of Seneca. (Procurement of a Flea Market Permit in no way relieves compliance with all other provisions of this ordinance, as well as all other applicable ordinances of the City of Seneca).
- b) Applications for Flea market permits shall be administered the same way as petitions for rezones, with the Planning Commission holding a duly advertised public hearing and issuing a recommendation for final action by City Council.
- c) Applications for Flea Market permits shall include the name of the owner, operator, or promoter of the flea market, the location of the flea market, the maximum number of booths, stalls, sales display areas, and vendors permitted at any one time, a detailed plot plan of the flea market site indicating sales areas, parking areas, restroom facilities, and all other structures. Notes indicating how electrical, water, and wastewater treatment shall be provided are also required. A description of all perimeter landscaping shall be included. Said plot plan shall show the area of the parcel, shall include scale and north arrow, and shall show any portion of the parcel that is in any 100 year flood plain. The plot plan shall be completed by a surveyor, architect, or engineer licensed by the State of South Carolina, and shall bear the seal of that surveyor, architect, or engineer.
- d) The City Council of Seneca is authorized to adopt a fee schedule for Flea Market permits.
- e) Flea Market permits are valid for a period of twelve months, but may be suspended or revoked by the Zoning Administrator or City Council upon a finding that any portion of this or other applicable ordinances are violated.
- f) The City Council of the City of Seneca shall issue a Flea Market Permit only upon concluding that the activity shall present no significant adverse affects upon the surrounding area, that no significant traffic congestion or safety problems will be produced, that no nuisance as defined by South Carolina statutory or case law would result, that the quiet enjoyment of surrounding properties would not be affected, and that all provisions of this and other applicable ordinances can be upheld by the flea market operator for the subject parcel.

- g) The City Council of the City Seneca shall not issue a Flea Market permit to any owner, operator, or promoter who has previously had a Flea Market permit revoked within the past ten (10) years for noncompliance with this or any other applicable ordinance of the City of Seneca, or who, at the time of application, has a Flea Market permit under suspension, or who has been convicted of a felony by a court of law within the previous three (3) years, or who has pleaded guilty or no contest to a felony charge in a court of law within the past three (3) years.
- h) The finding of any inaccurate information given on an application for a Flea Market permit shall be cause for immediate revocation of said permit, except that if such inaccurate information is determined purely accidental on the part of the applicant and to be of little significance, the City Council for the City of Seneca, shall have the authority to waive this provision.
- i) Flea Market permits are not transferable and are valid only for the specific site for which applied.
- j) It shall be unlawful for any person or entity to conduct a flea market business or for any flea market promoter, operator or owner to operate, or allow the operation of, such a business or for any flea market vendor to display or sell wares of any kind at a flea market without a valid business license issued by the City of Seneca.
- k) The owner, operator, or promoter of a flea market must secure a separate business license for each flea market site operated.
- l) A business license issued to any flea market vendor shall be valid for operation from any duly permitted and licensed flea market operated in the City of Seneca.
- m) It shall be unlawful for any flea market owner, operator or promoter to provide or rent space or to allow any vendor to use any sales area within a flea market unless the vendor has a valid business license issued by the City of Seneca. Failure to verify that each vendor has a valid business license could subject the promoter, owner or operator of the flea market to penalties contained herein, including the suspension or revocation of the operator's Flea Market Permit and/or business license.
- n) The business license of the flea market, as well as each individual vendor, shall be conspicuously displayed during all hours of business operation.

2) General Regulations:

- a) Compliance with any provision of this ordinance is in no way intended to relieve mandatory compliance with any other portion of this ordinance or any other applicable ordinance of the City of Seneca.
- b) Each flea market shall provide on-site paved parking. No parking, or parking space, shall be permitted on any public right-of-way. It shall be the responsibility of the owner, operator, or promoter to ensure that no vehicle of any vendor, customer, patron, visitor, guest, or invitee is parked on any public right-of-way, or on any private property without the permission of that property owner. Violations of this clause, as with any portion of this ordinance, could result in the suspension or revocation of the Flea Market Permit.
- c) No individual parking space shall have direct access to a public road.
- d) No sales or other business activity shall be made from any shed, structure, or building of any kind, unless said shed, structure or building shall comply with all building and related codes adopted and enforced by the City of Seneca. For any shed, structure, or building in use, the flea market owner, operator, or promoter shall produce a Certificate of Occupancy upon demand by the authorized Zoning Administrator or Building Inspector of the City of Seneca. (Note: Flea Market sheds, structures, and buildings are classified as Group M, Mercantile Occupancy in the Southern Standard Building Code).
- e) No temporary restroom facilities shall be utilized.
- f) No person shall camp overnight at a flea market site. This provision does not prohibit the employment and usage of a reasonable number of overnight security personnel.
- g) No animal, fish, fowl, or insect of any kind shall be sold, traded, housed, caged, bartered, swapped or given away at any flea market.

3) Records Required:

- a) Each Flea Market owner, operator, or promoter shall maintain accurate records for each day of operation, to include the name, permanent address, and business license number of each vendor conducting business from the flea market.
- b) Each flea market vendor shall maintain two copies of accurate records indicating the vendor's name, permanent address, business license number and total revenue collected for each day of operation.
- c) At the end of each sales day, each vendor shall furnish one copy of the records from paragraph 3.b to the flea market owner, operator, or promoter, who shall maintain said records, along with required records from paragraphs 3.a.
- d) All records required in paragraphs 3.a, 3.b, and 3.c must be maintained for a minimum period of 24 months, and must be available for inspection upon demand by an authorized agent or employee of the City of Seneca, Oconee County Sheriff's Department, South Carolina Law Enforcement agency, South Carolina Tax Official, or authorized agent or employee of the U.S. Internal Revenue Department.

4) Non-conforming Use Clause: Any flea market legally in existence and operating prior to the adoption of this ordinance, which does not meet all the provisions and requirements for this ordinance, may continue in operation for a period of up to twelve (12) months from the effective date of this ordinance, so long as the operation or size is not increased beyond what had been existing as of the effective date of this ordinance. Any and all flea markets shall be brought into full compliance with the requirements and provisions of this ordinance on or before twelve (12) months from the effective date of this ordinance.

- l) Manufacturing establishments, provided there are no emissions generated in the manufacturing process, and provided any externally stored parts, inventory, or machinery are stored behind the front line of the principal building or structure, and are enclosed by a solid wall or fence of at least six (6) feet in height.
- m) Any industrial use which may produce significant noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other objectionable conditions provided such conditions do not constitute a nuisance to adjoining properties; provided a buffer in compliance with Section 730 is installed and maintained.
- n) Landfills. Provided such use is located on a lot of at least three (3) acres and a buffer in compliance with Section 730 is installed and maintained.
- o) Cellular Towers per Section 735.

516.4 Other Requirements.

- a) Uses permitted in BI Basic Industrial Zoning Districts shall be required to conform to the standards set forth in Section 522.
- b) A buffer in compliance with Section 730 shall be required for any use in a BI zoning district which adjoins a parcel zoned for residential uses.

SECTION 517 PD-R PLANNED DEVELOPMENT - RESIDENTIAL DISTRICT

517.1 Purpose of District: The purpose of Planned Development-Residential district is to derive the benefits of efficiency, economy and flexibility provided by the unified development of large residential sites, while also obtaining the advantages of creative site design, improved appearance, compatibility with adjacent uses, optimum service of community facilities, open space amenities, and the improved functioning of vehicular access and circulation. It is the intent of this section to allow development on large sites subject to specific regulations concerning permitted uses, but subject to regulations concerning lot area, building coverage and yard spaces only insofar as the Planning Commission and City Council shall deem appropriate to fulfill the intent of this section,

upon presentation of certification from the owners, developers, or other parties of interest in the development of such sites that they will adhere to development policies which will fulfill the intent of this section.

The PD-R district is based upon the premise that increased site size will allow proper design including functional interrelationships, buffer treatments, separation of uses with potentially incompatible characteristics of use, design of access patterns, and relationships of uses within Planned Development with uses in adjacent districts. It is the intent of this section that such design and planning features be incorporated properly into any PD-R District hereafter created, and that the Planning Commission and City Council shall consider the existence and appropriateness of such features before any amendment to the Zoning Map is adopted to create such a district.

517.2 Permitted Uses. Within the PD-R District a building or premise shall be used for the following purposes:

- a) Dwelling, single-family;
- b) Dwelling, two-family;
- c) Dwelling, single-family attached, townhouse;
- d) Dwelling, cluster;
- e) Accessory building or use, including approved recreation facilities.

517.3 Uses and Structures permitted on review: No review actions by the Zoning Board of Appeals are required to establish any use specifically permitted.

517.4 Minimum lot area: The minimum site size to accommodate a PD-R district shall be no less than three (3) acres.

517.5 Minimum lot width, minimum yard requirements and maximum lot coverage: A buffer strip of natural or landscaped vegetation, with a width of not less than ten (10) feet, shall be maintained along all external lot lines of any planned development. No building or structure shall be erected within this buffer strip. Buffer landscaping is to be installed by the developer and transferred to the neighborhood association upon completion of the PUD, Planned Unit Development. Minimum lot width, minimum yard sizes and maximum lot coverage are as defined in Section 522 Table A for PD-R Districts. Approval of a PD-R district is subject to compliance with the goals of this provision, as well as with compliance with minimum requirements. Meeting minimum regulations in no way obligates the City of Seneca to approve applications for a PD-R zone.

517.6 Location of Planned Development - Residential Districts: Any planned development district shall have direct frontage on a collector street or major thoroughfare.

517.7 Streets: All streets or drives within the planned development shall be designed and built in compliance with the road standards of the City of Seneca, with the exception of a minimum right-of-way width requirement which shall be a minimum width of twenty-four (24) foot paved surface for two (2) lane traffic and twelve (12) foot paved surface for one (1) lane traffic.

517.8 All public utilities within a planned unit development shall be installed underground.

517.9 Minimum Off-Street Parking: Off-street parking requirements as set forth in Article VII, Section 713 of this ordinance, shall be met for all structures.

517.10 Signs: Signs are permitted in the PD-R District only in accordance with the provision of Article VI.

517.11 Common Open Space: At least five (5) percent of the area covered by a final development plan shall be usable, common open space, or amenity area, owned and operated by the developer or dedicated to a homeowner's association or similar group. The common area may include recreational facilities, including, but not limited to, playground equipment, a swimming pool, a clubhouse, or tennis courts. Multiple-family portions of a PD-R district shall require ten (10) percent of the site area for beautification and open space use and buffering. In

addition, five (5) percent of the site area shall be devoted to developed recreation facilities such as swimming pools, playing fields, tennis courts, racquetball courts, etc. for the use of all occupants of the entire site area.

SECTION 518 PD-C PLANNED DEVELOPMENT - COMMERCIAL DISTRICT

518.1 Purpose of District: The purpose of Planned Development-Commercial districts is to derive the benefits of efficiency, economy and flexibility by encouraging unified development of large commercial sites, while also obtaining the advantages of creative site design, improved appearance, compatibility with adjacent uses, optimum service by community facilities, open space amenities, and improved functioning of vehicular access and circulation. It is the intent of this section to allow development of large sites subject to specific regulations concerning permitted uses, but subject to regulations concerning lot area, building coverage and yard spaces only insofar as the Planning Commission and City Council shall deem appropriate to fulfill the intent of this section, upon presentation of certification from the owners, developers, or other parties of interest in the development of such sites that they will adhere to development policies which will fulfill the intent of this section.

The PD-C District is based upon the premise that increased site size will allow proper design including functional interrelationships, buffer treatment for the separation of uses with potentially incompatible characteristics of use, design of access patterns, and relationships of uses within such planned developments with uses in adjacent districts. It is the intent of this section that such design and planning features be incorporated properly into any

PD-C District hereafter created, and that the Planning Commission and City Council shall consider the existence and appropriateness of such features before any amendment to the Zoning Map is adopted to create a Planned Commercial district.

518.2 Permitted Uses: Within the PD-C District, a building or premise shall be used only for the following purposes:

- a) Any use permitted in HC, GC, OC, NC, or CC Districts.
- b) Accessory land uses and buildings customarily incidental to any of the above uses.

518.3 Uses and Structures Permitted on Review: No review actions by the Zoning Board of Appeals are required to establish any use specifically permitted.

518.4 Minimum Lot Area: No minimum lot area is required for any specific structure; however, the minimum site size to accommodate a planned development shall be no less than three (3) acres.

518.5 Buffer Requirements, Minimum Lot Width, Minimum Yard Requirements and Maximum Lot Coverage: A buffer strip of natural or landscaped vegetation, a width not less than ten (10) feet, shall be maintained along all external lot lines of any planned development, with the exception that when any external lot line of a planned development abuts any residential zoning district, the buffer strip shall be a width of thirty (30) feet. No building or structure shall be erected within this buffer strip. Minimum lot width, minimum yard sizes and maximum lot coverage are subject to the regulations included in Section 522 of this ordinance. The Planning Commission and City Council shall ascertain that the characteristics of building siting shall be appropriate as related to structures within the planned development and otherwise fulfill the intent of this Ordinance.

518.6 Streets: All streets or drives within the planned development shall be designed and built in compliance with the road standards of the City of Seneca, with the exception of a minimum right-of-way width requirement which shall be a minimum width of twenty-four (24) foot paved surface for two (2) lane traffic and twelve (12) foot paved surface for one (1) lane traffic.

518.7 Minimum Off-Street Parking: Off-street parking requirements are set forth in Section 713 shall be met for all structures.

518.8 Signs: Signs are permitted in the PD-C District only in accordance with the provisions of Article VI.

SECTION 519 PD-MU PLANNED DEVELOPMENT - MIXED USE DISTRICT

519.1 Purpose of District: The purpose of Planned Development-Mixed Use districts is to derive the benefits of efficiency, economy and flexibility by encouraging unified development of large mixed land use sites, while also obtaining the advantages of creative site design, improved appearance, compatibility with variety of adjacent uses, optimum service of community facilities, open space, amenities, and improved functioning of vehicular access and circulation. It is the intent of this section to allow development of large sites subject to regulations concerning lot area, building coverage and yard spaces only insofar as the Planning Commission and City Council shall deem appropriate to fulfill the intent of this section, upon presentation of certification from the owners, the developers, or other parties of interest in the development of such sites that they will adhere to development policies which will fulfill the intent of this section. It is further intended that PD-MU development shall provide mutually supporting residential, commercial, and office uses that are scaled, balanced, and located to reduce general traffic congestion and the need for private automobiles by providing housing close to principal destinations and convenient pedestrian circulation systems.

The PD-MU District is based upon the premise that increased site size will allow proper design including functional interrelationships, buffer treatments, and the separation of uses with potentially incompatible characteristics of such planned developments with uses in adjacent districts. It is the intent of this section that

such design and planning features be incorporated properly into any PD-MU Districts hereafter created, and that the Planning Commission and City Council shall consider the existence and appropriateness of such features before any amendment to the Zoning Map is adopted to create such district.

519.2 Permitted Uses: Within the PD-MU District a building or premise shall be used only for the following purposes:

- a) Any use permitted in R (except RG), RM, HC, GC, OC, NC, or CC Districts.
- b) Accessory land uses and buildings customarily incidental to any of the above uses.

519.3 Uses and Structures Permitted on Review: No review actions by the Zoning Board of Appeals are required to establish any use specifically permitted.

519.4 Minimum Lot Area. The minimum site size to accommodate a planned development shall be no less than three (3) acres.

519.5 Buffer Requirements, Minimum Lot Width, Minimum Yard Requirements and Maximum Lot Coverage: A buffer strip of natural or landscaped vegetation, to have a width of not less than ten (10) feet shall be maintained along all external lot lines of any planned development. No building or structure shall be erected within this buffer strip. Minimum lot width, minimum yard size and maximum lot coverage are subject to the regulations included in Section 522 of this ordinance within PD-MU Districts. The Planning Commission and City Council shall ascertain that the characteristics of building siting shall be appropriate as related to structures within the planned development and otherwise fulfill the intent of this Ordinance.

519.6 Streets: All streets or drives within the planned development shall be designed and built in compliance with the road standards of the City of Seneca, with the exception of a minimum right-of-way width requirement which shall be a minimum width of twenty-four (24) foot paved surface for two (2) lane traffic and twelve (12) foot paved surface for one (1) lane traffic.

519.7 Minimum Off-Street Parking: Off-street parking requirements as set forth in Section 713, shall be met for all structures.

519.8 Signs: Signs are permitted in the PD-MU District only in accordance with the provisions of Article VI.

SECTION 520 PD-U PLANNED DEVELOPMENT – UNDEVELOPED

520.1 Purpose of District: The purposes of the Planned Development - Undeveloped district is to derive the benefits of efficiency, economy, and flexibility by encouraging unified development of large scale residential, office, commercial, or mixed use sites, while obtaining the advantages of creative site design, improved appearance, compatibility with adjacent uses, optimum service of community facilities, amenities, and improved functioning of vehicular access and circulation.

The PD-U district is intended to reserve land, at the parcel owner's request, for a Planned Unit Development. A parcel owner may request, and the Planning Commission and City Council may consider granting, PD-U zoning if the parcel owner intends to submit a Planned Unit Development proposal, consistent with the regulations of Section 520 of this ordinance, at some time in the future, but is not prepared to submit a detailed site and development plan at the time zoning is requested.

520.2 Permitted Uses: Because the PD-U zoning classification is intended to reserve land, at the parcel owner's request, for future development under the PD-R, Planned Development-Residential, PD-C, Planned Development-Commercial, or PD-MU, Planned Development-Mixed Use, zoning categories, no uses are permitted within a PD-U district until plan is approved or reclassified as provided below.

520.3 Minimum Lot Area. The minimum site size for a planned development shall be three (3) acres.

520.4 Procedure to Have a PD-U District Reclassified.

520.4.1 Reclassification to a PD-R, PD-C, or PD-MU Zoning District: At the time a parcel owner is prepared to submit a detailed development plan, the parcel may be converted to either the PD-R, PD-C, or PDMU classification in accordance with the procedure established in Section 520 of this ordinance.

520.4.2 Reclassification to a NON-PD Zoning District: Should, at any time, the owner of a parcel which has been classified as possessing the PD-U zoning category, shall determine that it is no longer feasible to develop the parcel in accordance with the rules and regulations of the Planned Unit Development provision of this ordinance, Section 517, 518, 519, 520, and 521, that parcel owner shall have the right to petition the City of Seneca to have the zoning designation changed to the most appropriate zoning category, in accordance with the procedure as set forth herein:

- a) The parcel owner, or an agent of the parcel owner, shall submit a completed Application Form for Zoning Amendment to the Zoning Administrator. The survey included in the original application for PD-U zoning may serve as the survey for the rezone application as well.
- b) The standard zoning amendment application fee shall be waived.
- c) Upon receipt of a completed rezone application, the Zoning Administrator shall place the application on the first Planning Commission meeting agenda subsequent to twenty-one (21) days from the date the completed application is received. The Zoning Administrator shall submit all legal advertisement as required by this Ordinance, and shall transmit all records related to the application to the Planning Commission for review.
- d) The Planning Commission shall review the application for rezoning, conduct a public hearing, and issue a recommendation to City Council as to the most appropriate zoning category for the subject parcel. Although the applicant may request a specific zoning category, the Planning Commission is obligated to only consider that request. The recommendation to Council is to be for the most appropriate zoning classification. Upon mutual agreement between the Planning Commission and the parcel owner, the Planning Commission may put off issuing a recommendation to City Council until a

later meeting. Otherwise, the Planning Commission shall issue a recommendation at the meeting at which the application appears on the agenda.

- e) Upon receipt of a recommendation from the Planning Commission, the City Council shall review the report issued by the Planning Commission, determine the most appropriate zoning category for the parcel, and rezone the parcel to that category through two (2) consecutive readings of an ordinance to rezone the parcel.

SECTION 521 ADMINISTRATIVE APPLICATION AND REVIEW PROCEDURES FOR PD-R, PD-C, AND PD-MU DISTRICTS

521.1 General: The establishment of PD-R, PD-C, and PD-MU Districts shall be by amendment to the Zoning Map accompanied by certain sureties that the development will be in harmony with the intent of this Ordinance and that the public interest in adequate site design, access, community facilities and amenities will be defended. Application for amendment to establish a PD-R, PD-C or PD-MU Districts shall be subject to the provisions of Article X, and in addition, the procedures described below shall apply. It is the intent of this section that the public interest will be served not only by consideration of those specific criteria set forth herein, but also by consideration of the total anticipated effect of the planned development upon the community at large. The provisions of the PD-R, PD-C, or PD-MU Districts represent a relaxation of specific site design requirements as applied to other districts herein, and in return for the design flexibility granted thereby, the applicant for amendment to PD-R, PD-C, or PDMU District classification, by requesting the PD-R, PD-C, or PD-MU Designation and making application therefore shall agree to furnish information about the proposed development, and later to abide by certain conditions and safeguards as may be imposed by the Seneca Planning Commission (subject to City Council approval) in establishing such developments. To that end the regulations set forth herein are minimum requirements and it is the intent of this section that the City Council may impose conditions and safeguards in excess of, or in addition to, the specific requirements set forth herein, and that meeting the minimum requirements set forth herein does not per se create an indication that an applicant should be entitled to such an amendment, and notice is hereby given to that effect.

521.2 Pre-application Conference. The applicant shall communicate his intentions to establish a planned development, and the proposed characteristics thereof, to the Planning Commission in the form of a sketch plan prior to initiating a request for zoning amendment in order to avoid undue delay in the review process after initiating such application, and in order to facilitate review of materials which may be in preliminary form, and in order to avoid unnecessary expense in preparation of materials in final form which may later be found to be unacceptable or incomplete. This sketch plan shall include:

1. The proposed number, location, and types of residential or commercial units or structures;
2. A proposed traffic, parking and circulation plan;
3. Legal description of proposed development boundaries;
4. A proposed drainage and utility plan;
5. A topographical survey;
6. Description of open spaces;
7. Existing buildings, if any, presently on the site; and
8. Other information as may be deemed reasonably appropriate for Planning Commission review.

521.3 Application for Amendment: The applicant shall make application for an amendment to a PD-R, PD-C, PDMU classification as specified by Article X herein.

521.4 Site Development Plans to be Submitted to Planning Commission for Review: The applicant shall submit site development plans to the Planning Commission for review, showing:

1. The use and height, bulk, and location of commercial, residential and other buildings;
2. The density of land use proposed for various components of the site;

3. The location and width of proposed streets, other public ways and private drives with provisions for parking vehicles; and
4. Other information as may be deemed reasonably appropriate for Planning Commission Review.

521.5 Descriptive Statement to be submitted to the Planning Commission for Review: The applicant shall also submit a descriptive statement describing the proposed planned development. The Descriptive Statement shall generally include, but not be limited to, the following:

1. Legal description of proposed development boundaries;
2. Total number of acres in the development area;
3. Number of dwelling and commercial units of various types and overall density thereof;
4. Number of off-street parking spaces as needed to satisfy the requirements of individual buildings as required by Section 713;
5. Any indication of economic feasibility, justification and impact;
6. Description of open space uses and areas proposed, adequacy thereof to serve anticipated demand, and if dedication of open space is proposed, procedures and conditions thereof in detail;
7. If a homeowners association or other group maintenance or group ownership features are to be included, a detailed description of the proposed procedures and operation thereof;
8. An outline of development phasing indicating the timing of development of all proposed facilities, and justification of development phasing with respect to residential and commercial facilities;
9. Design standards, administrative procedures, and other characteristics which will guarantee the development of the project as an integrated, functionally operable, well planned community;
10. Plan showing complete drainage of the entire site;
11. Minimum lot setbacks;
12. Minimum and maximum house sites;
13. A preliminary landscape plan for common areas and subdivision entrances;
14. Other such information or descriptions as may be deemed reasonably appropriate for Planning Commission Review.

521.6 Public Hearing: A public hearing shall be held in accordance with procedures set forth in Article X.

521.7 Planning Commission Recommendation: The Planning Commission shall make a recommendation upon the proposal in accordance with the provisions of Article X.

521.8 City Council Action: The City Council may, after fulfilling all applicable requirements of this section and all applicable requirements of Article X, act to either approve or disapprove the Application for Amendment. In acting to approve the amendment, the City Council may impose certain conditions or limitations on the development plan, as agreed to by the applicant, in order to ensure compatibility with surrounding uses and protection of public welfare.

521.9 Issuance of Zoning or Building Permits: The Zoning Administrator shall not issue any Zoning Compliance, and the Building Inspector shall not issue any Building Permit, or Certificate of Occupancy within any PD-R, PD-C, or PD-MU District until the applicant for amendment which established such district shall have been:

1. Filed with the Zoning Administrator's Office and recorded with the Clerk of Court of Oconee County plats showing all proposed features of the planned development as approved by the City Council, which approval shall be certified by the Zoning Administrator's office;
2. Completed and recorded deed covenant agreement with the Zoning Administrator's Office and with the Clerk of Court of Oconee County;
3. Recorded with the Clerk of Court of Oconee County all required deed restrictions or other restrictive covenants as required by the City Council upon approval of the amendment establishing the planned development district;
4. Recorded with the Zoning Administrator's Office and with the Clerk of Court of Oconee County the

- descriptive statements as approved by the City Council setting forth and committing the developer to certain design standards, development phasing schedules, and other pertinent matters; and
5. Completed the posting of a bond or giving of other surety in an amount not to exceed 125% of the project cost as submitted.

521.10 Changes of Plans for Planned Development: Any change in boundary of such districts shall be accomplished only by following procedures as set forth in Article X herein. Changes in the approved characteristics or agreements relating to a PD-R, PD-C, or PD-MU District, but not involving changes in the boundary thereof, shall be classified as either major changes or minor changes and shall be approved or disapproved as follows:

- a) Minor Changes: Revisions of minor characteristics of the planned developments may be authorized by the Zoning Administrator, provided that such authority is granted to the Zoning Administrator by the approved and recorded descriptive statement concerning development of the planned district. If the Zoning Administrator fails to approve a request for a minor change, the developer or other party of interest may then seek a change by the regular amendment process as outlined below for major changes.
- b) Major Changes: Major changes which would materially affect the characteristics of the planned development shall follow the same procedural requirements as for the amendment originally establishing the planned district, including the Planning Commission review, Public Hearing, and the City Council determination, as set forth in Article X herein.
- c) It shall be the duty of the Zoning Administrator to determine whether any specific request shall be considered a major change or a minor change, provided, however, that the applicant for change shall have the right to have any request for change processed as a major change.
- d) The Zoning Administrator shall issue no Zoning Compliance in connection with any action related to such changes until such changes have been duly recorded as for the original document recorded.

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

SECTION 522 DISTRICT DIMENSIONAL AND OTHER REQUIREMENTS

Except for the use of substandard lots of record as of the effective date of this Ordinance (which shall be subject to the conditions set forth in Section 402) and other relief that may be provided elsewhere in this Ordinance, the following general requirements shall prevail, as described below and enumerated in Table A.

- 522.1 Minimum Lot Area. Table A.
- 522.2 Minimum Lot Area per Dwelling Unit. Table A.
- 522.3 Maximum Dwelling Units per Net Acre. Table A.
- 522.4 Minimum Lot Width, measured at the building line. Table A.
- 522.5 Planned Development Requirements. Table A.
- 522.6 Setbacks. Table A.

- a) Minimum front yards: measured from the nearest abutting street right-of-way. For exceptions to this requirement, see Sections 705 and 706.
- b) Minimum side yard: measured at the front building line from the side building line perpendicularly to the side yard line.
- c) Minimum rear yard: measured from the rear building line to the rear property line. For rear yard requirements pertaining to double frontage lots, see Section 705.

522.7 Maximum building height: as measured upward from the point of lowest ground level elevation of said building. Height limitations may be exceeded only after approval of the Fire Chief. For other exceptions to the height regulations, see Section 722.

522.8 Uses permitted shall meet all standards set forth in Article VII pertaining to off-street parking, loading, and other requirements; except that all off-street parking and loading requirements shall be waived within the CC District.

TABLE A
Dimensional Requirements

	R-20	R-15	R-10	R-6	PD-R(2)	PD-C(7)	RM-8	RM-16	RG
MINIMUM LOT AREA	20000	15000	10000	6000	7000(3)	10000	1 AC (8)	2 AC (8)	10000
MINIMUM LAND AREA	20000	15000	10000	6000	7000(4)	N/Z	5400 SF	2700 SF	10000
MAX D.E./NET ACRE	2	2.75	4	7	14	N/A	8	16	4
MINIMUM LOT WIDTH	90	80	70	50	50-20(5)	75	100 (8)	100 (8)	70
MINIMUM FRONT YARDS	40	30	25	15	20	20	40-20 (9)	40-20 (9)	25
MINIMUM SIDE YARDS	15	15	10	5 (1)	5 (6)	15	30-10(10)	30-10(10)	10
MINIMUM REAR YARDS	25	20	15	15	20	30	40-20(11)	40-20(11)	15
MAXIMUM BLDG HEIGHT	35	35	35	35	35	35	35	35	35
	RO	OC	NC	HC	GC	CC	LI	BI	CP
MINIMUM LOT AREA	10000	20000	20000	25000	25000	6000	20000	1 AC	6000
MINIMUM LAND AREA/DU	10000	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2 AC
MINIMUM LOT WIDTH	75	75	75	75	100	40	100	100	50
MINIMUM FRONT YARDS	25	25	25	40	50	0	30	50	20
MINIMUM SIDE YARDS	10	15(12)	15(12)	20(12)	15(12)	0	15	50	10
MINIMUM REAR YARDS	25	25	25	30	30	0	40	40	15
MAXIMUM BLDG HEIGHT	35	35	35	60	60	60	60	60	35

FOR A MIXED USE PLANNED DEVELOPMENT (PD-MU) RESIDENTIAL COMPONENTS SHALL BE SUBJECT TO THE STANDARDS SET FORTH WITHIN THE PD-R PROVISION; COMMERCIAL COMPONENTS SHALL BE SUBJECT TO THE STANDARDS SET FORTH WITHIN THE PD-C PROVISION.

- 1) The minimum setback does not apply to zero lot line development, which is permitted in the R-6 zoning district.
- 2) See Minimum Area Provision, Section 517.4; Buffer Provision, Section 517.5; and Open Space Requirement, Section 517.11.
- 3) The seven thousand (7,000) square foot minimum lot size applies to single family units only.
- 4) The seven thousand (7,000) square foot minimum land area per dwelling unit applies to single family units only.
- 5) A fifty (50) foot width is required for detached units. A twenty (20) foot width is required for attached units.
- 6) Applies to detached units and end units of attached housing only.
- 7) See Minimum Area Provision, Section 518.4; and Buffer Provisions, Section 518.5.
- 8) Applies to RM developments, not individual units within a RM development.
- 9) Non-Single family attached townhouse complexes shall have a forty (40) foot setback from the public right-of-way. Single family attached townhouse units shall have a twenty (20) foot front setback.
- 10) Non-Single family attached townhouse complexes shall have a thirty (30) foot side setback from adjoining parcels. Single family attached townhouse units shall have a ten (10) foot side setback, unless zero lot line development or a common wall is utilized.
- 11) Non-Single family attached townhouse complexes shall have a minimum forty (40) foot rear setback from adjoining parcels. Single family attached townhouse units shall have a minimum twenty (20) foot rear setback.
- 12) The side setback is reduced to zero (0) feet if a common wall is utilized.

ARTICLE VI
SIGN REGULATIONS

The regulations herein shall apply and govern in all Zoning Districts. No sign, intended for view from any public right-of-way, shall be erected or maintained unless it is in compliance with the regulations of this Article, except a non-conforming sign which shall comply with the provisions set forth in Article VII.

SECTION 600 GENERAL PROVISIONS

The following regulations shall apply to all permitted signs in the City of Seneca:

600.1 A sign permit is required for the erection, alteration, or reconstruction of any sign unless otherwise noted herein, and shall be issued by the Zoning Administrator in accordance with Article VIII of this Ordinance.

600.2 Signs and awnings must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated. (awnings added Ord. 00-16)

SECTION 601 PROHIBITED SIGNS

The following signs are prohibited in the City of Seneca.

601.1 Signs Imitating Warning Signals: No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, nor shall any sign use the words "stop", "danger", or any other word, phrase, symbol, or character in a manner that might mislead or confuse a vehicle driver.

601.2 Signs Within Street or Highway Rights-of-Way: Except as herein provided, no sign whatsoever, whether temporary or permanent except traffic signs, signals and information signs erected by a public agency, is permitted within any street or highway right-of-way. Signs within a street or highway right-of-way are subject to removal by the Zoning Administrator.

601.3 Certain Attached and Painted Signs: Signs painted on or attached to trees, fence posts, and telephone or other utility poles or signs painted on, or attached to, rocks or other natural features or painted on the roofs of buildings are prohibited.

601.4 Roof Signs: Roof signs are prohibited, however, for the purposes of this ordinance, a sign mounted onto or attached to a mansard roof shall be considered a wall sign, provided the sign is located beneath the top of the mansard roof.

SECTION 602 SIGNS FOR WHICH A PERMIT IS NOT REQUIRED

A permit is not required for the following types of signs in any Zoning District:

602.1 Traffic, directional, warning, or information signs authorized by any public agency.

602.2 Official notices issued by any court, public agency, or officer.

602.3 One non-illuminated "For Sale", "For Rent", or "For Lease" sign, not exceeding four (4) square feet in area, in residential districts and twenty (20) square feet in other than residential districts and located not less than ten (10) feet back from the street right-of-way line, unless attached to the front wall of a building. "For Sale", "For Rent", or "For Lease" signs exceeding four (4) square feet in area are expressly prohibited in residential districts. (Ord. 99-01)

602.4 One permitted home occupation sign, provided it is non-illuminated. The sign is to be no larger than four (4) square feet, and shall be mounted against a wall of the principal building.

602.5 Entrance, exit and instructional signs, so long as they do not exceed four (4) square feet in area, are no higher than three (3) feet above the pavement or ground level, and contain no advertisement.

602.6 Identification signs indicating the name and street number of owner or occupant of a parcel, so long as such signs do not exceed five (5) square feet of copy area.

602.7 Bulletin boards, which are defined as permanent signs which primarily display the name of a noncommercial place of public assembly and announce the upcoming events of that organization. In order to not require a permit, such a sign shall not exceed thirty-six (36) square feet of copy area or five (5) feet in height. Signs of this type shall be restricted to one per parcel.

602.8 Signs identifying projects under construction which denote the name of the project, the architect, engineer, contractor, owner, etc., so long as such signs do not exceed twelve (12) square feet of copy area in residential districts, or one hundred (100) square feet of copy area in non-residential zones, are not illuminated, and are removed within seven days of completion of the project.

602.9 Signs attached or integrated into a gasoline pump, automatic bank teller machine, or drive-thru component of a fast food restaurant, which give operational instructions to users, the price of the product, the brand name of the product or descriptive information about the product.

602.10 Awnings: Awning or canopy structure projecting from the wall of any building or structure. Awnings must be at least eight feet above sidewalk level and fourteen feet above vehicle accessible frontages. Awning signs must not exceed six and one-half (6 ½) feet from the surface of the attached wall and may be no closer than eighteen (18) inches to a vertical plane at the street curb line. (Ord. 00-02)

SECTION 603 REGULATIONS APPLYING TO SPECIFIED TYPES OF SIGNS

603.1 Wall Signs: Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:

- a) Signs on the Front Surface of a Building: The total area of signs on the exterior front surface of a building shall not exceed twenty (20) percent of the front surface of the building, so long as the total area of all signs does not exceed the total amount of sign area permitted within the Zoning District where the sign or signs are to be located. Wall Signs may not extend above the roof line of the building. (roof line Ord. 01-25)
- b) Signs on the Side and Rear Surface of a Building: The total area of signs on a side or rear surface of a building shall not exceed twenty-five (25) percent of the exterior side or rear surface of the building respectively, so long as the total area of all signs on the parcel does not exceed the total amount of sign area permitted within the Zoning District in which the sign or signs are to be located. Wall Signs may not extend above the roof line of the building. (roof line Ord. 01-25)
- c) Projecting Signs: Wall signs attached flat against a wall may extend not more than twenty-four (24) inches from the wall. Signs projecting from a wall may extend outward from the wall of a building not more than six and one-half (6-1/2) feet and may be located not closer than eighteen (18) inches to a vertical plane at

the street curb line. A projecting sign shall not extend above the roof line more than five (5) feet. In no case shall signs project beyond property lines, except that signs may project over public sidewalks in Core Commercial Districts provided that the minimum height above grade or sidewalk level of such signs shall be no less than ten (10) feet.

- d) Awning Signs: Signs attached, hanging from, painted, or otherwise inscribed upon an awning or canopy structure must be at least eight feet above sidewalk level and fourteen feet above vehicle accessible frontages. Awning signs must not exceed six and one half (6 1/2) feet from the surface of the attached wall and may be no closer than eighteen (18) inches to a vertical plane at the street curb line. (Ord. 00-02)

603.2 Subdivision Entrance Signs, to indicate the name of a residential subdivision development, are permitted at each entrance to a subdivision. Such signs shall be set back not less than ten (10) feet from the right-of-way of any street or from any boundary line of the subdivision. Such signs may be put in place upon the initiation of lot sales within a subdivision and may remain in place for as long as the sign is maintained, including after all lots are sold. Each such sign shall have a copy area of not in excess of forty (40) square feet and shall have a maximum height of eight (8) feet above the ground. If two (2) signs are located at a subdivision entrance, the maximum combined copy area shall be forty (40) square feet. If a subdivision sign is to be illuminated, only indirect lighting shall be permitted, and only one (1) color of illumination shall be permitted. Portable signs are prohibited for use as subdivision signs.

603.3 Private Directional Signs: Signs indicating the location and direction of premises available for sale, or in the process of development, but not erected upon such premises, may be erected and maintained, provided:

- a) The size of any such sign is not in excess of six (6) square feet in area, and not in excess of four (4) feet in length.
- b) Written permission for the temporary rights to the appropriate land is obtained from any or all owners of such land, whether public or private, prior to the erection of such a sign.
- c) Not more than one (1) such sign is erected along each five hundred (500) feet of street frontage.

Portable signs are prohibited for use as subdivision signs. (Ord. 99-01)

603.4 Portable Signs: All portable signs shall be set back no less than ten (10) feet from the street right-of-way line. All portable signs are subject to all regulations, restrictions, and specifications included in this ordinance. Portable signs are subject to the same regulations as all other free standing or detached signs.

603.5 Election Campaign Signs: Election campaign signs are permitted in the City of Seneca, subject to the following conditions:

- a) An election campaign sign shall be permitted upon the qualification of a candidate or the approval of an issue to be placed on the ballot, through a period to not exceed seven (7) days after the election.
- b) Election campaign signs shall not be placed on public property, the public right-of-way, utility post, or trees.
- c) A permit, issued by the City is required to use election campaign signs.
- d) Issuance of a permit shall allow campaign signs to be placed on any privately owned parcel in the City and such signs shall not count against the total number of signs permitted for that parcel.

603.6 Displays: Temporary or permanent outdoor placement of inventory intended for immediate sale and used to advertise or promote the interests of any persons when placed in view of the general public, traveling along a public street right-of-way.

- a) In addition to a freestanding sign, a business may use a display with a valid sign permit. The display must be set ten feet back from the right-of-way with five foot side yard setbacks, and be no more than fifteen (15) feet in height. Surface area of the display is measured on the largest face and must not exceed 150

- square feet. Multiple displays may be used provided that they conform to the required setbacks and height limitations and the cumulative square footage does not exceed 150 square feet.
- b) Displays that are not intended for immediate sale and/or do not meet the guidelines of this ordinance will be considered outdoor storage of inventory.
 - c) Temporary Displays are displays that are only used during business operating hours. After business operating hours, temporary displays must be placed indoors or behind a solid six-foot stockade fence. Temporary displays do not require a valid sign permit.
 - d) Permanent Displays are defined as a display that is used during business hours as well as after business hours. Permanent displays may be accompanied, in lieu of the required fencing, by a ten (10) feet wide vegetative strip placed along the right of way. The vegetative strip must consist of one tree for every twenty (20) feet of road frontage. Required trees may be replaced by shrubs at a ratio of 3:1.
 - e) There are no off-premise displays allowed except for vacant lots (no improvements). Off –premise displays must obtain a valid sign permit and shall be the only sign and/or improvement permitted in the vacant property. (Ord. 00-04)

603.7 Temporary Signs: During any one year period, a business may obtain a permit for a temporary sign structure.

- a) Temporary signs shall be freestanding banners, flags (other than national, state, or local), pennants, fluttering ribbons or other fluttering devices. Portable signs shall not be classified as a temporary sign.
- b) The permitted copy area of a temporary sign is forty (40) square feet. Such temporary sign shall be set back no less than ten (10) feet from any street right-of-way line. The maximum height is ten (10) feet.
- c) A temporary sign may be displayed at various times, but the permit must state the start and end dates of the temporary signage, and not exceed 30 cumulative days in a year.
- d) The cost of a temporary sign permit shall be \$20.00 per year, and must be renewed before placement in consecutive years. In addition, the applicant must post a \$50.00 bond to insure compliance to the permit guidelines. Failure to comply with the temporary sign permit shall result in forfeiture of the full bond amount. After forfeiture of bond, if the applicant remains out of compliance, this will be a violation of the zoning ordinance and subject to action accordingly. (Ord. 01-01)

SECTION 604 SIGN ILLUMINATION

Illumination devices shall be so placed and so shielded that rays there from or from the sign itself will not be directly cast into any adjacent property or public right-of-way.

SECTION 605 HEIGHT RESTRICTIONS

No signs, except as otherwise provided, shall exceed the height limit of the district in which they are located.

SECTION 606 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

606.1 Permitted Signs and Conditions: The following types of signs are permitted in R-20, R-15, R-10, R-6, RG, RM, and RO Districts:

- a) Signs for which permits are not required;
- b) For multiple family dwellings, hotels, group dwellings, and for buildings other than dwellings, a single nonilluminated business identification sign not exceeding twenty-four (24) square feet in area. Such sign or bulletin board shall be set back not less than ten (10) feet from any street right-of-way line. In addition, such uses shall be permitted entrance, exit and directional signs, so long as such signs contain no more than

- four (4) square feet of copy area each, are no higher than three (3) feet above the ground or pavement, contain no advertisement, and are contained on the same parcel as the activity to which they pertain;
- c) Subdivision signs and temporary private directional signs, under the provisions of Subsection 603.3 and 603.4.

SECTION 607 SIGNS PERMITTED IN COMMERCIAL & INDUSTRIAL DISTRICTS

607.1 Permitted Signs and Conditions: The following type of signs are permitted in OC and NC Districts:

- a) All signs permitted in residential districts are permitted in OC and NC districts;
- b) On any occupied lot in an Office Commercial or Neighborhood Commercial District, one (1) free standing or detached sign is permitted for each three hundred (300) feet of road frontage, except for parcels with less than three hundred (300) feet of road frontage is permitted one (1) such sign. The permitted copy area of free standing or detached signs is fifty (50) square feet per sign. Such free standing or detached sign shall be set back not less than ten (10) feet from any street right-of-way line. The maximum height permitted is thirty (30) feet from pavement;
- c) Attached wall signs are permitted in compliance with Sections 603.1 and 603.2 of this ordinance;
- d) Signs may be illuminated in accordance with Section 604 of this ordinance.

607.2 The following types of signs are permitted in HC, GC, LI, and BI Districts:

- a) All signs permitted in residential districts are permitted in HC, GC, LI, and BI Districts;
- b) On any occupied zoning lot in a Highway Commercial, General Commercial, Light Industrial, or Basic Industrial district, one (1) free standing or detached sign is permitted for each three hundred (300) feet of road frontage, except for parcels with less than three hundred (300) feet of road frontage one (1) such sign is permitted. The permitted copy area of a free standing or detached sign is one hundred fifty (150) square feet per sign permitted. The maximum height permitted is thirty (30) feet from pavement. Such free standing or detached sign shall be set back not less than ten (10) feet from any street right-of-way line. For the purposes of this ordinance, portable signs are considered free standing and detached signs;
- c) Attached wall signs are permitted in compliance with Sections 603.1 of this ordinance;
- d) On any vacant zoning lot in a commercial or industrial district, on which no business enterprise is located, free-standing sign structures having a sign area not exceeding four hundred (400) square feet are permitted, provided such signs are located no closer than three hundred (300) linear feet from any other sign of the class requiring a permit on the same side of the street. Such free standing or detached sign shall be set back not less than ten (10) feet from any street right-of-way line;
- e) Signs in any commercial or industrial district may be illuminated.
- f) Displays, as defined in Section 603.6. (Ord. 00-04)

607.3 The following types of signs are permitted in CC Districts:

- a) All signs permitted in Section 607.1.
- b) The following type signs are expressly prohibited in the CC, Core Commercial, zone:
 - 1) Portable signs;
 - 2) Signs mounted on roof tops.

SECTION 608 SIGNS PERMITTED IN CONSERVATION - PRESERVATION DISTRICTS

608.1 Permitted Signs and Conditions: The following types of signs are permitted in CP Districts:

- a) One (1) non-illuminated business identification sign, not exceeding twenty (20) square feet in area, may be erected for each use permitted in Conservation - Preservation Districts;

SECTION 609 SIGNS PERMITTED IN MOBILE HOME PARK DISTRICTS

609.1 Permitted Signs and Conditions: The following types of signs are permitted in MHP Districts:

- a) One (1) non-illuminated professional or business name plate not exceeding four (4) square feet in area mounted flat against the wall of a building which there is conducted a permitted home occupation.
- b) Identification signs, illuminated or non-illuminated, not to exceed forty (40) square feet per entrance and shall have a maximum height of six (6) feet above ground. If two (2) signs are located at an entrance, the maximum combined copy area shall be forty (40) square feet. If a sign is to be illuminated, only indirect lighting shall be permitted, and only one (1) color of illumination shall be permitted.

ARTICLE VII

GENERAL PROVISIONS

SECTION 700 WATER AND AIR POLLUTION

All uses must be in satisfactory compliance with the requirements of the State Department of Health and Environmental Control and the Oconee County Health Department regarding the protection of waterways from pollution by waste materials and the protection of the atmosphere from pollution by dust, smoke, or other waste materials.

SECTION 701 CLASSIFICATION OF STREETS

For purposes of this Ordinance, all public streets in the City of Seneca, South Carolina, are hereby classified as being either major or minor streets. The classification of each public street in the City is designated on a list maintained by the Planning and Community Development Department.

SECTION 702 CORNER LOTS

On lots having frontage on more than one street at an intersection, the minimum front yard requirement may be reduced to one-half the regulated distance on the portion of the lot fronting on the street, or streets, with the less intense classification. If the streets are designated as being of equal intensity, then the property owner can choose the street along which he wishes to reduce his front yard requirement. However, in no case, shall the setback be reduced to less than fifteen (15) feet. The minimum front yard, for the portion of the lot fronting on the street of highest intensity, shall be provided in accordance with the provisions established by the Ordinance for the district in which the lot is located.

SECTION 703 LOCATION OF BUILDINGS ON LOTS AND RESIDENTIAL LIMITATIONS

Every building or use hereafter erected or established shall be located on a Lot or Lots of Record. In all cases, the principal building on a lot shall be located within the area formed by the building setback lines and, in no case, shall such a building infringe beyond the building setback lines into the respective front, side, rear yard setbacks required for the District in which the lot is located.

SECTION 704 DOUBLE FRONTAGE LOTS

On lots having frontage on two streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this Ordinance. On lots having frontage on more than two streets, the minimum front yard shall be provided in accordance with the regulations set forth in this Ordinance on at least two of the street frontages. Minimum side yard requirements for the zoning district in which located shall apply to the other streets fronted.

SECTION 705 FRONT YARD REQUIREMENTS

The setback requirements of this Ordinance shall not apply to any lot where the average setback on already built upon lots located wholly or in part within one hundred (100) feet on each such lot and within the block and zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such a lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots. However, in no case, shall setbacks be less than fifteen (15) feet.

SECTION 706 MEASUREMENT OF FRONT, SIDE, REAR YARDS: DETERMINATION OF BUILDABLE AREA

The required front, side and rear yards for individual lots, as set forth for the particular Zoning District within which a given lot is located, shall be measured inward toward the center of said lot and at right angles from all points along the respective front, side and rear property lines of the lot. Once the 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 lot shall be known as "Buildable Area".

SECTION 707 NONCONFORMING BUILDINGS OR USES

Non-conforming buildings or uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. However, to avoid undue hardship, the lawful use of any building or land uses at the time of the enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance except that the non-conforming building or land use or portions thereof, shall not be:

- 1) changed to another non-conforming use;
- 2) reused or reoccupied after discontinuance of use or occupancy for a period exceeding twelve (12) consecutive months;
- 3) re-established, reoccupied, or replaced with the same or similar building, or land use after physical removal or relocation from its specific site location at the time of passage of this Ordinance;
- 4) repaired, rebuilt, or altered after damage or destruction. Unless reconstruction or repair is permitted by the issuance of a building permit within six (6) months after damage is incurred and completed within twelve (12) months thereafter;
- 5) enlarged or altered in a way which increases its nonconformity.

Nothing in this section shall be meant to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official lawfully charged with protecting the public safety, upon order of such official.

SECTION 708 EXCEPTION TO NON-CONFORMING BUILDINGS OR USE REQUIREMENTS

A non-conforming mobile home may be replaced with another non-conforming mobile home, provided that the new mobile home is located on the site within 120 days after the non-conforming mobile home is removed. The new mobile home must also be made to comply with all requirements included within Section 731 of this ordinance.

SECTION 709 NON-CONFORMING BUILDING OR USE DISCONTINUANCE

Notwithstanding other provisions of this Ordinance, certain non-conforming buildings or land uses, after this Ordinance is enacted into law, shall be discontinued, and/or shall be torn down, altered or otherwise made to conform with this ordinance within the periods of time set forth below.

<u>Non-conformities</u>	<u>To Be Discontinued or Brought Into Compliance Within</u>
(1) Wrecking, junk, scrap or salvage yards and other open uses of land, off-premise outdoor advertising structures, automotive storage yards or outdoor storage yards for lumber, building materials, parts, or equipment, except that outdoor storage yards for lumber, builders materials, parts, or equipment that are an accessory use may be extended past the two year termination period if a solid stockade-type wall of at least six (6) feet in height is constructed and maintained to completely enclose the use.	Two (2) years
(2) Portable Signs and Signs related to uses which have gone out of business.	Ninety (90) days

SECTION 710 HOME OCCUPATION

A home occupation shall be permitted in any residential district provided that such occupation:

- a) Is conducted either wholly or in part, by no other persons than members of the household residing on the premises;
- b) Utilizes not more than twenty-five (25) percent of the total combined floor area of the principal and accessory building;
- c) Produces no alteration or change in the character or exterior appearance of the principal or accessory buildings from that of a dwelling;
- d) No display of products shall be visible from the street;
- e) Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition;
- f) Is not visibly evident from outside the dwelling, except for a sign of four (4) square feet or smaller in size mounted against a wall of the principal building is permitted.
- g) Tattoo facilities are not eligible for home occupation. (Ord. 2006-13)

SECTION 711 ACCESSORY USES

In addition to the principal uses, each of the following uses is considered to be a customary accessory use, and as such, may be situated on the same lot with the principal use or uses to which it serves as an accessory.

711.1 Uses Customarily Accessory to Public Uses, Building or Activities: There shall be no limitation regarding accessory uses to any use, building or activity operated within the public domain except that such uses, building or activities must be directly related and subordinate to the principal public use.

711.2 Uses Customarily Accessory to Dwellings:

- a) Private garage not to exceed the following storage capacities: One or two family dwelling - 4 automobiles;

Multiple family dwelling - 2 automobiles per dwelling unit; group dwelling - 1.5 automobiles per sleeping room.

- b) Open storage space or parking area for motor vehicles, including recreational vehicles, provided that such space does not exceed the maximum respective storage capacities listed under Subsection 711.2 (a) above; and provided that such space shall not be used for more than one (1) commercial vehicle licensed as one ton or less in capacity per family residing on the premises.
- c) Shed or tool room for the storage of equipment used in grounds or building maintenance.
- d) Private kennel for no more than three (3) dogs or three (3) cats, four (4) months of age or older.
- e) Private swimming pool, bath house or other recreational facility customarily accessory to dwelling units.
- f) Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.
- g) Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or slat house not over eight (8) feet in height.
- h) A satellite receiving dish. Such dish shall not be located closer than ten (10) feet from any lot line.

711.3 Uses Customarily Accessory to Church Building:

- a) Religious education or activity buildings;
- b) Parsonage, parsonium or parish house, together with any use accessory to a dwelling as listed under Section 711.2;
- c) Off-street parking area for the use without charge of members and visitors to the church.

711.4 Uses Customarily Accessory to retail businesses, office uses and commercial recreation facilities.

- a) Off-street parking or storage area for customers, clients or employee owned vehicles;
- b) Completely enclosed building for the storage of supplies, stock, or merchandise;
- c) Private airfields or airstrips, together with subordinate uses;
- d) Sheds or tool rooms for the storage of equipment used in operations or maintenance;
- e) Boat marina;
- f) Private docks, boat houses;
- g) Public port and docking facilities;
- h) Private swimming pools, bath houses, or cabanas;
- i) Swimming beach;
- j) Bait house;
- k) Golf Course;

711.5 Freight Container as an Accessory Use.

- a) Any freight container, box, or crate designed for multiple modes of transportation, either domestic or overseas, and used for transportation and temporary or permanent storage is an accessory use in Highway Commercial, General Commercial, Light Industrial and Basic Industrial zoning districts. This includes all containers with ribbed or flat walls and is built to rest flat on the ground, stacked, or attached to a mobile chassis for interstate transportation.
- b) Freight containers are prohibited in Neighborhood Commercial, Office Commercial, Core Commercial and all residential zoning districts.
- c) Freight containers must be placed in the rear of the property. If the rear of the property borders a street, an eight feet tall evergreen buffer shall be installed.

SECTION 712 SETBACK AND OTHER YARD REQUIREMENTS FOR ACCESSORY USE

Accessory uses shall be located in compliance with setbacks listed. No accessory use shall be located in front of the front line of the principal use located on any lot.

ZONING DISTRICT	MINIMUM SIDE SETBACK	MINIMUM REAR SETBACK
R-20	10'	10'
R-15	5'	10'
R-10	5'	5'
R-6	5'	5'
PD-R	5'	5'
PD-C	15'	10'
PD-MU	(1)	(1)
RM-8	(2)	(2)
RM-16	(2)	(2)
RG	5'	5'
RO	5'	5'
OC	15'	10'
NC	15'	10'
GC	15'	15'
HC	15'	15'
CC	n/a	n/a
LI (3)	15'	15'
BI (3)	15'	15'
CP	15'	15'

- 1) Residential portions of PD-MU districts shall be subject to PD-R regulations. Commercial portions of PDMU districts shall be subject to PD-C regulations.

- 2) Within non-single family attached townhouse complexes, the required rear setback for accessory uses shall be forty (40) feet; the minimum side setback shall be thirty (30) feet. Within single family attached townhouse developments, the minimum rear setback for accessory uses shall be five (5) feet and the minimum side setback shall be two (2) feet.

- 3) No manufacturing activities permitted within accessory structures.

SECTION 713 OFF-STREET PARKING

Areas suitable for parking or storing automobiles in off-street locations shall hereafter be required in all zoning districts, except in the Commercial Core Zoning Districts, at the time of the initial construction of any principal building producing an increase in dwelling units, guest rooms, floor area, seating or bed capacity, or when a conversion in use occurs. Such off-street parking areas shall have direct access to a street or alley, and shall be provided and maintained in accordance with the following requirements.

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Automobile Repair Garages	1 space per 150 square feet of net floor area
Automobile Sales Lots	1 space per 50 square feet of net floor area for customer and employee parking
Automobile Service Stations	3 spaces for each service bay, with minimum of 5 spaces required / Self-service gasoline sales: Minimum of 2 permanent spaces
Business & Professional Offices	1 space per 200 square feet of net floor area
Boarding & Lodging Houses	1 space per bedroom, plus 3 additional spaces
Churches & Other Places of Worship	1 space per 3 seats in main auditorium
Clinics & Similar Operations	1.25 space per 200 square feet of net floor area
Day Care Centers	8 spaces
Dwellings (Single & 2-family)	2 spaces per dwelling unit
Food Stores, equal to or less than 3,500 square feet	1 space per 50 s.f. of net floor area
Food Stores, greater than 3,500 square feet	1 space per 200 s.f. of net floor area (Ord. 01-04)
General Business, commercial or personal service establishments catering to retail trade, but not including food stores	1 space per 200 s.f. of net floor area
Homes for the aged, rest homes, personal care homes, and similar institutional uses	1 space per 3 beds, plus 3 spaces
Hospitals, sanitariums and nursing homes	1 space per 2 beds, plus 3 spaces
Lodges, Fraternal or Social Organizations	1 space per 200 s.f. of net floor area
Motels, Hotels, Tourist Homes and Transient Hotels	1.25 spaces per unit
Mobile Homes	2 spaces per each mobile home lot
Multi-family Apartment and Condominium Communities	1.75 parking spaces for each dwelling unit

City of Seneca

Fee-Simple Dwelling Units, attached or detached	2 spaces per dwelling unit
Self-storage, Mini-warehouse	5 spaces, plus 2 spaces if a residential manager's apartment is included
Shopping Centers	1 space per 200 s.f. of net floor area
Schools, elementary	2 spaces per classroom
Schools, secondary	5 spaces per classroom
Schools, College, Trade or Vocational	8 spaces per classroom
Community Recreation Centers, Swimming Pools, Golf Courses and similar uses	20 spaces
Auditoriums, Funeral Homes, Gymnasiums, Stadiums and other places of assembly	1 space per 4 seats
Theaters, Movie, Single screen	1 space per 4 seats, plus 5 spaces
Theaters, Movie, Multi-plex	1 space per 5 seats, plus 9 spaces
Wholesale, Warehousing Operations	1 space per 200 s.f. of net area devoted to sales or display. 1 space per 500 s.f. of net manufacturing area. 1 space per 5,000 s.f. of net floor area devoted to storage.
Manufacturing Facilities	1 space per 200 s.f. of net area devoted to sales or display. 1 space per 500 s.f. of net manufacturing area. 1 space per 5,000 of net floor area devoted to storage.
Any Use Not Otherwise Listed	1 space per 200 feet of net floor area.

SECTION 714 PARKING SPACE AREA REQUIREMENTS

714.1 All parking lots shall meet the following dimensional requirements, as a function of the lot design:

ANGLE OF PARKING SPACE	WIDTH OF STALL	DEPTH OF STALL	AREA OF STALL SQ. FT	MINIMUM DRIVEWAY WIDTH	LENGTH OF CURB
Parallel	9'	23' - 0"	207'	12' - 24'	23' - 0"
30 degree	9'	17' - 4"	156'	11' - 24'	18' - 0"
45 degree	9'	19' - 10"	178'	13' - 24'	12' - 9"
60 degree	9'	21' - 0"	189'	18' - 24'	10' - 5"
90 degree	9'	19' - 0"	180'	24' - 24'	9' - 0"

All figures are minimum requirements. For minimum driveway width, the first figure is for one-way traffic, the second figure is for 2-way traffic. Entry/Exit driveways shall have a minimum width of 24'.

714.2 No private parking lot shall have parking spaces with direct access onto a public street.

714.3 Access points to parking lots shall not be placed closer than thirty (30) feet to the intersection of two public road right-of-way lines.

714.4 All parking lots shall be paved.

714.5 Exceptions:

- 1) Single family dwelling units shall be exempted from Sections 714.1, 714.2, 714.4.
- 2) Attached duplex and single family attached townhouse units shall be exempted from Sections 714.1, 714.2.

714.6 Landscaping in Parking Lots. Any off-street parking area located within the front yard shall be buffered for the street by a landscaped strip as herein provided. Landscaping shall be provided on the length of the parking area at a minimum of 5 feet wide measured from the road right-of-way. Such landscaped area shall consist of trees, shrubs, grass or other decorative or vegetative ground cover*. Required is one tree, a minimum of a 2 inch caliper at planting, for every 50 feet of street frontage. Required for every five feet of street frontage is a shrub or bush. Placement in the landscaped area will be left up to the property owner's discretion with the Zoning Administrator's approval. No portion of this landscaped area shall contain bare soil. No impervious surface shall be allowed in this area except for driveways connecting the lot to the point of ingress and egress, sidewalks, boundary fences or walls. Nothing in this section shall be interpreted to require removal, grading or seeding of any natural area, existing trees, or vegetative matter. It shall be the responsibility of the Zoning Administrator to determine on a case-by-case basis whether or not the property owner must remove or supplement any existing natural areas, existing trees or vegetative matter.

In addition to the landscaping provided adjacent to the road right-of-way, any off-street parking area containing twenty or more off-street parking spaces located within a front or side yard shall be landscaped within the parking area as herein provided:

For each twenty off-street parking spaces located in a front or side yard, the following number of shrubs or trees shall be provided:

Shrubs: 10

Or

Trees: 2 (minimum of a 2 inch caliper at planting)

Such landscaped areas shall be separated from parking spaces, driveways and maneuvering areas by a curb at least six inches in height designed to minimize damage by vehicles to plants located in the landscaped area.

Any trees under utility lines shall be of small size in accordance to the recommended tree list. All vegetation shall be given proper care to retain a healthy and neat condition.

*A list of recommended trees will be kept on file in the Seneca Department of Planning and Development. (Ord. 2001-26)

SECTION 715 LOCATION ON OTHER PROPERTY

If the required automobile parking space cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property provided such property lies within four hundred (400) feet of the main entrance to such principal use. Such automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner.

SECTION 716 COMMON OFF-STREET PARKING AREAS

Two or more principal uses may utilize a common area in order to comply with off-street requirements, provided that the total number of individual spaces available in such common area is not less than the sum of the spaces required for the individual uses as separately computed in accordance with the provisions of this section, and provided that the owner of said lot relinquish his development rights over the property until such time as parking space is provided elsewhere.

SECTION 717 USE OF PUBLIC RIGHTS-OF-WAY FOR MANEUVERING

When determining parking area requirements for individual uses, portions of the public rights-of-way may not be considered as permissible for maneuvering incidental to parking. Parking facilities shall provide space outside the public rights-of-way for maneuvering incidental to parking.

SECTION 718 EXTENSION OF PARKING SPACE INTO A RESIDENTIAL DISTRICT

Required parking spaces may extend up to sixty-four (64) feet into a residential zoning district, provided that (1) the parking space adjoins a commercial or industrial district, (2) has its only access to or fronts upon the same street as the property in the commercial or industrial district for which it provides the required parking space, and (3) is separated from abutting properties in the residential district by a buffer strip as provided in Section 730.

SECTION 719 OFF-STREET LOADING AND UNLOADING SPACES

Except in the Core Commercial District every lot on which a business, trade, or industry is hereafter established, shall provide space as indicated herein for the loading and unloading of vehicles off the street. Such space shall have access to an alley or if there is no alley, to a street. For the purpose of this section, an off-street loading space shall have minimum dimensions of twelve (12) feet in width, by forty (40) feet in length, and be clear and free of obstructions at all times. Required space shall be considered as follows:

- a) Retail Business: One (1) space for each five thousand (5,000) square feet of gross floor area.
- b) Wholesale, industrial, governmental and institutional uses, including public assembly places, hospitals and educational institutions; One (1) space for the first twenty-five thousand (25,000) square feet of total floor area. For anything in excess of twenty-five thousand (25,000) square feet, such uses shall provide loading spaces according to the following schedule:

AREA	NO. OF SPACES
25,001 - 100,000	2
100,001 - 160,000	3
160,001 - 240,000	4
240,001 - 350,000	5

One (1) additional space shall be required for each 100,000 square feet of floor area over 350,000 square feet.

- c) Multi-family residences with ten (10) or more dwelling units: One (1) space.

SECTION 720 VISIBILITY AT STREET INTERSECTIONS

In all zoning districts established by this Ordinance, except the Core Commercial District, no fence, wall terrace, sign, shrubbery, planting or other structure or object capable of obstructing driver vision, between the heights of three (3) and ten (10) feet above the finished street level, shall be permitted on a corner lot within twentyfive (25) feet of the point formed by the intersection of the street right-of-way lines (or such lines extended in case of a rounded corner) which bound said lot.

SECTION 721 VISIBILITY AT PRIVATE DRIVES AND ENTRANCES INTERSECTING WITH PUBLIC STREETS

At the intersection of any private drive or entrance or exit of a common parking area with a public street, no fence, wall, hedge, sign or other structure or planting forming a material impediment to visibility over a height of two and one-half (2-1/2) feet shall be erected, planted, placed or maintained within ten (10) feet of the point formed by the intersection of the private drive and public street.

SECTION 722 EXCEPTIONS TO HEIGHT LIMITS

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, silos, chimneys, smokestacks, conveyors, roof signs, flag poles, masts and aerials, provided evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport approach zones or flight patterns.

SECTION 723 PARKING, STORAGE OR USE OF CAMPERS OR OTHER MAJOR RECREATIONAL EQUIPMENT

No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building, or is parked behind the nearest portion of a building to a street; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading or unloading. Such equipment shall be parked in accordance with all setbacks, yard and other requirements for accessory uses set forth within the residential districts in which they are located. No such equipment shall be continuously used for residential purposes when parked on a residential lot, or in any location not approved for such use, except that such use of this equipment shall be permitted for a period not to exceed seven (7) consecutive days, nor more than ten (10) days total in any ninety (90) day period.

SECTION 724 PARKING AND STORAGE OF CERTAIN VEHICLES

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any parcel zoned residential or commercial, other than in a carport or enclosed building. Inoperable automobiles shall not be parked or stored on any parcel zoned residential unless in a completely enclosed building. Automotive Dealerships and Automotive Service Stations operating in compliance with all regulations contained in this ordinance are exempt from this provision. The above pertains only to automotive vehicles and trailers requiring license plates by the South Carolina Department of Highways and Public Transportation.

SECTION 725

CURB CUTS AND ACCESS POINTS

Ingress-egress openings in concrete, asphalt, rock or other street curbing provisions, commonly referred to as "curb cuts", as well as other means of vehicular access to and from private property, shall be regulated in the zoning districts established by this ordinance in accordance with the following requirements:

725.1 Size and spacing of curb cuts and other access points. In no case shall a curb cut or other access point be less than nine (9) feet nor more than fifty (50) feet in length. No two curb cuts or other access points shall be closer than twenty (20) feet from each other except in residential zoning districts. (Special requirements for HC Zoning District in Section 512.4 (a)).

725.2 Location of curb cuts and other access points. At street intersections no curb cuts or other access points shall be located closer than 1) twenty (20) feet from the intersecting point of the two street right-of-way or property lines involved (or such lines extended in case of a rounded corner); or 2) twenty-five (25) feet from the intersection of the two curb lines involved (or such lines extended in case of a rounded corner), whichever is the least restrictive. (Special requirements for HC Zoning District in Section 512.4 (a)).

725.3 Access points in the vicinity of interchanges. In no case shall any curb cut, point of access or other means of vehicular ingress and egress from private property onto a public street be permitted closer than one hundred (100) feet to the intersecting point of that street's right-of-way line with the right-of-way line of any portion of an interchange involving grade separations with that road and any limited access highways; said interchange to include all portions of all ramps, acceleration and deceleration lanes, merge lanes, and other facilities specifically designed to facilitate traffic movement onto and off the limited access highway.

725.4 Access on a parcel for any use permitted must be through the zoning district in which the use is permitted. When an abutting zoning district is of the same general zoning category as the district in which a use is permitted, it may be used to access the use. The general zoning categories referenced in Section 1002.1 are Residential, Commercial, and Industrial.

SECTION 726

ON STREET PARKING OR STORAGE

No major equipment or trucks used for commercial purposes, either public or private, shall be parked or stored on a public street right-of-way in a residential district; nor shall the above equipment or trucks be parked or stored on a residential lot except in a carport or enclosed building or parked behind the portion of a principal building nearest to the street; not more than one (1) such vehicle is permitted on any residential lot; however, such equipment, trucks or vehicles may be parked in the prohibited areas for a period not to exceed twenty-four (24) hours in a given ten (10) day period. During such hours, said equipment or trucks or vehicles shall be parked in accordance with the minimum setbacks, yard and other requirements for accessory uses set forth for the residential district in which they are located.

SECTION 727

PARKING OF TRANSFER TRAILERS, BUSES, AND DUMP TRUCKS

The parking of large trucks (over one ton), transfer trailers, and busses shall be permitted in Limited Industrial and Basic Industrial zoning districts. The parking of these vehicles shall be permissible as an accessory use only in Highway Commercial and General Commercial zones; provided that such use is accessory; provided that not more than three (3) of these type vehicles are parked on any one (1) lot; provided that a paved, all weather surface is provided; and provided that the parking area is located behind the front wall of any principal building or structure; parking of these type vehicles shall be in accordance with all setbacks of the applicable zoning category.

SECTION 728 MODULAR BUILDING STANDARDS

Any modular building, as defined in Section 1100 of this ordinance, in use in the City of Seneca shall be in compliance with the standards set forth in the South Carolina Modular Buildings Construction Act of 1984, and shall bear the certification seal of the South Carolina Building Code Council.

SECTION 729 FACILITIES OF THE U.S. MILITARY AND S.C. NATIONAL GUARD

Facilities of the military of the U.S. Government or the S.C. National Guard shall be permitted in any zoning district, subject to the setback, height, density, and parking requirements of that district.

SECTION 730 BUFFER PROVISION

Buffers are intended to separate different land uses from each other to eliminate or minimize potential impacts such as dirt, litter, noise, glare of lights, signs, and unsightly building or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions. Buffers shall be installed and maintained in compliance with all of the regulations included herein.

730.1 Buffer Composition. The buffer shall be composed of a solid fence or wall and/or densely planted vegetation as required to extend along the external length of the fence or wall.

- a) The fence or wall may be composed of brick, finished concrete, mortar, wood, stone, masonry units, or a combination of the above. The wall shall have a solid appearance.
- b) Vegetation may include a mixture of evergreen trees and shrubbery that will form a continuous vegetative screen within two (2) years of installation and reach the height as required herein below within twelve (12) months of installation.

730.2 Buffer Height. Buffer height requirement shall be determined by ascertaining the buffer yard requirement in the table so named and shown in Section 730.3A. The Buffer yard type required shall be required in the table shown in Section 730.3B. Where more than one buffer yard type is allowed, the applicant shall have a choice, and must designate that choice on the site plan.

730.3 Buffer Width. Buffer width requirement shall be determined by ascertaining the buffer yard requirement in the table so named and shown in Section 730.3A. The Buffer yard type required shall be required in the table shown in Section 730.3B. Where more than one buffer yard type is allowed, the applicant shall have a choice, and must designate that choice on the site plan.

a) Buffer Yard Requirements:

PROPOSED LAND USE	EXISTING LAND USE						
	SINGLE FAMILY	DUPLEXES OR MOBILE HOMES	MULTI-FAMILY	COMMERCIAL/ INSTITUTIONAL	INDUSTRIAL	VACANT ¹	ALL OTHER ¹
SINGLE FAMILY DETACHED DWELLING	*	*	*	*	*	*	*
TWO FAMILY DETACHED DWELLING (DUPLEXES) & MOBILE HOMES	A	*	*	*	*	*	*
MULTI-FAMILY DWELLING	A	*	A	A	A	A	A
1-3 UNITS PGA	A	*	A	A	A	A	A
4-11 UNITS PGA	B	A	B	B	B	B	B
12+ UNITS PGA	C	B	C	C	C	C	C
MOBILE HOME PARKS OR COURTS ²	C	B	C	C	C	C	C
COMMERCIAL/ INSTITUTIONAL	C	C	C	*	*	C/A	C/A
LIMITED INDUSTRIAL	D	D	D	C	*	C/A	C/A
BASIC INDUSTRIAL	E	E	E	D	*	D/B	D/B

1 Use first letter if property zoned residential; if other zoning, use second letter.

2 Mobile Home Parks or Courts must meet requirements set forth in Section 508.4(h).

*No buffer required.

(PGA) = Per gross acre

b) Buffer yard types:

TYPE OF BUFFER	VEGETATION HEIGHT ¹	BUFFER WIDTH ²	WALL HEIGHT
A	4'	5'	*
B	6'	10'	*
C	4'	10'	6' WOODEN
	6'	15'	*
D	6'	10'	8' WOODEN
	8'	35'	*
E	6'	15'	8' MASONRY
	8'	45'	*

1 Vegetation shall include a mixture of evergreen trees and shrubbery that will form a continuous vegetative screen within two years of installation.

2 The buffer width shall be measured within the setback from the property line toward the center of the lot.

*No wall required.

NOTE: All values represent minimums

730.4 General Buffer Requirements.

- a) The front line of any side yard buffer strip shall begin at the point where the private property line and public right-of-way intersect, and shall extend back to the rear lot line, except that the buffer requirements shall apply to all property lines of a landfill;
- b) No development, parking areas, structures or accessory buildings, except landscaping and the required fence or wall shall be placed in a buffer area;
- c) Buffer areas shall be properly maintained. The fence or wall shall not be allowed to deteriorate into a dilapidated condition. Vegetation shall be given proper care to retain a healthy and neat condition;
- d) Required setbacks, as set forth in Section 522.6 shall be measured from internal buffer area borders. The buffer strip is in addition to required setbacks; (Ord. 00-26 11/14/00)
- e) A required buffer must be completely installed prior to the issuance of a Certificate of Occupancy, except that if the installation of a planting screen is impractical at the time of construction, the property owner may post bond, the amount of which is to be determined by the Building Inspector subject to approval by City Council, to ensure the planting screen will be installed within a specified period of time. Forfeiture of bond does not preclude the City from taking any other action necessary, as provided herein, to enforce the regulations included in this ordinance.

730.5 There shall be no buffer requirement for Core Commercial Districts.

SECTION 731 MOBILE HOME STANDARDS

731.1 All mobile homes brought into the City of Seneca or relocated within the City subsequent to the adoption of this ordinance, whether placed in a mobile home park or on an individual parcel, shall be required to be in compliance with each of the requirements listed in Section 731.3 of this ordinance. In addition, all mobile homes located in the City prior to the adoption of this ordinance shall be brought into compliance with Section 731.3 within twenty-four (24) months of the adoption of this ordinance.

731.2 No Certificate of Occupancy shall be issued for any mobile home originally brought into the City of Seneca or relocated within the City subsequent to the adoption of this ordinance unless it shall have been determined by the Building Inspector that the mobile home is in full compliance with each requirement included in Section 731.3, below.

731.3 Mobile Home Requirements:

- a) Permanent steps, composed of either precast concrete, mortar, brick, wood, or metal are to be installed.
- b) If steps are thirty (30) inches or greater in height, permanent handrails are to be installed.
- c) All corners are to be supported by double piers, and additional piers are to be spaced no greater than ten (10) feet apart.
- d) Corner piers and all other piers of at least forty (40) inches in height are to have minimum length and width dimensions of 16" x 16", are to be composed of interlocking masonry units, and are to be capped with a minimum of four (4)-inch thick solid masonry unit.
- e) All piers are to be set in a concrete base with dimensions of at least 16" x 16" x 4".
- f) Either over-the-top or frame based tie-downs are to be installed and maintained.
- g) Solid skirting of either wood, brick, vinyl, metal, or masonry is to be installed, and is to be painted, unless composed of brick or stone.
- h) Skirting is to be constructed and maintained in a manner so as not to create a fire hazard or to harbor trash or rodents.
- i) Skirting material is to be maintained in a sound state of repair, is to be vented, and is to have an access door.

SECTION 732 PROHIBITION AGAINST JUNK, GARBAGE, TRASH, SALVAGE MATERIAL AND SCRAP MATERIAL

It shall be unlawful to store any junk, garbage, trash, salvage material, scrap material, debris, or any other matter deleterious to good health and public sanitation on any lot in the city, except as specifically provided within this ordinance.

SECTION 733 HOUSEHOLD OCCUPANCY

When occupants are unrelated as defined by this Ordinance, no more than four (4) occupants are permitted to reside in a dwelling unit and shall comply with the following: For each occupant, one off street parking space shall be provided. In any dwelling unit only one family as defined by this Ordinance may occupy a unit. Additionally, in a dwelling unit occupied primarily by a family, one additional occupant may reside within the dwelling unit.

DEFINITIONS:

Family: Two (2) or more persons related by blood, marriage, adoption, or guardianship.

Household: A family, occupant, or a group of occupants not exceeding the maximum number set forth in Section 733, residing within one dwelling unit.

Occupancy: The maximum number of persons permitted to reside within a single dwelling unit as set forth in Section 733.

Occupant: A resident of a dwelling unit who is unrelated by blood, marriage, adoption, or guardianship to other occupants in such dwelling unit.

SECTION 734. SEXUALLY ORIENTED BUSINESSES

734.1 PURPOSE AND INTENT. It is the purpose of this Section to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the city. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Similarly, it is not the intent or effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this Section to condone or legitimize the distribution of obscene material.

734.2 DEFINITIONS.

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 “certain sexual activities” or “specified anatomical areas.”

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:

- a) Books, magazines, periodicals, or other printed matter, or photographs, films, motion picture, video cassettes, or video reproductions, slides, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”; or
- b) Instruments, devices, or paraphernalia 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 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 area”.

Adult cabaret means nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- a) Persons who appear in a state of nudity; or
- b) Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or

- c) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical area”.

Adult motel means a hotel, motel, or similar commercial establishment which:

- a) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, 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
- b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- c) 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.

Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

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”.

Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Establishment means and includes any of the following:

- a) The opening or commencement of any sexually oriented business as a new business;
- b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- c) The additions of any sexually oriented business to any other existing sexually oriented business; or
- d) The relocation of any sexually oriented business.

Nude model studio means any place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nudity or a state of nudity means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

Permittee and/or licensee means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

Person means individual, proprietorship, partnership, corporation, association, or other legal entity.

Semi-nude means a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual encounter center means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- b) 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-nude.

Sexually oriented business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

Specified anatomical areas means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

Specified sexual activities means and includes any of the following:

- a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- c) Masturbation, actual or simulated; or
- d) Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

Substantial enlargement of a sexually oriented business means the increase in floor area occupied by the business by more than twenty-five (25) percent.

Transfer of ownership or control of a sexually oriented business means and includes any of the following:

- a) The sale, lease, or sublease of the business;
- b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- c) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

734.3 CLASSIFICATION. Sexually oriented businesses are classified as follows:

- 1) Adult arcades;
- 2) Adult bookstores or adult video stores;
- 3) Adult cabarets;
- 4) Adult motels;
- 5) Adult motion picture theaters;
- 6) Adult theaters;
- 7) Escort agencies;
- 8) Nude model studios; and
- 9) Sexual encounter centers.

734.4 PERMIT REQUIRED.

- 1) A person commits a misdemeanor if he operates a sexually oriented business without a valid permit issued by the city for the particular type of business.
- 2) An application for a permit must be made on a form provided by the Zoning Administrator. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be

professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

- 3) The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the health department, fire department, and building official.
- 4) If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten (10) percent or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a ten (10) percent or greater interest in the corporation must sign the application for a permit as applicant.
- 5) The fact that a person possesses other types of state, county, or city permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business permit.

734.5 ISSUANCE OF PERMIT AND FEE.

- 1) The City Zoning Administrator shall approve the issuance of a permit to an applicant within thirty (30) days after receipt of an application unless he finds one or more of the following to be true:
 - a) An applicant is under eighteen (18) years of age.
 - b) An applicant or an applicant's spouse is overdue in his or her payment to the city of taxes, fees, fines, or penalties assessed against him or her or imposed upon him or her in relation to a sexually oriented business.
 - c) An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the applicant form.
 - d) An applicant is residing with a person who has been denied a permit by the city to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
 - e) The premises to be used for the sexually oriented business has not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.
 - f) The permit fee required by this ordinance has not been paid.
 - g) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this Section.
 - h) The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
- 2) The annual fee for a sexually oriented business permit is five hundred dollars (\$500.00).

734.6 INSPECTION. An applicant or permittee shall permit representatives of the police department, health department, fire department, or other city departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business, and it is unlawful to refuse to permit such inspection of the premises at any time it is occupied or open for business.

734.7 EXPIRATION OF PERMIT.

- 1) Each permit shall expire one year from the date of issuance and may be renewed only by making application as provided herein. Application for renewal should be made at least thirty (30) days before the expiration date, the expiration of the permit will not be affected except for good cause shown.

- 2) When the zoning administrator denies renewal of a permit, the applicant shall not be issued a permit for one year from the date of denial. If, subsequent to denial, the zoning administrator finds that the basis for denial of the renewal permit has been corrected or abated, the applicant may be granted a permit.

734.8 **SUSPENSION OF PERMIT.** The zoning administrator may suspend a permit for a period not to exceed thirty (30) days if he determines that a permittee or an employee of a permittee has:

- 1) Violated or is not in compliance with any section of this ordinance;
- 2) Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
- 3) Refused to allow an inspection of the sexually oriented business premises as authorized by Section 734.6;
- 4) Knowingly permitted gambling by any person on the sexually oriented business premises.

734.9 **REVOCAION OF PERMIT.**

- 1) The zoning administrator shall revoke a permit if a cause for suspension in Section 734.8 occurs and a permit has been suspended within the preceding twelve (12) months for willful and knowing violation of this ordinance.
- 2) The zoning administrator shall revoke a permit if he determines that
 - a) A permittee knowingly gave false or misleading material information in the application submitted to the zoning department during the application process;
 - b) A permittee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - c) A permittee or an employee has knowingly allowed prostitution on the premises;
 - d) A permittee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;
 - e) A permittee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted premises; or
 - f) A permittee is delinquent in payments to the city, county, or state for any taxes or fees past due related to the sexually oriented business.
- 3) When the zoning administrator revokes a permit, the revocation shall continue for one year, and the permittee shall not be issued a sexually oriented permit for one year from the date revocation became effective. If, subsequent to revocation the zoning administrator finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date the revocation became effective.

734.10 **PERMIT.** A permittee shall not transfer his permit to another, nor shall a permittee operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application.

734.11 **LOCATION OF SEXUALLY ORIENTED BUSINESSES.**

- 1) Reserved.
- 2) A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business outside of a designated General Commercial (GC) zoning district. All sexually oriented businesses shall be located within a General Commercial (GC) zoning district.
- 3) A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business within five hundred (500) feet of:
 - a) A church;
 - b) A public or private elementary or secondary school;
 - c) A boundary of any residential zoning district;
 - d) A boundary of any Conservation Preservation (CP) zoning district;

- e) A public park adjacent to any residential zoning district;
 - f) The property line of a lot devoted to residential use; or
 - g) A day care facility.
- 4) A person commits a misdemeanor if he causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of sexually oriented business within five hundred (500) feet of another sexually oriented business.
 - 5) A person commits a misdemeanor if he causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.
 - 6) For the purpose of Section 734.11, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential zoning district, residential lot or Conservation Preservation zoning district.
 - 7) For purposes of subsection (4) of Section 734.11, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
 - 8) Any sexually oriented business lawfully operating at the time of passage of this Section that is in violation of subsection (1) through (7) of this Section 734.11 shall be deemed a non-conforming use. The nonconforming use will be permitted to continue for a period not to exceed two (2) years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within five hundred (500) feet of one another and otherwise is a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is non-conforming.
 - 9) A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public park or private elementary or secondary school, public park, residential district, residential lot or a Conservation Preservation zoning district within five hundred (500) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

734.12 ADDITIONAL REGULATIONS FOR ADULT MOTELS.

- 1) Evidence that a sleeping room in a hotel, motel, or similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.
- 2) A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit, he rents or sub-rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he rents or sub-rents the same sleeping room again.
- 3) For purposes of subsection (2) of this section, the terms “rent” or “sub-rent” mean the act of permitting a room to be occupied for any form of consideration.

734.13 REGULATIONS FOR EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS.

- 1) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space a film, video cassette, or other video reproduction which depicts specified sexual activities shall be subject to the following specified requirements:
 - a) Upon application for a sexually oriented permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The zoning administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
 - b) The application shall be sworn to be true and correct by the applicant.
 - c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the zoning administrator or his designee.
 - d) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
 - e) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
 - f) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in subsection (e) remains unobstructed by any walls, merchandise, display racks or other materials or videos, as defined in subsection (a) of this section, and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (a) of this section.
 - g) No viewing room may be occupied by more than one person at any time.
 - h) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one footcandle as measured at the floor level.
 - i) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above, is maintained at all times that any patron is present in the premises.
- 2) A person having a duty under subsection (a) through (i) of subsection (1) above commits a misdemeanor if he knowingly fails to fulfill that duty.

734.14 EXEMPTIONS. It is a defense to prosecution under this Article that a person appearing in a state of nudity did so in a modeling class operated:

- 1) By a proprietary school, licensed by the state of South Carolina; a college, junior, or university supported entirely or partly by taxation;

B. Other Height Limitations: Towers and/or antennae **mounted on** buildings, water tanks or structures other than a free standing or guyed communications tower must not extend more than 30 feet above the highest part of the structure.

C. Application requirements: The applicant for a conditional use Certificate of Zoning Compliance for construction of a communications tower or placement of a commercial telecommunication antenna on existing structure other than a tower previously permitted must file with the Zoning Administrator an application accompanied by a fee of \$200.00 and the following documents, if applicable:

1. One copy of specifications for proposed structures and antennae, including description of design characteristics and material;
2. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting the 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.)
3. A current map, or update for an existing map on file, showing locations of applicant's antennae, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the City;
4. 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;
5. Identification of the owners of all antennae and equipment to be located on the site;
6. Written authorization from the site owner for the application;
7. Evidence that a valid FCC license for the proposed activity has been issued;
8. A written agreement to remove the tower and/or antenna within 180 days after cessation of use;
9. Evidence that applicable conditions in subsection C. are met; and
10. Additional information required by the Zoning Administrator for determination that all applicable zoning regulations are met.

D. Conditions: The following conditions shall be met before the Zoning Administrator grants a conditional use providing for a communication tower.

- 1) Tower Illumination - Communication towers shall be illuminated only as required by the Federal Communications Commission (FCC) and/or the Federal Aviation Administration (FAA).
- 2) Tower Color - Communication towers shall be light gray such as properly maintained, unpainted, galvanized steel, unless otherwise required by the Federal Aviation Administration with the exception of stealth towers.
- 3) Signage - A single sign, a maximum of two (2) square feet in size which includes the name(s) of the company(ies) operating the equipment and a phone number for emergencies shall be displayed in a visible location on or near the communication tower. No advertising of any type may be attached to a communication tower.
- 4) Security - A freestanding communication tower and associated structures shall be secured by a masonry wall or fence measuring eight (8) feet in height with the exception of stealth towers.
- 5) Landscaping - Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five (5) feet shall be planted with a maximum spacing of five (5) feet around the immediate perimeter of the security wall or fence surrounding the communication tower and associated structures. Plants shall be at least three (3) gallon container plants or 24 inches tall at the time of planting. At least one row of evergreen trees with a minimum caliper of 1.75 inches at the time of planting shall be installed at a maximum spacing of 25 feet within a 50 foot radius of the communication tower. Landscaping will leave an area eight (8) feet in width to allow for driveway access to the tower.
- 6) A Certificate of Occupancy shall not be issued until the required landscaping is completed. When the occupancy of a structure is desired prior to the completion of the required landscaping, a certificate of occupancy may be issued only if the owner(s) or developer(s), provide(s) to the City a form of surety

satisfactory to the City Council and in an amount equal to one hundred twenty-five percent (125%) of the costs of planting. The council shall require the posting of a bond with a corporate surety to guarantee that the landscaping as set forth by this section will be materially adhered to and to allow for rectification of improper planting characteristics. All required landscaping must be installed and approved by the first planting season following issuance of the Certificate of Occupancy or the bond will be forfeited to the City of Seneca.

- 7) The owners and their agents shall be responsible for providing, protecting, and maintaining all required landscaping material in healthy condition, replacing unhealthy or dead plant materials within one year or by the next planting season, whichever comes first. Replacement material shall comply with the approved landscape plan.
- 8) Antenna Capacity - Wind Load. The communication tower shall be designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest version) standards. Certification from a structural engineer registered in South Carolina shall constitute proof that such standards have been met.
- 9) License - The owners of a communication tower shall possess a valid FCC license for the proposed activity.
- 10) Co-Location - A new communication tower shall be designed to accommodate additional antennae equal in number to applicant's present and reasonably anticipated future requirements.
- 11) Distance from Existing Tower - A permit for a proposed communication tower site within 1,300 feet of an existing communication tower shall not be issued unless the applicant certifies that the existing communication tower does not meet applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained.
- 12) Safety Codes Met - A communication tower shall comply with all applicable health, nuisance, noise, fire, building and safety code requirements.
- 13) Setbacks - Respective zoning district setbacks shall apply, except that in residential districts setbacks equal to 150% of applicable setbacks shall apply. On sites bordering residential uses, the bordering side of such sites shall observe setbacks equal to 150% of applicable district setbacks.
- 14) Historic and Architecturally Significant Properties - A communications tower must be a minimum distance equal to one-half the height of the tower from property designated historic or architecturally significant, and it must then be set back from all other lot lines distances equal to the district setback requirements or 25% of the tower height, whichever is greater, on the property in which it is placed.

E. Appeal to Board: Applicant may appeal to the Board of Zoning Appeals as follows:

1. Failure of the Zoning Administrator to act on an application which is determined to be complete under this section within 45 days, unless extended by agreement, may be considered by applicant to be a denial of a permit which is subject to appeal to the Board of Zoning Appeals.
2. Applicant may appeal to the Board for a variance from general zoning district regulations and setback requirements in this section, but not from any other conditions in this section.

SECTION 736

DRIVEWAYS

Single family detached residences, single family attached duplexes and single family attached townhouses shall have paved driveways of concrete or asphalt with base material of crushed limestone or other suitable material. Such driveways shall at a minimum extend from the right-of-way line of the adjacent public street to the front yard setback, in accordance with Sections 522.8, 702, 704, and 705. Driveways shall be a minimum of nine (9) feet wide and paved areas shall be no less than two (2) feet from a side property line. Driveways shall terminate at the right-of-way so as to allow for an apron to be added from the existing public street pavement to the driveway as needed. (Ord. 2003-08)

ARTICLE VIII

ADMINISTRATION, ENFORCEMENT, APPEAL, COMPLAINTS, AND REMEDIES

SECTION 800 ADMINISTRATION AND ENFORCEMENT

It shall be the duty of the Zoning Administrator, who is hereby given the authority, to administer and enforce the provisions of this Ordinance. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, the Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering action necessary for correction. The Administrator shall order the discontinuance of any use of land, buildings, or structures that is not in compliance with the provisions of this ordinance. The Administrator is hereby authorized to utilize the remedies provided herein to enforce and to ensure the compliance of this ordinance.

SECTION 801 CERTIFICATE OF ZONING COMPLIANCE

The Zoning Administrator shall be responsible for the issuance of, and shall have authority over, Certificates of Zoning Compliance. A Certificate of Zoning Compliance shall be required for the construction of a new building or structure, or the alteration of an existing building or structure. All applications for a Certificate of Zoning Compliance shall be in accordance with the requirements contained within this provision.

801.1 Application for a Certificate of Zoning Compliance for the construction of a new building or structure or for the alteration of an existing building or structure. All applications for a Certificate of Zoning Compliance for the construction of a new building or structure, or for the alteration of an existing building or structure, except for those listed in Section 801.1.1 below, shall be accompanied by two (2) copies of a site plan drawn by a licensed surveyor, architect, engineer, or land planner, to bear the seal of the preparer. Plans are to be drawn to scale, and must include each of the following:

- a) Scale;
- b) North arrow;
- c) Street address of the subject parcel;
- d) Current zoning classification of subject property and all adjacent properties;
- e) Names of all abutting streets;
- f) All parcel lines of the subject parcel, with dimensions shown, and any intersecting property lines of adjacent parcels;
- g) Setback and buffer areas required under provisions of this ordinance;
- h) The exact location of all existing buildings and structures, accessory buildings and structures, and signs, with footprint dimensions of all buildings and structures shown;
- i) The exact location of all proposed buildings and structures, accessory buildings and structures, and signs, with footprint dimensions of all buildings and structures shown;
- j) The exact location of all parking lots, driveways, entrances, exits, and loading zones, with the width of each driveway shown, and the dimensions of parking spaces indicated;
- k) The number of parking spaces to be installed is to be indicated;
- l) The exact location of any lakes, ponds, retention areas, rivers, bodies of water, or 100 year floodplain areas; and
- m) Any legally recorded easements and/or rights-of-way.

801.1.1 Exceptions to Application Requirements for Certificates of Zoning Compliance.

- a) New Construction or Alteration of Buildings or Structures within the Core Commercial Zoning District. No sketch is required to accompany an application for a Certificate of Zoning Compliance for parcels located within the Core Commercial (CC) Zoning District, except that applications for Certificates of Zoning Compliance for signs shall be subject to the provisions of Section 803 (6) below.
- b) Single Family Dwellings and Accessory Structures. All applications for a Certificate of Zoning Compliance for the new construction or placement of a Single Family Dwelling or the new construction and placement of an Accessory Structure, as defined in Section 711 of this ordinance, shall be accompanied by two (2) copies of a sketch of the subject parcel drawn to scale, to include each of the following:
 - 1) Scale;
 - 2) Street address of the subject parcel;
 - 3) All parcel lines, with dimensions shown;
 - 4) Names of all abutting streets; and
 - 5) The exact location and footprint dimensions of the proposed accessory structure or structures.

801.2 Fees Authorized for Certificates of Zoning Compliance. The City of Seneca is hereby authorized to establish a reasonable application fee, to be established by the City Council of the City of Seneca, to cover the administrative costs of reviewing applications for zoning compliance. The acceptance of an application fee by the City of Seneca in no way acknowledges approval of an application or obligates the City to approve an application. A Certificate of Zoning Compliance is not valid until issued by the Zoning Administrator.

SECTION 802 CERTIFICATE OF ZONING COMPLIANCE REQUIRED

No building permit for any construction, alteration, or modification of any building, structure, or sign shall be issued unless a Certificate of Zoning Compliance shall first have been issued by the Zoning Administrator. Nothing in this provision is intended in any way to limit the authority of the Zoning Administrator to enforce the provisions of this ordinance.

SECTION 803 SIGN PERMITS

All applications for a sign permit shall be accompanied by two (2) copies of sketches of the subject parcel drawn to scale, to include each of the following:

- 1) Scale;
- 2) Street address of subject parcel;
- 3) If for a free standing sign, the exact location of all existing free standing signs, and the exact location of the proposed sign;
- 4) If for a free standing sign, a sketch of the sign frame and structure, to include dimensions;
- 5) If for a wall, facia, or facade sign, an elevation of the side of the building (to include dimensions) for which the sign is to be placed, to show the exact location and dimensions of all existing and proposed signs;
- 6) For a sign to be located within the Core Commercial, (CC) zoning district, a complete sketch of the sign shall be required, to include an indication of copy size and colors; and
- 7) Written authorization from the property owner for the sign installation.

SECTION 804

CERTIFICATES OF OCCUPANCY FOR NEW OR ALTERED USES

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in use or structure unless a Certificate of Occupancy shall have been issued by the Building Inspector. No Certificate of Occupancy shall be issued unless the Zoning Administrator shall have first approved the new construction, alteration, modification, or enlargement, as being consistent with information provided on the application for the Certificate of Zoning Compliance issued to obtain a building permit for said construction, alteration, modification, or enlargement.

Nothing in this provision is intended in any way to prohibit or limit the City's authority to mitigate zoning violations as they are discovered by the Zoning Administrator. A Certificate of Occupancy can be revoked at any time should it be discovered that any construction, alteration, modification, or enlargement of a building or structure is not consistent with the information provided on the application for a Certificate of Zoning Compliance issued to obtain a building permit for the construction, alteration, modification, or enlargement of any structure on the subject parcel.

SECTION 805

CONDITIONAL AND TEMPORARY USES

Conditional uses, as set forth in Article V of this Ordinance, are declared to possess characteristics which require certain controls in order to insure compatibility with other uses in the district within which they are proposed for location.

805.1 General Requirements: Conditional uses shall be permitted subject to a determination by the Zoning Administrator that they conform to all regulations set forth herein, with particular reference to those requirements established for those districts in which they are proposed for location.

805.2 Conditional Use Administration and Duration: Applications for permission to build, erect, or locate a conditional use shall be submitted and processed in accordance with the regulations set forth herein, prior to the issuance of any permits.

805.3 Temporary Uses: The Zoning Administrator is authorized to issue a temporary Certificate of Zoning Compliance for temporary uses, as follows:

- a) Carnival or circus for a period not to exceed twenty-one (21) days, subject to the approval of City Council.
- b) Religious meetings in a tent or other temporary structure in GC, HC, LI, and BI Districts, for a period not to exceed sixty (60) days.
- c) Open lot sale of Christmas trees, pumpkins, or fireworks in the NC, OC, GC, CC, HC, LI, and BI Districts for a period not to exceed forty-five (45) days.
- d) Real estate sales office, in any district, for a period not to exceed one (1) year, provided no cooking or sleeping accommodations are maintained in the structure.
- e) Contractor's office and equipment sheds, in any district, for a period of one (1) year, provided that such office be placed on the property to which it is appurtenant.
- f) Those uses the Zoning Administrator finds compatible, not to exceed sixty (60) days.
- g) All temporary Certificates of Zoning Compliance may be renewed provided that they are clearly of a temporary nature, will cause no traffic congestion, and will not create a nuisance to surrounding uses.
- h) Yard sales, garage sales or rummage sales including open storage and display of merchandise and/or display tables or display devices shall not exceed two consecutive days per week. When said yard sale, garage sale or rummage sale is not in operation, all merchandise, display tables and other display devices shall be stored in a completely enclosed building. All merchandise and display tables shall be removed by dark.

ARTICLE IX

BOARD OF ZONING APPEALS

SECTION 900 ESTABLISHMENT OF THE BOARD OF ZONING APPEALS

A Board of Zoning Appeals is hereby established. Said Board shall consist of five (5) members, a majority of which constitutes a quorum, who shall be appointed by the Seneca City Council for overlapping terms of three (3) years, provided, however, no member shall serve more than two (2) consecutive terms and will not be eligible for reappointment for an additional one (1) year period. Initial appointments shall be as follows: Two (2) board members for a term of three (3) years, two (2) members for a term of two (2) years, and one (1) member for a term of one (1) year. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. 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 the City of Seneca. (Ord. 2004-35)

Prior to appointing members for each term, as described above, the City shall run a public notice two (2) consecutive weeks in a newspaper with a general circulation in the City of Seneca.

SECTION 901 PROCEEDINGS OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall elect a chairman and a vice-chairman from its members who shall serve for one (1) year or until re-elected or until their successors are elected. The Board of Zoning Appeals shall appoint a secretary, who may be a City officer, an employee of the City, a member of the Planning Commission or a member of the Board of Zoning Appeals. The Board of Zoning Appeals shall adopt rules and by-laws in accordance with the provisions of this Ordinance and of the Code of Laws of South Carolina, Title 6, Chapter 29. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other times as the Board of Zoning Appeals may determine. All meetings of the Board of Zoning Appeals shall be open to the public.

SECTION 902 DECISIONS OF THE BOARD OF ZONING APPEALS

The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation of this Ordinance. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Zoning Appeals and shall be a public record. On all appeals, applications, and matters brought before the Board of Zoning Appeals, the Board of Zoning Appeals shall inform in writing all the parties involved of its decisions and the reasons therefore.

SECTION 903 APPEALS, HEARING, AND NOTICE

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality or county. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Zoning Appeals by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals notice of appeal specifying the ground thereof. The Zoning Administrator

ARTICLE X

AMENDMENTS

SECTION 1000 AUTHORITY

This Ordinance, including the Official Zoning Map of Seneca, South Carolina, may be amended from time to time by the City Council as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days from public hearing date, within which to submit its report. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

SECTION 1001 REQUIREMENTS FOR CHANGE

When the public necessity, convenience, general welfare, or good zoning practice justify such action, and after the required review and report by the Planning Commission, the City Council may undertake the necessary steps to amend the Zoning Ordinance.

SECTION 1002 LIMITATIONS TO PARCELS TO BE REZONED

There shall be no limitation to the shape or quality of any parcel that City Council may consider for amendment to the Zoning Ordinance provided the requested district is contiguous to the parcel under consideration.

1002.1 Limitations to the Creation of New Zoning Districts: There shall be no limitation on the shape or quality of any parcel subject to the creation of a new and separate zoning district, except that a minimum of two (2) contiguous acres shall be required. This requirement shall not apply for an application for a less intense classification of the same general category of an abutting zone, as indicated on the table below, such that RM-8 may be requested adjoining a RM-16 district, OC or NC may be requested adjoining a GC, HC, or CC district, and LI may be requested adjoining a BI district.

GENERAL ZONING CATEGORIES*

<u>RESIDENTIAL</u>	<u>COMMERCIAL</u>	<u>INDUSTRIAL</u>
RM-16	HC	BI
RM-8	GC	LI
RO	CC	
RG	NC	
R-6	OC	
R-10	RO	
R-15		
R-20		

*Intensity level listed from highest to lowest.

SECTION 1003

PROCEDURE FOR AMENDMENTS

Requests to amend the Zoning Ordinance shall be processed in accordance with the following requirements:

1003.1 Initiation of Amendments. A proposed amendment to the Zoning Ordinance may be initiated by the City Council, the Planning Commission or by application filed with the Planning Department by the owner or owners of the property proposed to be changed, provided, however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property, or any part thereof, and requesting the same change in district classification by a property owner or owners more often than once every twelve (12) months. Initiation commences upon payment of an application fee to be established by the City Council of the City of Seneca, and the submission of a completed application form with all required attached documents.

1003.2 Application Procedure. Application forms for amendment requests shall be obtained from the Zoning Administrator. Completed forms, together with an application fee to cover administrative costs, plus any additional information the applicant feels to be pertinent, will be filed with the Zoning Administrator. Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until it is made in the form required.

1003.3 Hearing by the Planning Commission. All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the Planning Commission by the Zoning Administrator. The Planning Commission, at its regular meeting, shall review and prepare a report, including its recommendation, for transmittal to the City Council. All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person, or by agent, or by attorney. No member of the Planning Commission shall participate in a matter in which he has any pecuniary or special interest. Following action by the Planning Commission, all records and data pertinent to the application shall be transmitted to the City Council for final action.

1003.4 Public Hearing by the City Council. Before enacting an amendment to this Ordinance, the City Council shall hold a public hearing thereon at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in the municipality. Fifteen (15) days prior to the date of the public hearing, 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.

The City Council may, at its discretion, delegate the power and responsibility to hold the required public hearing to the Planning Commission for any or all amendments. In such cases as the Planning Commission conducts the Public Hearing, the City Council shall not be required to hold another before acting on the recommendation. This is permissive, however, and expressly does not preclude the City Council from conducting its own public hearing on the amendment.

1003.5 Changes in the Zoning Map. Following final action by the City Council, any necessary changes shall be made in the Zoning Map. A written record of the type and date of such change shall be maintained by the Zoning Administrator. Until such change is made, no action by the City Council on map amendments to the Zoning Ordinance shall be considered official, unless the Zoning Administrator fails to make the change within seven (7) days after formal action by the City Council. In the latter event, action by the City Council shall be considered official seven (7) days after the date of the action even if the Zoning Administrator has failed to make the appropriate changes.

ARTICLE XI

DEFINITIONS OF TERMS USED IN THIS ORDINANCE

SECTION 1100 INTERPRETATION OF CERTAIN WORDS

Except when definitions are specifically included in the text, words in the text or tables of the Ordinance shall be interpreted in accordance with the definitions set forth in this section. When words are not defined, standard dictionary definitions shall prevail. In every case, the Zoning Administrator shall have the authority to define any word or interpret any definition in order to fulfill the intent and purpose of this Ordinance. For the purpose of this Ordinance, certain words or terms used herein are defined as follows:

Words used 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 word "shall" is always mandatory.

The word "may" is permissive.

The word "lot" included the word "plot" or "parcel".

The word "structure" includes the word "building".

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.

The word "map" or "zoning map" shall mean the Official Zoning Map of the City of Seneca, South Carolina.

The term "Zoning Administrator" refers to that person or persons so designated by the City Council to administer this Ordinance.

The term "Planning Commission" refers to the Seneca Planning Commission.

The term "Council", "City Council", or "Mayor and Council", refer to the legally constituted and elected governing body of the City of Seneca.

The term "Board of Adjustments and Appeals" or "Board of Adjustments" or "Board of Appeals" refers to the Zoning Board of Appeals of the City of Seneca.

Where circumstances may not clearly conform to the standards or definitions herein, then the Board of Appeals shall interpret such standards or definitions.

Abandoned Vehicle. Any vehicle found or left on a public street, parking lot, or wrecker lot for which the owner cannot be identified and/or located with a period of seven (7) days.

Accessory. A use or building subordinate to the principal building on a lot and used for purposes customarily incidental to the main or principal use or building and located on the same lot therewith.

All Weather Surface. This surface shall meet one of the following criteria:

- a) Shall consist of at least a four (4) inch layer of coarse aggregate, such as crushed stone, slag or gravel, over thoroughly compacted sub-layer of clay or other firm sub-soil; or
- b) Shall be at least a four (4) inch layer of coarse concrete over an intermediate layer of coarse aggregate at least two (2) inches thick when compacted, and both layers over a thoroughly compacted sub-layer as above; or
- c) Shall be at least a three (3) inch layer of Bituminous asphalt over an intermediate layer and sub-layer as above.

Alley. A secondary way which affords access to the side or rear of abutting property.

Alteration of Building. Any change in the supporting members of a building (such as bearing walls, columns, or girders), any addition or reduction to a building; any change in use; or any relocation of a building from one location or position to another.

Automobile Service Station. Buildings and premises on any parcel or lot where gasoline, oils, grease, batteries, tires and limited automobile accessories may be supplied, dispensed or installed. No part of the premises may be used for storage or dismantled parts or major automotive repairs.

Boarding House. A house at which board, or board and lodging, may be obtained for payment, especially on a weekly or monthly basis.

Buildable Area. That portion of any lot which may be used or built upon in accordance with regulations governing the given zoning district within which the particular lot is located once the various front, side, and rear yard requirements required for the district have been subtracted from the total lot area. For instructions related to the determination of Buildable Area, See Section 707.

Building. A structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced by an unbroken line for the complete circumference of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support or enclosure of persons, animals or property of any kind.

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

Building Line. That line which represents the distance a building or structure must be set back from a lot boundary line or a street right-of-way line or a street centerline according to the terms of this Ordinance. In all cases the building lines of a lot shall be determined to run parallel to and set back the appropriate distance required within the district in which the lot is located from street right-of-way liens, street center lines or other lot boundary lines.

Bulletin Board. A permanent sign which primarily displays the name of a non-commercial place of public assembly and announces the upcoming events of a civic or community organization.

Camper. A mobile home, tent, trailer, or other self-contained vehicle or structure designed for recreational or moving purposes, of metal or other materials, mounted or designed for mounting on one or more wheels and/or jacks or similar supports, and either self-propelled or rigged for towing or transporting, provided such structure or vehicle is less than thirty (30) feet in length and is not used for residential purposes in the City of Seneca (in other than an established campgrounds.)

Car Wash, Automobile Laundry. Buildings and premises on any lot where the cleaning of an automobile is operated automatically, manually, or by coin. No part of the premise shall be used for the storage of dismantled or wrecked vehicle parts nor shall any automobile repairs or accessory sales take place.

Care Home. A rest home, nursing home, convalescent home, home for the aged, or similar use established and operated on a profit or nonprofit basis to provide lodging and/or meals and/or domicile care for aged, infirm, chronically ill or convalescent persons.

Clinic. An establishment where medical or dental patients, who are not lodged overnight, are admitted for examination or treatment.

Condominium, Condo. (See Dwelling, Condominium).

Contiguity. A series of things in continuous connection.

Customary Home Occupation. For the purpose of this ordinance, the term "Customary Home Occupation" shall be interchangeable with the term "Home Occupation," as defined in Article XI.

Day Care Center, Adult. Any center, agency, or place, however styled, where adults not related to the operator are received for custodial care for compensation on a regular basis.

Day Care Center. Any center, agency, or place, however styled, where children not related to the operator are received for custodial care apart from their parents for compensation on a regular basis.

Day Care, Home. Any home center which regularly provides child day care for 1 to 6 children unattended by parent or legal guardian in a residential setting.

Deck Line of a Mansard Roof. The point where the upper and lower slopes of a mansard roof meet.

Density, Gross. The number of dwelling units per acre of the total acreage developed or used.

Density, Net. The number of dwelling units per acre of land developed or used for residential purposes exclusive of land utilized for streets, alleys, parks, playgrounds, or other public uses. Unless otherwise stated, density requirements in this Ordinance are expressed in units per net acre.

District. The term applied to various geographical areas of the City of Seneca for the purpose of interpreting the provisions of this Ordinance. The Districts are designated with the use of symbols on the Official Zoning Map. Regulations controlling land use in the various districts within the City of Seneca are set forth in Article V of this Ordinance. The terms "district" and "zoning district" are synonymous and are used interchangeably throughout this Ordinance.

Drinking Establishment. Any establishment including cocktail lounges, taverns, bar, social hall, pool room, billiard parlor, etc., however named, whose primary function is the sale of alcoholic beverages for consumption on the premises and cannot be licensed as a restaurant under state ABC regulations.

Dwelling. A building or portion of a building arranged or designed to provide living and/or sleeping quarters for one or more families. The term "dwelling" and "residence" shall be interchangeable.

Dwelling, Cluster. The grouping of dwelling units, frequently on lots of different sizes and shape, surrounded by a large expanse of open space with the streets and utilities customized to the needs of the individual cluster.

Dwelling, Condominium. A building or series of buildings on the same lot or portions thereof containing more than one dwelling unit under private or separate ownership, joint ownership of common open spaces.

Dwelling, One-Family. A detached dwelling other than a mobile home designed for or occupied exclusively by one family on a single lot.

Dwelling, Two-Family. A dwelling arranged or designed to be occupied by two (2) families in separate dwelling units living independently of each other on a single lot.

Dwelling, Group. A building or portion of building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities are not provided for such resident persons or families. The term "group dwelling" includes, but not limited to, the terms room house, Y.M.C.A., or Y.W.C.A. A hotel, motel, or tourist home shall not be deemed to be a group dwelling as herein defined.

Dwelling, Multiple-Family. A building or series of buildings on the same lot, portions thereof used or designed as dwellings for two (2) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. The terms "multiple-family" and "multi-family" are synonymous and are used interchangeably throughout this Ordinance.

Dwelling, Single-Family Attached, Townhouse. A single family dwelling unit constructed in a series or group of attached units with property lines separating such units. Firewalls separating each dwelling unit shall extend from the foundation through the roof.

Dwelling Units. One or more rooms connected together and constituting a separate, independent housekeeping establishment with provisions for cooking, eating, and sleeping, and physically set apart from any other rooms or dwelling units in the same structure or another structure.

Drive-In. A retail or service enterprise oriented to automobile driving patrons wherein service is provided to the consumer on the outside and/or inside of the principal building. The term "drive-in" includes drive-in restaurants, and dairy bars, theaters, banks, laundries, food stores, car washes, or other similar retail service activities.

Family. One or more persons occupying a single dwelling unit.

Garage, Private. An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use.

Garage, Public. Any garage other than a private garage which is used for storage, minor repair, rental, servicing, washing, adjusting or equipping of automobiles or other vehicles.

Garage, Repair. Buildings and premises designed or used for purposes indicated under "automobile service station" and/or major commercial repairs provided that body work and painting shall be conducted within fully enclosed buildings and provided further that self-propelled vehicles in process of repair shall be stored in a fully enclosed and secluded area.

Home Occupation. Any use in a residential area, conducted solely by the occupants of a dwelling, and contained entirely within the dwelling or serving as a base of operation or office. This use shall be clearly incidental to the residential purpose and it shall not change the character thereof. Only residents of the dwelling shall be employed in connection with this activity. No more than 25% of the total floor space of any structure may be used in a home occupation.

Hotel. A building or buildings in which lodging, with or without meals, is provided and offered to the public for compensation, which is open to transient or permanent guests. The word "hotel" includes the terms "motel" and "tourist court".

Junk or Salvage Yards. The use of any part of a lot, whether inside or outside of a building, for the storage, keeping, abandonment, sale or resale of junk, salvage, or scrap materials; or the dismantling, demolition or abandonment of automobiles and other vehicles, machinery, equipment or parts thereof.

Kindergarten, Nursery. Any public or private school, operated on a profit or nonprofit basis for preschool children, wherein a specific curriculum is prepared and presented by qualified instructors for educational purposes, but specifically excluding Day Care Centers.

Landscaped Strip. A greenery space consisting of a year-round planted groundcover, properly maintained, and having an appropriate selection of bushes or shrubs placed at least every five (5) feet of the strip length.

Loading Space, Off-Street. Space logically and conveniently located for pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

Lot, Lot of Record. An area designated as a separate and distinct piece of land on a legally recorded subdivision plat or in a legally recorded deed, as filed in the official records of Oconee County, as maintained in the Oconee County Courthouse.

The terms "lot", "plot", "lot of record", "property", or "tract" whenever used in this Ordinance, are interchangeable.

Lot, Corner. A lot located at the intersection of two or more streets.

Lot, Double Frontage. A lot which has frontage on more than one street, provided, however, that no corner lot shall qualify as a double frontage lot unless said corner lot has frontage on three or more streets.

Lot, Interior. A lot, other than a corner lot, which has frontage on only one street other than an alley.

Lot Depth. The mean horizontal distance between front and rear lot lines.

Lot Width. The distance between side lot lines measured at and along the front building line.

Mansard Roof. A roof having two slopes on all sides with the lower slope steeper through the upper slope.

Mobile Homes. Any structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation. A mobile home shall bear the label or seal of compliance with the Federal Mobile Home Construction and Safety standards approved by the Department of Housing and Urban Development of the United States of America.

Mobile Home Park. Premises where two or more mobile homes at the time this Ordinance comes into effect, are parked for living or sleeping purposes, or where spaces are set aside or offered for sale or rent for use for mobile homes for living or sleeping purposes, including any land, building, structure, or facility used by occupants of mobile homes on such premises.

Mobile Home Space. A plot of ground within a mobile home park designed for the accommodation of one mobile home.

Modular Building. Shall mean a building manufactured off site and transported to the point of use for installation as a finished building not designed for removal to another site. A modular building shall comply with the standards set forth in the South Carolina Modular Buildings Construction Act of 1984 and bear the certification seal of the South Carolina Building Code Council.

Motel. A building or buildings in which lodging, with or without meals, is provided and offered to the public for compensation, which is open to transient or permanent guests. The word "motel" includes the terms "hotel" and "tourist court".

Net Acre. The amount of land devoted to residential use exclusive of land utilized for streets, alleys, parks, playgrounds, or other public uses. (See Density, Net).

Non-conforming Use. A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this Ordinance or as the result of subsequent amendments to this Ordinance.

Open Space, Improved. Those changes which will enhance the utilization of the property other than the existence of natural flora.

Open Space, Unimproved. Those areas left in their natural state.

Parcel. (See Lot).

Parking Lot. Any public or private open area used for the express purpose of parking automobiles and other vehicles, with the exception of areas on the premises of single-family dwellings used for parking purposes incidental to the principal use. Otherwise, parking lots may be the principal use on a given lot or an accessory use to the principal use on a given lot.

Parking Space. A space within a parking lot or on a single-family dwelling lot expressly provided for purposes of parking an automobile or other vehicle.

Plot. An area designated as a separate and distinct parcel or land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of Oconee County, as maintained in the Oconee county Courthouse.

Preschool. A school or nursery for preschool children.

Residence. A building or portion of a building arranged or designed to provide living and/or sleeping quarters for one or more families.

The terms "dwelling" and "residence" shall be interchangeable.

Restaurant. Any establishment including drive-ins, however designated, whose primary function is the sale of food for consumption on the premises, and includes any establishment which has been licensed by the state ABC board as a restaurant.

Service Station. See definition of "Automobile Service Station".

Setback. The depth or width of any required yard. The minimum linear distance from any designated property line or right-of-way to a structure on a lot.

Sign. The "Sign" shall mean and include every sign, billboard, poster panel, freestanding ground sign, roof sign, projecting sign, pylon sign, illuminating sign, sign painted on a wall, window, marquee, awning or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration or insignia used to advertise or promote the interests of any persons when the same is placed in view of the general public, traveling along a public street right-of-way.

- a) Free-Standing Sign Structure. A free-standing sign structure may contain a sign or signs on one side only or it may be an A-shaped structure or one containing signs back to back. A free-standing sign structure is one sign. A free-standing sign may be a pole mounted sign, monument sign or a portable sign.
- b) Sign Area. The area of a sign is the area of the face of the sign formed by a perimeter consisting of a series of straight lines enclosing all parts of the sign. The area of a free-standing sign structure is the area of the face or faces on one side only.
- c) Business Identification Sign. A business identification sign is a sign that contains the name of the business enterprise located on the same premises as the sign and the nature of the business conducted there.
- d) Business Identification Pylon Sign. A business identification pylon sign is a sign that contains the name of the business enterprise located on the same premises as the sign erected on single pole or multiple poles which contains only the name or the nature of the business conducted in the premises on which it is located.
- e) Illuminated Signs. When artificial illumination techniques are used in any fashion to project the message on a sign, that sign shall be an illuminated sign.
- f) Portable Sign. A moveable sign placed on a temporary or permanent basis on a lot, such sign being attached to a chassis with wheels or to a vehicle or designed to be transported from one location to another for uses generally accorded to signs.

Social Organization. An incorporated or unincorporated association for civic, cultural, religious, literary, political, recreational or like activity operated for the benefit of the members and not generally open to the public.

Special Exception. A use so specifically designated in this Ordinance, that would not be appropriate for location generally or without restriction throughout a given zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would in the opinion of the Board of Appeals, promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

Spot Zoning. Describes an illegal action, a rezoning that is:

- a) inconsistent with existing zoning patterns,
- b) for the benefit of the landowner,
- c) detrimental to neighborhood, and
- d) without any substantial public purpose.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it.

Street. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Street Centerline. That line surveyed and monumented by the governing body shall be the centerline of a street; or in the event that no centerline has been so determined, it shall be that line running midway between, and parallel to the general direction of, the outside right-of-way lines of such streets.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground. A "building", as defined in Article XI, is a "structure."

Subdivision. "Subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets, and includes re-subdivision and, where appropriate, to the process of subdivided provided, however, that the following exceptions are included within this definition only for the purpose of requiring that the local Planning Commission be informed and have record of such subdivisions:

- a) the combination or recombination of portions or previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority.
- b) the division of land into parcels of four (4) acres or more where no new street is involved.

Suitable Planting Screen. A properly planted strip composed of evergreen greenery which possesses growth characteristics of such a nature as to produce a dense, compact mass, i.e., opaque barrier, that is suitable for blocking or impeding vision to such an extent that images are not generally distinguishable from one side of the mass to the other. This term shall also include "evergreen buffer strip."

Theater - Multi-Screen or Multi-Plex. A building containing a minimum of three (3) auditoriums designed for the screening of movies and/or cinematic productions.

Tract. (See Lot).

Trailer. Any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flat beds or other carriers, which is designed or utilized to:

- a) provide temporary or permanent quarters;
- b) serve as a carrier of people, new or used goods, products or equipment;
- c) be used as a selling, advertising or display device.

For purpose of this Ordinance, the term "trailer" shall not include the terms "camper", "mobile home," or "house trailer."

Trailer, House. The term "house trailer," for purposes of this Ordinance, shall be interchangeable with the term "mobile home," as defined in Article XI.

Use, Accessory. Purpose for which a lot is occupied and used when criteria is met and approved.

Variance. A modification of the strict terms of this Ordinance granted by the Board of Appeals where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not as the result of any action on the part of the property owner, a literal enforcement of the Ordinance would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.

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

Yard, Front. A yard situated between the rear building line and the front lot line extending the full width of the lot.

Yard, Rear. A yard situated between the rear building line and the front lot line extending the full width of the lot.

Yard, Side. A yard situated between a side building line and a side lot line and extending from the front yard to the rear yard.

Zoning District. (See District).

ARTICLE XII

DESIGN REVIEW
(Ord. 00-20 08/08/00)

SECTION 1201 TITLE

The title of this article shall be the City of Seneca Design Review Ordinance.

SECTION 1202 PURPOSE

The purpose this section is:

- a) To protect, preserve and enhance the distinctive architectural and cultural heritage of the City of Seneca;
- b) To promote the educational, cultural, economic and general welfare of the people of the City of Seneca;
- c) To foster civic pride;
- d) To encourage harmonious, orderly and efficient growth and development of the City of Seneca;
- e) To strengthen the local economy; and
- f) To improve property values.

It is the hope of the City of Seneca that by encouraging a general harmony of style, form, proportion and material between buildings of historic design and those of contemporary design, the City of Seneca historic buildings and historic districts will continue to be a distinctive aspect of the City of Seneca and will serve as visible reminders of the significant historical and cultural heritage of the City of Seneca and State of South Carolina. This section is part of the zoning ordinance of the City of Seneca and is enacted pursuant to the South Carolina Code of Laws, Section 6-29-710 and Section 6-29-870 et sequitur.

SECTION 1203 DEFINITIONS

Alteration: A change in the external architectural features of any historic structure or in the interior of any such structure if the interior feature is specifically included in the historic designation; a change in the landscape features of any historic site or place; or work having an adverse effect upon designated archaeological resources.

Certificate of Appropriateness: Document issued by the Board of Architectural Review, following a prescribed review procedure, certifying that the proposed actions by an applicant are found to be acceptable in terms of design criteria relating to the individual property or the historic district.

Design Review District: An area, designated by the City of Seneca City Council, upon the recommendations of the Board of Architectural Review and pursuant to the provisions of this section.

Historic Property: Any place (including an archaeological site or the location of a significant historical event), building, structure, work of art, fixture or similar object that has been individually designated by the City of Seneca City Council or designated as a contributing property within a historic district.

Public Space within a building: Spaces designed for use by the public, such as auditoriums, courtrooms, lobbies, entrance halls, etc. These spaces are usually gathering places as opposed to corridors for public use.

Substantial Hardship: Hardship, caused by unusual and compelling circumstances, based on one or more of the following:

- a) The property cannot reasonably be maintained in the manner dictated by the ordinance,
- b) There are no other reasonable means of saving the property from deterioration or collapse, or
- c) The property is owned by a nonprofit organization and it is not feasible financially or physically to achieve the charitable purposes of the organization while maintaining the property appropriately.

SECTION 1204

ARCHITECTURAL REVIEW BOARD ESTABLISHED

1204.1 Creation. To implement the provisions of this section, there is hereby established a Board of Architectural Review, hereinafter referred to as the Board, for the City of Seneca consisting of 5 members. Members shall be appointed by the City of Seneca City Council.

1204.2 Composition and Qualifications. All members of the Board shall have a demonstrated interest in historic preservation and architectural review. If available in the community, the Board should have at least one member who is qualified as:

- a) A historian, knowledgeable in local history,
- b) An architect or if an architect is not available to serve, someone knowledgeable in building design and construction,
- c) A real estate agent, lawyer, engineer, or representative of the historical society.

No members shall hold any other City of Seneca office (SC Code 6-29-870(C)). Members shall assume their duties at the first regular meeting after their appointment. Members shall serve without compensation except for reimbursement for authorized expenses attendant to the performance of their duties.

1204.3 Terms of Office. The term of office for each member shall be two years. Any person who has served as a member of the Board for three consecutive terms shall not be eligible for reappointment for at least one year. A term of less than one year shall not be counted in determining eligibility for reappointment.

Membership shall be identified by place numbers 1 through 5. Terms of office for members in the odd numbered places shall expire in odd numbered years; terms for even numbered members shall expire in even numbered years, provided, however, that each member shall serve until his successor is appointed and installed.

1204.4 Removal. Any member of the Board may be removed upon confirmation of the City Council, for repeated failure to attend meetings of the Board or for any other cause deemed sufficient by the City Council.

1204.5 Appointment to Fill a Vacancy. If any place on the Board becomes vacant due to resignation, removal, or for any reason, the City Council shall appoint a replacement within 60 days for the remainder of the unexpired term.

1204.6 Conflicts of Interest. Any member of the Board who has a personal or financial interest, either directly or indirectly, in any property which is the subject of, or affected by, a decision of the Board shall be disqualified from participating in the decision of the Board concerning the property.

1204.7 Liability of Members. Any member of the Board acting within powers granted by the ordinance shall be relieved from personal liability for any damage and held harmless by the City of Seneca. Any suit brought against any member of the Board shall be defended by a legal representative furnished by the City of Seneca until the termination of the proceedings.

1204.8 Rules of Procedure. Rules of procedure will be established by the Board at a later date.

SECTION 1205

POWERS AND DUTIES

The responsibility of the Board is to promote the purposes and objectives of individual historic properties and historic districts, and to review plans and applications, as hereinafter provided, for all construction within historic districts and construction or demolition pertaining to or affecting duly designated historic properties. The Board shall have the power to approve, approve with modifications, or deny approval for such applications in accordance with the prescribed procedures and guidelines.

SECTION 1206

HISTORIC PROPERTY INVENTORY

The Board shall maintain a local inventory of buildings, structures, objects, and sites more than fifty years old. These records shall be available to the public.

SECTION 1207

DESIGNATION OF HISTORIC PROPERTIES

1207.1 Criteria for Historic Designation. The Board shall review the local inventory and make recommendations for historic designation(s) to the City of Seneca City Council based on the following criteria.

A property may be designated historic if it:

- a) Has significant inherent character, interest, or value as part of the development or heritage of the community, state, or nation; or
- b) Is the site of an event significant in history; or
- c) Is associated with a person or persons who contributed significantly to the culture and development of the community, state, or nation; or
- d) Exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the community, state, or nation; or
- e) Individually, or as collection of resources, embodies distinguishing characteristics of a type, style, period, or specimen in architecture or engineering; or
- f) Is the work of a designer whose work has influenced significantly the development of the community, state, or nation; or
- g) Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
- h) Is part of or related to a square or other distinctive element of community planning; or
- i) Represents an established and familiar visual feature of the neighborhood or community; or
- j) Has yielded, or may be likely to yield, information important in pre-history or history.

1207.2 Owner Notification. Owners of properties proposed to be designated historic shall be notified in writing thirty days prior to consideration by City Council. Owners may appear before the City of Seneca City Council to voice approval or opposition to such designation.

1207.3 Identification of Historic Properties and Districts. All locally designated historic properties and historic districts shall be clearly shown on an official map to be placed in the office of the Zoning Administrator and available for public review.

1207.4 Opposition to Designation. Any property owner may object to the decision by the City of Seneca City Council to designate his property as historic by filing suit against the City of Seneca before the Courts of the State of South Carolina. (Note: This suit must be based on procedural nonconformities in the designation process or on the misapplication of the criteria for designation as specified in the City of Seneca's ordinance or under SCCL 6-29-870.0, not simply on the desire not to be included in the locally designated district. In the case of individual landmarks, the basis for challenging designation is the same.)

SECTION 1208

JURISDICTION OF THE BOARD OF ARCHITECTURAL REVIEW

The jurisdiction of the Board, in general, is the City of Seneca City Limits. The jurisdiction of the Board for the recommendation of properties to be designated historic is the City of Seneca City Limits. The jurisdiction of the Board for the review of proposed alteration to exteriors of buildings, new construction, and demolition is the individual properties and areas that have been designated by the City of Seneca City Council as historic.

SECTION 1209

NOMINATIONS TO THE NATIONAL REGISTER OF HISTORIC PLACES

The Board may conduct first review and evaluation of all proposed nominations for the National Register of Historic Places for properties that are within its jurisdiction, prior to consideration by the State Board of Review. The Board may send their recommendations to the State Historic Preservation Office for consideration at the meeting of the State Board of Review. The Board shall not nominate properties directly to the National Register; only the State Board of Review shall have this final review authority unless expressly authorized by federal statute.

SECTION 1210

CERTIFICATE OF APPROPRIATENESS

A Certificate of Appropriateness is required before a building permit can be issued for the demolition, new construction, exterior alteration, modification or addition to a designated historic property. Any building permit not issued in conformity with this ordinance shall be considered void. Application for a Certificate of Appropriateness must be signed by the owner or his authorized representative and the form must be signed by the chairman or vice-chairman of the Board stating its approval, denial, or approval with conditions and the reasons for the decision.

1210.1 Required Procedure. An application for a Certificate of Appropriateness shall be obtained from the City of Seneca Department of Planning and Community Development and, when completed, filed with the appropriate administrative official as designated by the Board.

1210.2 Time Limits. Applications for a Certificate of Appropriateness shall be considered by the Board at its next regular meeting, provided they have been filed at least fifteen (15) calendar days before the regularly scheduled meeting of the Board. If the Board fails to take action upon any application within 45 days after the complete application is received, the application shall be considered approved, except in cases where the Board has postponed an application to demolish a structure under the provisions contained in this ordinance.

1210.3 Board Action on Application. The Board shall review the application, using the design guidelines appearing in Section 11 of this ordinance to make findings of fact to decide whether or not the applicant's plans are appropriate. The decision of the Board, along with the reasons for each decision, will be recorded in the minutes and will be available upon request as a public reference for preservation procedures.

1210.4 Contents of Application. The Board shall, in its Rules of Procedure, require data as are reasonable and necessary to determine the nature of the application. An application shall not be considered complete until all the required data have been submitted.

1210.5 Notification of Affected Property Owners. Prior to the issuance of an approval or denial of a Certificate of Appropriateness, the Board shall inform the owners of any property likely to be materially affected by the application by posting the subject property at least 15 days prior to the Board of Architectural Review (BAR) meeting, and shall give the applicant and such owners an opportunity to be heard. (Ord. 2005.12)

1210.6 Submission of a New Application. If the Board determines that a Certificate of Appropriateness should be denied, a new application affecting the same property may be submitted only if substantial change is made in the plans for the proposed work.

1210.7 Maintenance, Repair, and Interior Projects. Nothing in this document shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of structures designated as historic when that repair does not involve a change in design, material, color, or outer appearance of the structure. The Board shall not consider the interior arrangements or alterations to the interior of a building unless the interior of a public building or the public space of a private building is specifically described and designated as historic. The Board may authorize a staff member to approve minor projects involving repairs and ordinary maintenance that do not alter design, materials, color or the outer appearance of a structure or interior projects not subject to design review.

1210.8 Fines and Penalties. The system of fines applied by the City of Seneca for violation of the zoning ordinance will apply to violations of this ordinance.

1210.9 Substantial Hardship. In the event a Certificate of Appropriateness is denied, the property owner may apply for an exemption based on the substantial hardship of maintaining the property according to the design guidelines for historic properties. Substantial hardship is to be considered by the Board where one or more of the following unusual and compelling circumstances exist:

- a. the property cannot reasonably be maintained in the manner dictated by the ordinance,
- b. there are no other reasonable means of saving the property from deterioration, or collapse, or
- c. the property is owned by a nonprofit organization and it is not feasible financially or physically to achieve the charitable purposes of the organization while maintaining the property appropriately.

The owner may be required to submit documents to show that he cannot comply with the design guidelines and earn a reasonable rate of return on his investment in the property. Information required may include:

- a. costs of the proposed development with and without modification needed to comply with the design guidelines as determined by the Board,
- b. structural report and/or a feasibility report,
- c. market value of the property in its present condition and after completion of the proposed project,
- d. cost of the property, date purchased, relationship, if any, between seller and buyer, terms of financing,
- e. for the past two years, annual gross income from the property with operating and maintenance expenses, depreciation, and annual cash flow before and after debt service during that time, and
- f. other information considered necessary by the Board to determine whether or not the property may yield a reasonable return.

1210.10 Demolition. If the Board denies, or postpones for 180 days, a request to demolish a historic building, the Board shall work closely with the owner to find an appropriate use for the property, to help find a buyer or to obtain funding for rehabilitation, including low interest loans or grants. The Board shall inform the community concerning the threat to the building, its value as part of the fabric of the community and, through publicity and contacts with civic groups, seek to provide assistance in preserving the property.

SECTION 1211

DESIGN GUIDELINES

1211.1 Intent. It is the intent of this ordinance to ensure, insofar as possible, that properties designated as historic shall be in harmony with the architectural and historical character of the City of Seneca. In granting a Certificate of Appropriateness, the Board shall take into account the architectural and historical significance of the structure

City of Seneca

under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity.

1211.2 Seneca Design Review Guidelines. When considering an application for a Certificate of Appropriateness for new construction, alteration, repair, or restoration, the Board shall use the Seneca Design Review Guidelines dated June 2002, as hereby adopted by reference as though they were copied herein fully, in making its decisions. These guidelines serve as the basis for determining the approval, approval with modifications, or denial of an application. (Ord. 2002-09)

SECTION 1212

APPEALS

Any person may appeal a decision of the Board to the Courts of South Carolina pursuant to the South Carolina Code of Laws, Section 6-29-900 et sequitur.

APPENDIX A

PERMITTED USES

ZONING CLASSIFICATIONS

Agricultural Uses:

Agricultural farm, livestock not permitted	CP
Agricultural farm, livestock permitted	LI, BI
Horticultural activities, non-commercial	R-20, R-15, R-10, R-6, RM-8, RM-16, RG, PD-MU
Horticultural farm	LI, BI
Horticultural farm, livestock not permitted	CP
Kennels, as accessory to a veterinarian office, without external runs	NC, GC, HC, PC-MU, PD-C

Residential Uses:

Accessory uses to residential dwellings	R-20, R-15, R-10, R-6, RG, RM-8, RM-16, PD-MU, PD-R
Customary Home Occupation	R-20, R-15, R-10, R-6, RG, RM-8, RM-16, PD-MU
Mobile Homes	RG, MHP
Multi-family dwellings, town homes, condominiums	RM-8, RM-16, PD-R
Single family dwelling units	R-20, R-15, R-10, R-6, RG, PD-MU, PD-R
Two-family dwelling units	RM-8, RM-16, PD-R

Commercial, Professional, Office Uses:

Automobile parking lots	R-20, R-15, R-10, R-6, RG, RM-8, RM-16, OC, NC, GC, HC, CC, LI, BI, PD-MU, PD-C
Automobile, boat, recreational vehicle sales and rental lots	HC, GC, CC, LI, BI, PD-MU, PD-C
Banks and other financial institutions	NC, GC, CC, OC, HC, PD-MU, PD-C
Car washes	GC, HC
Coin laundries, dry cleaning without dry cleaning plant	NC, GC, HC, CC, PD-MU, PD-C

Convenience stores	LI, BI
<u>PERMITTED USES</u>	<u>ZONING CLASSIFICATIONS</u>
Drinking establishments	GC
Food preparation establishments for off-premise delivery	NC, GC, CC, HC, LI, BI, PD-MU, PD-C
Food stores, including general grocery, delicatessen, bakery, meat, poultry, fish, vegetable, etc.	NC, GC, CC, HC, PD-MU, PD-C
Funeral homes	NC, GC, CC, OC, HC, PD-MU, PD-C
General retail stores, without external storage of inventory, parts, machinery, or equipment	NC, GC, CC, HC, LI, BI, PD-MU, PD-C
Printers, commercial	NC, GC, CC, HC, OC, PD-MU, PD-C
Professional offices	NC, GC, CC, OC, HC, LI, BI, PD-MU, PD-C
Restaurants, delicatessens, bakeries, diners, without drive-in facilities	NC, GC, CC, HC, LI, BI, PD-MU, PC-C
Service businesses	NC, GC, CC, HC, PD-MU, PD-C
Transportation terminals, not including truck terminals	LI, BI
Medical, Health, Personal Care Related Uses:	
Clinics	GC, NC, CC, HC, OC, PD-MU, PD-C
Community residential care facility	OC, NC, HC, CC, GC
Hospitals	
Nursing homes	GC, NC, CC, HC, OC, PD-MU, PD-C
Offices of medical professionals, including doctors, dentists, chiropractors, physical therapists, psychologists, psychiatrists, etc.	GC, NC, CC, OC, HC, LI, BI, PD-MU, PD-C
Personal care homes	GC, NC, CC, HC, OC, PD-MU, PD-C
Research or experimental laboratories	LI, BI
Veterinarian offices, without external runs	GC, NC, HC, PD-MU, PD-C
Veterinarian offices and accessory kennels	CC, OC, PD-MU, PD-C

PERMITTED USES

ZONING CLASSIFICATIONS

Educational Uses:

Commercial trade or vocational schools	LI, BI
Day care centers	GC, NC, CC, HC, OC, PD-MU, PD-C
Proprietary schools offering instruction in art, music, dance, skills, business, and technical schools	GC, NC, CC, HC, OC, PD-MU, PD-C
Educational facilities of the Oconee County School System	GC, NC, CC, HC, OC, PD-MU, PD-C
Preschools	

Industrial Uses:

Radio, television, or communication towers	LI, BI
Transportation terminal, excluding truck terminals	LI, BI
Radio or television studios	GC, CC, HC, PD-MU, PD-C

Recreational Uses:

Golf courses, not lighted	R-20, R-15, R-10, R-6, RG, RM-8, RM-16, PD-MU
Golf driving ranges, as accessory to golf course	R-20, R-15, R-10, R-6, RM-8, RM-16, RG, PD-MU
Neighborhood recreation centers	OC, NC, HC, GC, CC, PD-MU, PD-C
Parks or recreational area operated by the United States government, State of South Carolina, Oconee County, or City of Seneca	CP, R-20, R-15, R-10, R-6, RM-8, RM-16, RG, PD-MU
Commercial recreational facilities	GC, CC, HC, PD-MU, PD-C
Private boat dock or boat house	CP
Swimming beach	CP

Community, Public, Semi-Public, Cultural Uses:

Churches, synagogues, temples, or other places of Worship, to include facility offices	OC, HC, GC, CC, NC, PD-MU, PD-C
Community and cultural centers	OC, NC, GC, CC, HC, PD-MU, PD-C
Public building, facilities, or land	LI, BI

PERMITTED USES

ZONING CLASSIFICATIONS

Community, Public, Semi-Public, Cultural, cont'd

Public utility installation

LI, BI, GC

Facilities and buildings of the federal government, government of the State of South Carolina, County of Oconee, or City of Seneca. Facilities of any federal, state, county, or City chartered organization or district.

OC, NC, HC, CC, GC, LI, BI, R-20, R-15, R-10, R-6, RM-8, RM-16, RG, PD-MU, PD-C

Facilities of public service districts

OC, NC, GC, CC, HC, PD-MU, PD-C

Libraries

OC, NC, GC, CC, HC, PD-MU, PD-C

Theaters, single screen

CC, GC, HC

Theaters, multi-plex

HC

Utility substations, switching stations

NC, GC, CC, CP, OC, HC, LI, BI, PD-MU, PD-C

Wildlife refuge CP

APPENDIX B

CONDITIONAL USES

ZONING CLASSIFICATIONS

Agricultural Uses:

Animal hospital and/or boarding facility	HC, GC, CC, LI, BI
Dwelling incidental to agricultural or horticultural use	LI, BI

Residential Uses:

Accessory residential use	OC, NC,, HC, GC
Bed and Breakfast Inn	R-20, R-15, R-10, R-6, RM-8, RM-16, RG
Single family	CP, RM-8, RM-16
Watchman or caretaker dwelling	LI, BI

Commercial, Professional, Office Uses:

Accessory retail business	LI, BI
Automobile service stations	NC, HC, GC, CC, LI, BI
Automobile repair garage	HC, GC, LI, BI
Flea market, outdoor sales	HC, GC, LI, BI
Repair services (electronic, mechanical) no external emissions	HC, GC
Retail bakery	NC
Tattoo facilities	HC
Truck terminals	HC, GC, LI, BI
Wholesale business outlet	LI, BI

Medical, Health, Personal Care Related Uses:

Community residential care facility	RM-8, RM-16
Pharmacy or drug store as an accessory to medical office, clinic, or group residential care facility	OC

Educational Uses:

City of Seneca

Day care centers

RM-8, RM-16

CONDITIONAL USES

ZONING CLASSIFICATIONS

Education facilities of the State of South Carolina
Or Oconee County

R-20, R-15, R-10, R-6, RG, RM-8,
RM-16

Industrial Uses:

Landfill

BI

Manufacturing establishments, no emissions

BI, LI

Newspaper publishing plant

HC, GC

Public utility substation or sub-installation,
Including water towers

R-20, R-15, R-10, R-6, RM-8, RM-16,
RG, OC, NC, HC, GC

Self-storage or mini warehouses

HC, GC

Warehouse or other storage facility

LI, BI

Community, Public, Semi-Public, Cultural Uses:

Cemetery

R-20, R-15, R-10, R-6, RM-8, RM-16,
RG, CP

Churches, synagogues, temples, and other
places of worship

R-20, R-15, R-10, R-6, RG, RM-8,
RM-16

Facilities for civic associations

R-20, R-15, R-10, R-6, RG, RM-8,
RM-16

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