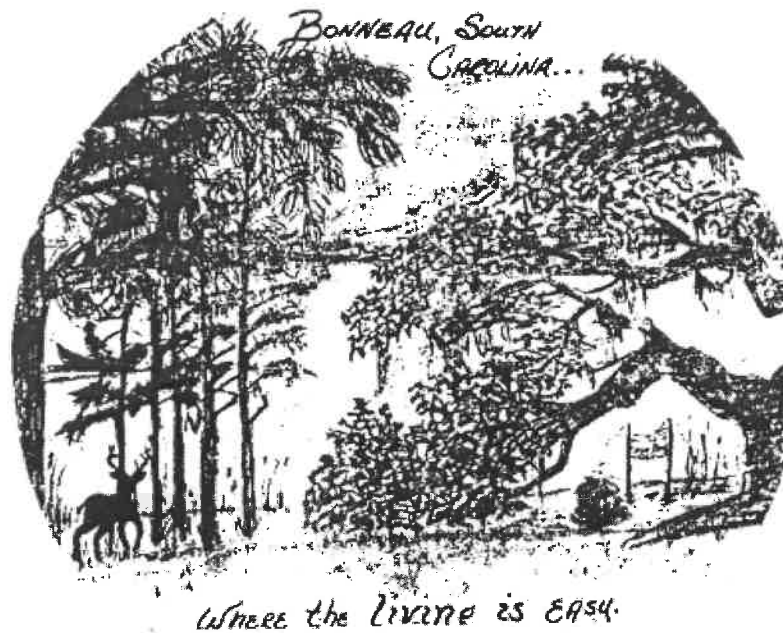


# *Town of Bonneau*

## Zoning Ordinance & Land Development Regulations



*Adopted February 16, 2004*



**AN ORDINANCE**

An ordinance to adopt regulations, procedures, and administration of the conservation, subdivision, development and use of land. Be it Order and Ordained by the Mayor and Council Constituting the Town of Bonneau, South Carolina, in Council Assembled and by the Authority thereof to adopt the following Ordinance for the Town of Bonneau to be Ordinance NO. 80.

Whereas the Town of Bonneau Planning Commission has been duly appointed by the Bonneau Town Council as a governing authority of the Town of Bonneau in accordance with provisions of Title 6, Chapter 29, Article 1 of the South Carolina Code of Laws the 1994 South Carolina Local Government Comprehensive Planning Enabling Act.

Whereas the Town of Bonneau has adopted a Comprehensive Plan, as recommended by the Planning Commission, pursuant to Title 6, Chapter 29, Article 3 of the South Carolina Code of Laws by ordinance on April 21, 1999;

Whereas the Town of Bonneau seeks to implement the twenty-year Future Land Use Plan of the Bonneau Comprehensive Plan; to protect the health, safety, morals, convenience, and general welfare of its citizens; and to provide for the efficiency and prosperity of development within the town; and

Whereas the Planning Commission has adopted by resolution and put forth to Town Council documents to accomplish the aforementioned goals;

Now, therefore. The Planning Commission of Bonneau, South Carolina, does here-by ordain that the documents known as the "Town of Bonneau Land Development Regulations Ordinance," "Town of Bonneau Zoning Ordinance," and the "Town of Bonneau Official Zoning Map," which is part and parcel to the Zoning Ordinance, shall take affect and be in full force immediately; that all other regulations, procedures, and administration of the conservation, subdivision, development, and use of land previously enacted by Bonneau Town Council are hereby retired; and that the aforementioned documents be adopted this 16<sup>th</sup> day of February of the year 2004.

Introduced (date): 01-05-2004

First reading (date): 01-05-2004

Public hearing (date): 02-16-2004

Final reading (date): 02-16-2004

Rambert E. Whinn

Mayor of the Town of Bonneau

Allen June

Council Member Allen June

J.C. Ray

Council Member J.C. Ray

Debbie Thomas

Council Member Debbie Thomas

James Ward  
Council Member James Ward

Attest: Elizabeth Wrenn  
Elizabeth Wrenn / Clerk to Council



---

## Zoning Ordinance Table of Contents

---

<b>Chapter 1: Purpose and Authority</b>	<b>1-1</b>
1.1: Authority.....	1-1
1.2: Purpose.....	1-1
1.3 Title.....	1-1
1.4 Jurisdiction.....	1-1
1.5 Severability.....	1-1
1.6 Effective Date.....	1-2
 <b>Chapter 2: Definitions</b>	 <b>2-1</b>
2.1: Intent.....	2-1
2.2: Interpretation.....	2-1
2.3: Definitions.....	2-1
 <b>Chapter 3: General Provisions</b>	 <b>3-1</b>
3.1: Applicability.....	3-1
3.2: Compliance to Ordinance for Increases on Improvements of Existing Uses.....	3-1
3.3: Nonconforming Land Uses.....	3-1
3.4: Lots of Record.....	3-1
3.5: Fence and Wall Standards.....	3-1
3.5.1: Residential.....	3-1
3.5.2: Commercial and Industrial.....	3-2
3.5.3: Civic and Institutional.....	3-2
3.6: Temporary Structures.....	3-2
3.6.1: Construction Trailers.....	3-2
3.6.2: Temporary Sales or Events.....	3-2
3.6.3: Temporary Manufactured Homes.....	3-3
3.6.4: Other Temporary Uses.....	3-3
3.7: Vibration, Light, Noise, and Odor.....	3-3
3.7.1: Vibration.....	3-3
3.7.2: Light.....	3-3
3.7.3: Noise.....	3-3
3.6.4: Odor.....	3-3
3.8: Yard and Garage Sales.....	3-4
3.9: Home Occupations.....	3-4
3.10: Private Swimming Pools and Tennis Courts.....	3-4
3.11: Signs.....	3-4
3.12: Landscaping.....	3-6
3.12.1: Intent.....	3-6
3.12.2: Landscaping Required as Described in Chapter 4.....	3-6
3.12.3: Large Maturing Trees.....	3-6
3.12.4: Small Maturing Trees.....	3-6

3.13: Tree Protection .....	3-7
3.13.1: Intent .....	3-7
3.13.2: Exemptions .....	3-7
3.13.3: Protection of Trees Prior to Development .....	3-8
3.13.4: Protection of Trees During Development .....	3-8
3.13.5: Standards for Removal of Protected or Grand Trees .....	3-8
3.13.6: Tree Removal, Relocation, or Replacement .....	3-8
3.13.7: Application for a Zoning Permit .....	3-9
3.14: Parking .....	3-9
3.14.1: General Design Standards .....	3-9
3.14.2: Parking Space Dimensions .....	3-9
3.14.3: Disabled Parking .....	3-10
3.14.4: Cooperative Parking .....	3-11
3.14.5: Application of Parking Requirements .....	3-11
3.14.6: Lighting Standards .....	3-11
3.15: Sight Triangle .....	3-11
3.15.1: Intent .....	3-11
3.15.2: Size of Sight Triangle .....	3-11
<b>Chapter 4: Zoning Districts</b> .....	<b>4-1</b>
4.1: Official Zoning Map .....	4-1
4.1.1: Intent .....	4-1
4.1.2: Interpretation of District Boundaries .....	4-1
4.1.3: Change of Town Boundaries .....	4-1
4.2: Town Square District (TC) .....	4-2
4.2.1: Intent .....	4-2
4.2.2: General .....	4-2
4.2.3: Uses .....	4-2
4.2.4: Parking .....	4-4
4.2.5: Landscaping .....	4-4
4.2.6: Tree Protection .....	4-4
4.2.7: Signage .....	4-5
4.3: Traditional Neighborhood Residential District (TNR) .....	4-6
4.3.1: Intent .....	4-6
4.3.2: General .....	4-6
4.3.3: Uses .....	4-7
4.3.4: Parking .....	4-9
4.3.5: Tree Protection .....	4-9
4.4: Highway Commercial (HC) .....	4-10
4.4.1: Intent .....	4-10
4.4.2: General .....	4-10
4.4.3: Uses .....	4-10
4.4.4: Parking .....	4-11
4.4.5: Landscaping .....	4-12
4.4.6: Tree Protection .....	4-14
4.4.7: Signage .....	4-14
4.5: Light Industrial and Warehouse (LI-W) .....	4-16
4.5.1: Intent .....	4-16
4.5.2: General .....	4-16
4.5.3: Uses .....	4-16
4.5.4: Parking .....	4-18
4.5.5: Landscaping .....	4-18
4.5.6: Tree Protection .....	4-20
4.5.7: Signage .....	4-20

4.6: Planned Development (PD)	4-22
4.6.1: Intent	4-22
4.6.2: General	4-22
4.6.3: Uses	4-22
4.6.4: Design Criteria and Development Standards	4-22
4.6.5: Administrative Procedures with Regard to PD Zoning Districts	4-22
4.6.6: Submission Materials Required for Development Plan	4-22
4.7: Manufactured Housing Park District	4-24
4.7.1: Intent	4-24
4.7.2: General	4-24
4.7.3: Uses	4-24
4.7.4: Landscaping	4-25
4.7.5: Signage	4-25
4.7.6: Parking	4-25
4.7.7: Roadways	4-25
4.7.8: Tree Protection	4-25
4.7.9: Street Lighting	4-25
4.7.10: Other Mobile Home Specifications	4-25

<b>Chapter 5: Administration</b>	<b>5-1</b>
5.1: Nonconforming Land Uses	5-1
5.2: Lots of Record	5-1
5.3: Administration, Enforcement, Appeal, Complaints, and Remedies	5-1
5.4: Amendments	5-3
5.5: Board of Zoning Appeals	5-4
5.6: Fees	5-6





# Zoning Ordinance

## Chapter 1: Purpose and Applicability

---

### 1.1: Authority

---

This Ordinance is hereby adopted under the authority and provisions of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994.

---

### 1.2: Purpose

---

Because of existing development patterns and pressures, the Town of Bonneau Planning Commission recommended that regulations concerning health, safety, use, and aesthetics be implemented to protect the residents and the character of the Town. The purpose of this Ordinance is not merely to provide the minimum regulations necessary to facilitate safe and orderly growth, but also to ensure that growth becomes an integral part of the community and existing developments; increasing collective security and community identity to promote civic awareness and responsibility and enhancing the quality of life for the entire Town. This Ordinance is also meant to preserve the small-town, rural characteristics of the Town by upholding the ideals and goals set forth in the Town of Bonneau Comprehensive Plan.

Following the provisions of the South Carolina Local Government Comprehensive Planning Enabling Act, the zoning ordinance has been drafted with consideration for the following;

1. to provide for adequate light, air, and open space;
2. to prevent the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets;
3. to facilitate the creation of a convenient, attractive, and harmonious community;
4. to protect and preserve scenic, historic, or ecologically sensitive areas;
5. to regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports, and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes;
6. to facilitate the adequate provision or availability of transportation, police and fire protection, water, sewer, parks, and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements;
7. to protect from fire, flood, and other damages; and
8. to further the public welfare in any other regard specified by a local governing body.

---

### 1.3: Title

---

This Ordinance is officially titled as "Town of Bonneau Zoning Ordinance", and shall be known as the "Zoning Ordinance". The official map designating the various zoning districts shall be titled, "Town of Bonneau Official Zoning Map", and shall be known as the "Zoning Map".

---

### 1.4: Jurisdiction

---

These regulations govern the development and use of all land and structures within the corporate limits of the Town of Bonneau.

---

### 1.5: Severability

---

Should a court of competent jurisdiction find any portion of this Ordinance illegal, the remainder of the Ordinance shall remain in effect.

---

**1.6: Effective Date**

---

These regulations shall become effective on February 16, 2004.

## Chapter 2: Definitions

---

### 2.1: Intent

---

For the purpose of interpreting this Ordinance, certain words, concepts, and ideas are defined. Except as defined herein, all other words used in this Ordinance shall have their everyday dictionary definition.

---

### 2.2: Interpretation

---

- 2.2.1. Words used in the present tense include the future tense.
- 2.2.2. Words used in the singular number include the plural, and words used in the plural number include the singular.
- 2.2.3. The word “person” includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
- 2.2.4. The word “lot” includes the word “plot” or “parcel” or “tract”.
- 2.2.5. The word “shall” is always mandatory.
- 2.2.6. The word “structure” shall include the word “building”.
- 2.2.7. The word “used” or “occupied” as applied to any land or building shall include the words “intended, arranged, or designed to be used or occupied”.
- 2.2.8. Any word denoting gender includes the female and the male.

---

### 2.3: Definitions

---

- 2.3.1. **Access:** A way or means of approach to provide vehicular or pedestrian physical entrance to a property.
- 2.3.2. **Access Point:** The location of the intersection of a highway or street or driveway with the highway.
- 2.3.3. **Accessory Use:** An incidental and subordinate use that is customarily associated with the principal use of a lot or building located upon the same lot as the principal use.
- 2.3.4. **Acre:** A measure of land area containing 43,560 square feet.
- 2.3.5. **Alteration:** Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another. This excludes normal repairs and maintenance of the structure.
- 2.3.6. **Annexation:** The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.
- 2.3.7. **Applicant:** the owner(s) of record or the legally authorized agent of the owner(s) of record.
- 2.3.8. **Berm:** A mound of earth or the act of pushing earth into a mound. Berms are usually two (2) to six (6) feet high and are used to shield, screen, and buffer undesirable views and to separate incompatible land uses. They also provide visual interest, decrease noise, control the direction of water flow, and act as dams.
- 2.3.9. **Board of Zoning Appeals:** A quasi-judicial board appointed by the Bonneau Town Council which hears and decides on variances to the Zoning Ordinance and Land Development Ordinance of the Town of Bonneau.
- 2.3.10. **Buffer:** Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.
- 2.3.11. **Buildable Area:** The area of a lot remaining after the minimum yard, lot coverage, and buffer requirements of the zoning ordinance have been met.
- 2.3.12. **Building:** Any structure built for the support, shelter, or enclosure of persons, animals, fowl, or property of any kind.

2.3.13. **Building Height:** Building height shall be measured vertically from the highest point of the structure, to the ground level of the grade where the walls or other structural elements intersect with the ground. The height limitations shall not apply to;

- chimneys,
- spires,
- belfries,
- cupolas, and
- domes

provided that they are not intended for human occupancy, do not exceed sixty (60) square feet in size, do not exceed seven (7) feet in total height, and are enclosed by an entry door.

2.3.14. **Building Inspector:** The individual designated by the appointing authority to enforce the provisions of the building code.

2.3.15. **Building Permit:** A permit obtained from the Town of Bonneau which sets the inspection schedule and construction techniques for a project.

2.3.16. **Business, Wholesale:** Establishments selling commodities in large quantities to retailers, including wholesalers for all types of retail products, bulk stations for gasoline, kerosene, fuel, oil, bottled gas, etc., and warehouses.

2.3.17. **Caliper:** The diameter of a tree trunk. See Figure 1.

2.3.18. **Certificate of Occupancy:** A certificate allowing the occupancy of use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Ordinance and all other applicable regulations.

2.3.19. **Change in Use:** Any use that substantially differs from the previous use of a building or land.

2.3.20. **Church:** A structure or group of structures providing housing for religious worship, religious education, and charitable activities as may be prescribed by the tenets and practices of a particular religious body.

2.3.21. **Commercial, General:** Use pertaining to the exchange of cash, goods, services, ,or any other remuneration for goods, services, lodging, meals, entertainment in any form, or the right to occupy space over a period of time.

2.3.22. **Conditional Use:** A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the approving agency.

2.3.23. **District:** A section, zone, or geographic area within the municipality within which certain zoning or development regulations apply.

2.3.24. **Dwelling, Attached:** A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

2.3.25. **Dwelling, Detached:** A dwelling that is not attached to any other dwelling by any means.

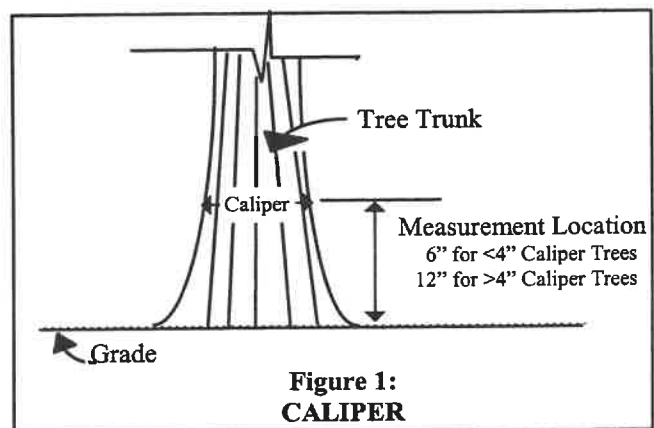
2.3.26. **Dwelling, Multifamily:** A building containing two or more dwelling units on the same lot, including units that are located one over the other.

2.3.27. **Dwelling, Single-Family:** A one-family dwelling unit located on a separate lot.

2.3.28. **Dwelling Unit:** One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

2.3.29. **Existing Use:** The use of a lot or structure at the time of the enactment of a zoning ordinance or amendment thereof.

2.3.30. **Facade:** The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.



- 2.3.31. **Fence:** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.
- 2.3.32. **Garage:** A structure, either attach or detached, that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof.
- 2.3.33. **Home Occupation:** Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit.
- 2.3.34. **Impervious Surface:** Any material that prevents absorption of stormwater into the ground.
- 2.3.35. **Industrial Park:** A tract of land that is planned, developed, and operated as an integrated facility for a number of individual industrial uses, with consideration to transportation facilities (rail and highway), circulation, parking, utility needs, aesthetics, and compatibility.
- 2.3.36.  **kennel:** A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.
- 2.3.37. **Lot Frontage:** The length of the front lot line measured at the street right-of-way line.
- 2.3.38. **Manufactured Housing (Mobile Home):** A residential dwelling unit that is composed of one or more components, each of which was assembled in a manufacturing plant and designed to be transported to the home site on its own chassis.
- 2.3.39. **Manufacturing:** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.
- 2.3.40. **Nonconforming Lot:** A lot; the area, dimensions, or location of which were lawful prior to the adoption, revision, or amendment of the zoning ordinance, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
- 2.3.41. **Nonconforming Structure or Building:** A structure or building, the size, dimensions, or location of which lawfully existed prior to the adoption, revision, or amendment to the zoning ordinance, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
- 2.3.42. **Nonconforming Use:** A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
- 2.3.43. **Office:** A use or location primarily used for conducting the affairs of a business, profession, service, industry, or government or like activity.
- 2.3.44. **Outdoor Storage:** The keeping in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.
- 2.3.45. **Parcel:** A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity.
- 2.3.46. **Pedestrian Oriented Development:** Development that accommodates the needs of the pedestrian. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option or choice of not having to use a car to travel between uses, and will provide a variety of interesting and detailed streetscapes which balance the needs of pedestrian and vehicular traffic equally.
- 2.3.47. **Pedestrian Scale:** The proportional relationship between an individual and his or her environment. The relationship between the person and his or her environment, whether natural or created, is comfortable, intimate, and contributes to the individual's sense of accessibility.
- 2.3.48. **Permitted Use:** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
- 2.3.49. **Planned Development:** An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained according to a master plan as a single entity and containing one or more structures with appurtenant common areas.
- 2.3.50. **Public Hearing:** A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

- 2.3.51. **Retail, General:** Establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.
- 2.3.52. **Scale:** The relationship of a particular building, in terms of building mass, to other nearby and adjacent buildings.
- 2.3.53. **Services, Business:** Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.
- 2.3.54. **Services, Manufacturing:** Construction establishments engaged in the construction, repair, or demolition of buildings, streets, water and sewer systems, bridges, and similar construction, including but not limited to buildings.
- 2.3.55. **Services, Personal:** Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Personal services usually include the following; laundry, including cleaning and pressing service, linen supply, diaper service, beauty shops, barbershops, shoe repair, funeral services, steam baths, reducing salons and health clubs, clothing rental, locker rental, porter service, and domestic services.
- 2.3.56. **Setback:** The mandatory distance between a lot line and a building wall.
- 2.3.57. **Sexually Oriented Business:** An establishment consisting of, including, or having the characteristics of any or all of the following:
- **Adult Bookstore-**An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
  - **Adult Cabaret-(1)** An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
  - **Adult Motion Picture Theater-**An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
- 2.3.58. **Sign:** Any object, device, display, or structure, or part thereof situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images (excluding national or state flags, window displays, athletic scoreboards, or the official announcements or signs of government).
- 2.3.59. **Sign, Animated or Moving:** Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation (excepting time or temperature indicators).
- 2.3.60. **Sign, Awning or Canopy:** A sign that is mounted, painted, or attached to an awning or canopy.
- 2.3.61. **Sign, Directory:** A sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.
- 2.3.62. **Sign Face:** The area or display surface used for the message.
- 2.3.63. **Sign, Flashing:** Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.
- 2.3.64. **Sign, Freestanding:** Any nonmovable sign not affixed to a building.
- 2.3.65. **Sign, Ground:** Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground (less than three [3] feet) and is independent of any other structure.
- 2.3.66. **Sign, Pole:** A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet (6') or more above grade.

- 2.3.67. **Sign, Portable:** A sign that is not permanently, affixed to a building, structure, or the ground.
- 2.3.68. **Sign, Projecting:** A sign that is wholly or partly dependent upon a building for support and that projects more than twelve inches (12") from such building.
- 2.3.69. **Sign, Roof:** A sign erected upon or which extends above the roof of the building to which it is attached.
- 2.3.70. **Sign, Wall:** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve inches (12") from such building or structure.
- 2.3.71. **Sign Area:** The entire face of a sign, measured by calculating the height by the length of the smallest rectangle that can be drawn to include all sign elements.
- 2.3.72. **Structure:** Anything constructed or built, an edifice or building of any kind, constructed of parts joined together in a definite manner.
- 2.3.73. **Transportation:** Ground-establishments providing for the interchange of passenger and freight including but not limited to bus passenger and parking terminals, truck terminals, railroad passenger and freight terminals, railway express freight terminals, and taxicab stands and yards.
- 2.3.74. **Tree, Grand:** Tree measuring 24 inches or greater DBH.
- 2.3.75. **Tree, Large Maturing:** Trees that grow to a minimum height of thirty (30) feet.
- 2.3.76. **Tree, Protected:** Tree measure 8 inches or greater DBH.
- 2.3.77. **Tree, Small Maturing:** Trees that grow to a minimum height of fifteen (15) feet.
- 2.3.78. **Zoning Administrator:** The person designated by the Town to be responsible for the administration of this Ordinance.
- 2.3.79. **Zoning Permit:** Written permission issued by the Town of Bonneau for the construction, or enlargement of a structure, including signs, or the grading or excavation of a site in preparation of construction or for the installation of underground utilities.

## Chapter 3: General Provisions

---

### 3.1: Applicability

---

The following provisions shall apply throughout the jurisdiction of this Ordinance, regardless of the underlying regulating district.

---

### 3.2: Compliance to Ordinance for Increases on Improvements of Existing Uses

---

**3.2.1:** All general and district requirements shall apply to an existing conforming use that increases in parking area and/or building area by at least ten percent (10%), especially landscaping, parking, and fence standards.

---

### 3.3: Nonconforming Land Uses

---

**3.3.1:** Nonconforming land 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 use 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 nonconforming building or land use shall not be:

- A. Changed to another nonconforming use.
- B. Reestablished after discontinuance for one year.
- C. Repaired, rebuilt, or altered after damage exceeding fifty percent (50%) of its preexisting (before damaged) assessed market value. Reconstruction must begin within six (6) months after damage is incurred.
- D. Enlarged or altered in a way which increases the nonconformity.

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

---

### 3.4: Lots of Record

---

Where a lot of record at the time of the effective date of this Ordinance (or revision thereto) has less area or width than herein required in the district in which it is located, said lot may nevertheless be used for a permitted use in the district.

---

### 3.5: Fence and Wall Standards

---

Except as otherwise noted in this Ordinance, fences or walls are permitted in the various districts subject to the following regulations:

#### 3.5.1: Residential Use

- A. Rear yard fences and walls
  - 1. Max. Height: Eight (8') feet

Any fence or wall eight (8) feet or higher will require a building permit.



**B. Side and front yard fences and walls**

1. Max. Height: Six (6') feet

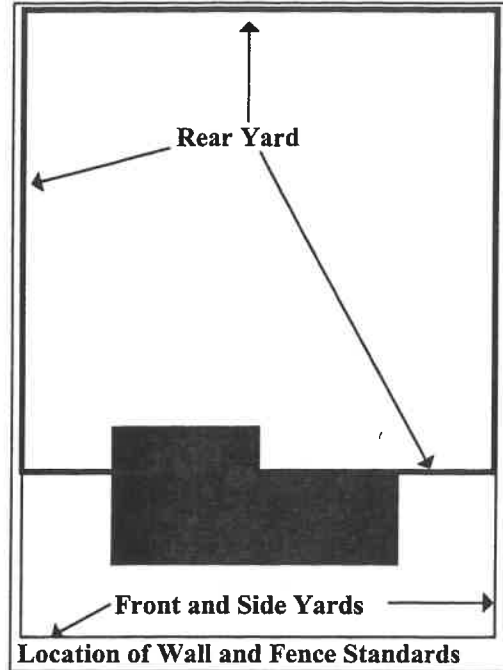
**3.5.2: Commercial and Industrial Use**

**A. Rear yard fences and walls**

1. Max. Height: Eight (8') feet
2. Materials: Brick, stucco, chain link (barbed wire is permitted for rear yard fences not visible from a street), wrought iron, stone, wood, concrete, or combinations of the above. When combination of two (2) or more materials is used, the heavier material shall be below.

**B. Side and front yard fences and walls**

1. Max. Height: 6 feet (exceptions: required screening for the affected district)
2. Materials: Brick, stucco, chain link (barbed wire is permitted for side yard fences not visible from a street), wrought iron, stone, wood, concrete, or combinations of the above. When combination of two (2) or more materials is used, the heavier material shall be below.



**3.5.3: Civic and Institutional Use**

**A. Fences and walls in all yards**

1. Max. Height: Eight (8') feet
2. Materials: Brick, stucco, wrought iron, stone, wood, concrete, or combinations of the above. When combination of two (2) or more materials is used, the heavier material shall be below.

---

**3.6: Temporary Structures**

---

**3.6.1:** Temporary structures and uses, when in compliance with all applicable provisions of the Ordinance, and all other ordinances of the Town of Bonneau shall be allowed. The following temporary structures and uses shall be permitted:

**3.6.2: Construction Trailers:** Trailers used in conjunction with construction projects provided that the following conditions are met:

- A. Such construction trailers may be located at a building site where there is a valid building permit for the construction project, or, in the case of a residential subdivision, a valid building permit for at least one of the residential units being constructed.
- B. All construction trailers shall be located at least ten (10) feet off any street right-of-way and not be placed in any required rear or side yard setbacks.
- C. All construction trailers shall be removed within one (1) month of the completion of the project or issuance of the Certificate of Occupancy.

**3.6.3: Temporary Sales or Events:** Uses less than thirty (30) days in duration and held no more than three (3) times per year at any particular location) which would not otherwise be permitted in a particular zoning district may be issued a temporary permit as herein provided. Upon completion and submittal of an application, the Zoning Administrator may grant a zoning permit for the following temporary uses:

- A. Seasonal retail goods
- B. Sidewalk Sales

- C. Revivals
- D. Shows for Civic and Youth Organizations
- E. Fairs, carnivals, or other similar public activities

The permit shall be valid for a specified period only, not to exceed forty-five (45) days in duration.

**3.6.4: Temporary manufactured homes:** Manufactured homes may be allowed on a temporary basis in a zoning district in which such use is not listed as a permitted use, if a disaster occurs which results in an occupied single-family dwelling being destroyed (i.e., it receives damage greater than sixty percent (60%) of its tax value). The purpose of allowing such manufactured home on said lot is to give the occupants of the destroyed dwelling unit a place to live while a new dwelling unit is being constructed or repaired. If a manufactured home is used for such an occurrence, it is subject to the following conditions:

- A. Such manufactured home shall not be placed in the front yard and shall be located no closer than 15 feet to another structure and no closer than ten (10) feet to any lot line.
- B. The Zoning Administrator shall be given the authority to issue a zoning permit for such temporary use on a one-time basis only for a period of up to nine (9) months. Such permit may be renewed on a one-time only basis if it is determined that:
  - 1. Construction of a new dwelling unit is proceeding in a diligent manner; and,
  - 2. The granting of such permit will not materially endanger the public health, welfare, or safety; and,
  - 3. The location of the manufactured home on the site does not have a negative effect on abutting properties.

**3.6.5: Other Temporary Uses:**

All other such temporary uses not otherwise listed may be granted a temporary zoning permit only after the Zoning Administrator has made the following determinations:

- A. The proposed use shall not materially endanger the public, health, welfare, and safety; and
- B. The proposed use shall not have a substantial negative effect on adjoining properties.
- C. Temporary permits shall be applied for ten (10) days in advance of the event or function.
- D. A separate permit shall be obtained for each event.

In approving such a temporary permit, the Zoning Administrator may authorize conditions regarding duration of the use, hours of operation, signage, lighting, etc. and such conditions shall be made part of the permit issued. Violations of such conditions shall be considered a violation of this Ordinance.

**3.7: Vibration, Light, Noise, and Odor**

**3.7.1: Vibration:** No inherent and recurring generated vibration shall be perceptible without instruments at the property line.

**3.7.2: Light:** The source of exterior lighting shall not be arranged in such a manner as to be detrimental to adjacent properties or the traveling public.

**3.7.3: Noise:** No persistent noise shall be detectable beyond the property line in excess of the average level of street and traffic noise generally heard at the point of observation, and no noise below such level shall be objectionable with respect to intermittence, beat, frequency, or shrillness.

**3.7.4: Odor:** No objectionable odor shall be detectable beyond the property line and the emission of odors, regardless of type shall not be such as to be detrimental to the value and use of adjacent property.

**3.8: Yard and Garage Sales**

Yard, garage, tag, patio, and apartment sales are permitted without a permit and permission of the property owner or leaser of the lot, as an accessory use on any residentially or institutionally developed lot in any district. Such sale shall be limited to no more than two (2) days per calendar month on the same lot and all sale goods shall be removed within twenty-hours (24) of the completion of the sale.

---

### **3.9: Home Occupations**

---

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

- A. is conducted by members of the family residing in the dwelling and are permitted to be engaged in such occupation.
- B. employs a maximum of two (2) persons other than members of the immediate family residing in the dwelling.
- C. is conducted within the principal building;
- D. utilizes not more than twenty-five percent (25%) of the total floor area of principal building;
- E. produces no alteration or change in the character or exterior appearance of the principal building from that of a dwelling;
- F. conducts no retail sales, other than items hand-crafted on the premises, in connection with such home occupation.
- G. only one display of each product sold shall be visible from the street;
- H. complies with Section 3.9: Signs for the permitted sign.
- I. does not generate traffic in greater volumes than would normally be expected in a residential neighborhood. Any need for parking shall be met by off-street parking and other than in a required front yard.

---

### **3.10: Private Swimming Pools and Tennis Courts**

---

**3.10.1:** Pools and tennis courts, including but not limited to aprons, walls, and equipment rooms, shall not protrude into any setbacks.

**3.10.2:** This use shall be fenced or otherwise protected against intrusion.

---

### **3.11: Signs**

---

**3.11.1:** Signs are considered to be structures and the regulations herein shall apply and govern in all zoning districts. No sign shall be erected or maintained unless it is in compliance with this section and the **additional requirements located in Chapter 4** for the specific zoning district.

**3.11.2:** A permit shall be required for the erection, alteration, relocation, or reconstruction of permitted signs unless otherwise noted, and shall be issued by the Zoning Administrator in accordance with Chapter 5 of this ordinance.

**3.11.3:** Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.

**3.11.4:** Non-conforming signs damaged more than fifty percent (50%) of their reasonable replacement cost shall not be repaired or replaced except in accordance with the provisions of this ordinance.

**3.11.5:** All signs shall be removed from closed businesses no more than thirty (30) days after the close of business. The Town shall remove any sign left past this time and the cost assessed to the current owner of the property.

#### **3.11.5: Prohibited Signs**

- A. Sign imitating warning signals. No sign or structure shall display flashing or intermittent lights of any type, nor shall any colored lights be utilized for sign purposes that resemble lights

utilized on emergency vehicles, including police, fire, EMS, towing, and rescue vehicles; nor shall any sign use the words "Stop", "Danger", or any other that may confuse an automobile or other vehicle driver.

- B. Signs within street or highway rights-of-way. Except traffic signs and signals, information signs erected by or authorized by a governmental or other public agency, or political signs.
- C. Certain attached and painted signs. Signs painted on or attached to trees, fence posts, and telephone poles or other utility poles or signs painted on or attached to rocks or other natural features.
- D. Fluttering ribbons and banners. Except the flags of governments and their agencies.
- E. Billboards. No new billboards will be allowed within the Town limits.

**3.11.6: Signs for which a permit is not required.**

- A. Traffic, directions, warning, or information signs authorized by any public agency.
- B. Official notices issued by any court, public agency, or officer.
- C. Non-illuminated "for sale", "for rent", or "for lease" signs not exceeding 12 square feet.
- D. One permitted home occupation sign, provided it is non-illuminating, no larger than one (1) square foot, and mounted against a wall of the principal building.
- E. Non-illuminated signs not exceeding twelve (12) square feet on work under construction, such as non-illuminated signs displaying the contractors, subcontractors, architects, engineers, owners, financial, selling, and development agencies. These signs may not be erected prior to the issuance of a building permit and shall be removed after the issuance of a Certificate of Occupancy for the property.
- F. Political signs. Political signs shall be allowed in designated areas. The Planning Commission and Town Council will decide where these designated areas are to be located. These signs shall not be placed more than forty-five (45) days before an election and must be removed ten (10) days after the election.
  - 1. Notice of Violation: Ten (10) days after the election, the Zoning Administrator shall send notice of the sign violation by registered mail, return receipt requested, to the owner of the land on which the sign is located and the violator who is responsible for the sign. Within five (5) days of receipt or refusal of the order, the owner or violator must remove the sign.
  - 2. Fines: Failure to comply with the Zoning Administrator's order shall constitute a civil violation. Admission of liability or finding of liability shall be punishable by a fine for each individual charge. The cost of this fine will be decided by Town Council and displayed on a Town Fee Schedule. Each day during which the violation is found to have existed shall constitute a separate offense.
- G. Signs identifying by name only residential subdivisions, unified housing developments, mobile home parks, not to exceed fifteen (15) square feet.
- H. Church or public building bulletin boards and identification signs. There shall be a limit of one (1) such sign, which shall not exceed twenty-five (25) square feet and shall be set back at least six feet (6) from the edge of the right of way or the property.

**3.11.7: Removal of Signs.** Whenever a sign becomes structurally unsafe or endangers the safety of a structure or premise or the public, or is erected or maintained in violation of this ordinance, the Zoning Administrator shall order such sign to be made safe or comply with ordinance, as the case may be, or be removed. Such order shall be sent to the owner of the land on which the sign is located by registered mail and shall be complied with within twelve (12) days from the date of mailing or such time as the Zoning Administrator may deem appropriate. Failure to comply shall constitute ground for the Zoning Administrator to have the sign removed, and the cost thereof shall be added to any fine imposed for violation under this ordinance.

---

**3.12: Landscaping**

---

**3.12.1: Intent:** These regulations are established to protect and enhance the natural landscape of Bonneau and ensure the appropriate use of plant material in new construction. It is the intent of these

regulations to preserve natural tree cover and establish new tree planting with development in order to:

- A. reinforce community identity,
- B. reduce visual blight and noise,
- C. increase building and property values,
- D. prevent soil erosion,
- E. reduce storm water runoff,
- F. create shade and reduce solar overheating.

**3.12.2: Landscaping is required as described in Chapter 4** for the specific zoning district to provide for buffering of adjacent zones, sound and light abatement, and screening of commercial uses and parking. All required landscaping shall be installed and maintained in compliance to the following general requirements:

- A. All plant material installed shall be healthy and of the best quality.
- B. All trees shall be a minimum two inch (2") caliper at breast height at installation.
- C. A maintenance agreement for the plant material shall be included in the property covenant.
- D. Maintenance and replacement per the original approved plan of damaged, destroyed, or dead plant materials is the responsibility of the property owner.
- E. Plant material shall be bonded for one year. A planting schedule shall be included in the bond and shall be based on seasonal considerations.
- F. Landscaping shall be provided in accordance with these regulations whenever a building or use is changed or experiences a ten percent (10%) enlargement in floor area.
- G. Landscaping shall not conflict with the visibility at street intersections.
- H. Wheel stops shall be placed three feet (3') from required landscaping areas.
- I. Existing vegetation may be used to satisfy portions of the landscaping requirements.

**3.12.3: Large Maturing Trees:** The following is a list intended for general reference and should not be considered all-inclusive.

Large Maturing Trees: 30'-80' Spread at Maturity			
Common Name	Growth Rate	Deciduous or Evergreen	Remarks
Ash, White	Fast	Deciduous	Grown best in moist, well-drained soils
Ash, Green	Fast	Deciduous	Disease resistant; upright form
Baldcypress	Medium	Deciduous	Suitable in poorly-drained sites
Cedar, Eastern Red	Medium	Evergreen	Makes an excellent buffer
Cedar, Deodar	Fast	Evergreen	Pyramidal form requires large planting area
Elm, Chinese	Medium	Deciduous	Fast-growing and hardy; handsome ornamental with showy bark
Ginkgo	Slow	Deciduous	May require 20 years to attain mature form
Hackberry/Sugarberry	Fast	Deciduous	Fast growing and extremely hardy
Honeylocust (Skyline)	Medium	Deciduous	Thornless and fruitless variety, subject to borers
Linden, American	Medium	Deciduous	Drought tolerant
Magnolia, Southern	Medium	Evergreen	Requires high organic content in soil
Maple, Red	Fast	Deciduous	Protect thin bark on young plants from injury; hardy plant
Oak, Laurel (Darlington)	Slow	Evergreen	Handsome shade tree, widely planted
Oak, Live	Medium	Evergreen	Broad, spreading canopy
Oak, Pin	Fast	Deciduous	Hardy, easily transplanted
Oak, Sawtooth	Slow	Deciduous	Excellent nut producer for urban wildlife
Oak, Water	Medium	Deciduous	Sensitive to root disturbance
Oak, White	Slow	Deciduous	Majestic, long-lived specimen
Oak, Willow	Medium	Deciduous	Excellent multipurpose tree
Pecan	Medium	Deciduous	Broad, open crown filters sunlight
Pine, Loblolly	Fast	Evergreen	Tolerates poor soil
Pine, Longleaf	Fast	Evergreen	Suitable for dry sandy soils
Planetree, London	Fast	Deciduous	Hardy, tolerant of city conditions
Sweetgum	Medium	Deciduous	Easily killed by spreading fill dirt around trunk and roots
Sycamore	Fast	Deciduous	One of the largest eastern hardwoods
Tulip Poplar	Fast	Deciduous	Protect thin bark from injury
Willow, Weeping	Fast	Deciduous	Avoid planting near underground pipes
Zelkova, Japanese	Medium	Deciduous	Short trunk, spreading branches, disease resistant

**3.12.4: Small Maturing Trees:** The following is a list intended for general reference and should not be considered all inclusive.

Small Maturing Trees: 15'-30' Spread at Maturity			
Common Name	Growth Rate	Deciduous or Evergreen	Remarks
Althaea	Medium	Deciduous	Showy flowers
Birch, River	Fast	Deciduous	Interesting peeling bark, lower branches droop
Cherry, Kwanzan	Medium	Deciduous	Colorful pink flowers
Cherry, Weeping	Medium	Deciduous	Graceful and airy, pink flowers
Cherry, Yoshino	Fast	Deciduous	Great flowering, most effective in front of evergreens
Crabapple, Flowering	Medium	Deciduous	Protect from bark damage
Crapemyrtle	Medium	Deciduous	Excellent multipurpose specimen
Dogwood, Flowering	Medium	Deciduous	Protect bark from damage
Dogwood, Kousa	Medium	Deciduous	White blooms in early summer
Golden Raintree	Medium	Deciduous	Showy, yellow flowers, requires well-drained soil
Holly, American	Slow	Evergreen	Berries on female plants
Holly, "Hume #2"	Medium	Evergreen	Few spines on leaves
Holly, "Savannah"	Medium	Evergreen	Excellent fruiting
Holly, "Foster #2"	Medium	Evergreen	Strongly upright form
Loquat	Fast	Evergreen	Interesting espaliered plant
Magnolia, Saucer	Medium	Deciduous	White flowers before leaves appear in spring
Magnolia, Star	Slow	Deciduous	White flowers before leaves appear in spring
Magnolia, Sweetbay	Medium	Deciduous/Evergreen	Fragrant flowers
Maple, Japanese	Slow	Deciduous	Grows best in part shade
Momsa	Medium	Deciduous	Pink flowers, short-lived tree
Pagodatree, Japanese	Slow	Deciduous	Hardy under city conditions, late summer flower blossoms
Pine, Japanese Black	Medium	Evergreen	Tolerates drought and windy seaside locations
Plum, Purpleleaf	Medium	Deciduous	Best grown in full sun
Redbud, Eastern	Medium	Deciduous	Drought resistant
Sourwood	Medium	Deciduous	White flowers in mid-summer
Tallowtree, Chinese	Fast	Deciduous	Dense rounded crown with small poplar-like leaves, grown best in sandy soil
Vitex	Fast	Deciduous	Showy flowers
Waxmyrtle	Slow/medium	Evergreen	Combines well with junipers
Yaupon	Medium	Evergreen	Many red berries, hardy

**3.13: Tree Protection**

**3.13.1: Intent:** These regulations are established to protect trees by regulating the cutting down, damaging, planting and replacement of trees during development in order to:

- A. Maintain the environmental and aesthetic benefits that trees provide;
- B. Improve the appearance of vehicular use areas;
- C. Protect and conserve property values within the Town.

The provisions herein shall not be interpreted to prohibit or unduly inhibit development of private property.

**3.13.2: Exemptions:**

- A. **Residential Exemption:** Existing single and small multifamily residential uses are exempt from the requirements of this section unless such use is in the process of being converted into a commercial or industrial use.
- B. **Commercial Timber Operation Exemption:** Commercial timber operations shall be exempt from the provisions of this Ordinance. The Town encourages the retention of a fifty foot (50') buffer of existing trees adjacent to all public rights-of-ways.

**3.13.3: Protection of Trees Prior to Development:** On a vacant parcel of land, where a building permit or subdivision approval has not been issued, the destruction, within any five (5) year period, of more than twenty-five percent (25%) of the protected trees on any one (1) parcel of non-exempt land shall be prohibited. The total number of protected trees existing on any one parcel shall not be reduced below a total number equal to twenty (20) protected trees per acre.

**3.13.4: Protection of Trees During Development:** For parcels of land proposed for development, a minimum number of *protected trees* (eight inches [8"] or greater DBH) on the entire parcel equal to twenty (20) protected trees per acre shall be saved. For parcels containing less than twenty (20) protected trees per acre, the total number of protected trees required to be saved shall equal the total number of protected trees existing on the parcel. Grand trees (twenty-four inches [24"] or greater DBH) to be saved may be used to calculate the total number of protected trees to be saved.

- A. **Protective Barricades Required:** Protective barricades shall be placed around all protected trees and grand trees located in development areas, and designated to be saved, prior to the start of development activities, and shall remain in place until development activities are complete or construction in accordance with standards set forth in this Section commences. The area within the protective barricade shall remain free of all building materials, dirt or other construction debris, vehicles and development activities. Barricades shall be erected at a minimum distance of ten feet (10') from the base of each protected and grand tree and be no less than three feet (3') high.
- B. **Construction within the Protective Barricade:** Construction of impervious surfaces shall not be permitted within five feet (5') of a protected tree or within twelve feet (12') of the base of a grand tree, unless special construction methods, including but not limited to tree feeders and porous paving materials, are used and certified as acceptable by a reputable tree service or other qualified organization.
- C. All roots outside the protective barricade to be removed during development shall be severed clean and a two-inch (2") layer of mulch shall be applied over the surface of exposed roots during development.
- D. All pruning of protected trees and grand trees shall be done according to the National Arborists Association, *Pruning Standards for Shade Trees*.

**3.13.5: Standards for Removal of Protected or Grand Trees:**

- A. The removal of a protected tree shall be approved if the Zoning Administrator finds that one or more of the following conditions exist. This section shall not apply to grand trees.
  - 1. The protected tree is located where a proposed building or accessory structure is to be placed in accordance with other zoning standards; or
  - 2. The protected tree creates unsafe vision on a public street or right-of-way.
- B. Each protected tree or grand tree that is determined by the Zoning Administrator to be diseased or injured to the extent it is irreparably damaged shall be approved for removal. Replacement trees shall not be required.

**3.13.6: Tree Removal, Relocation, or Replacement:**

- A. **Tree Replacement Required:** Removal of each protected or grand tree shall require replacement with two (2) same or similar species and at least ten feet (10') in height on the same parcel. Applicant shall submit to the Zoning Administrator the species and size of replacement trees for approval.
- B. **Relocation of Protected Trees:** Relocation may be accomplished by relocating the tree on land under the same ownership within the town limits or to public land within town limits.
- C. **Tree Planting Criteria:** In the relocation or the replacement of a protected or grand tree, all trees used shall be vigorous, well shaped, branched and foliated.
- D. **Maintenance:** The owner of the parcel shall be responsible for the maintenance of all protected, grand, relocated or replaced trees.

**3.13.7: Application for a Zoning Permit:** Application for a permit where land development, new construction, or addition in the footprint of a structure is proposed shall require the submission of a site plan or plat which includes the following:

- A. A tree survey which locates all protected and grand trees identified by DBH and species. Groups of trees in close proximity may be designated as a clump of trees, with the predominant species, estimated number and average diameter indicated. For developments that exceed ten (10) acres, an aerial photograph may be substituted for a tree survey with the approval of the Zoning Administrator in instances that they would provide the same information as the tree survey.

- B. Location of all existing and proposed structures, improvements, rights-of-way, and easements on the property and designation of all public rights-of-way and other public lands adjacent to the property.
- C. Designation of protected trees to be saved and those to be relocated or removed.

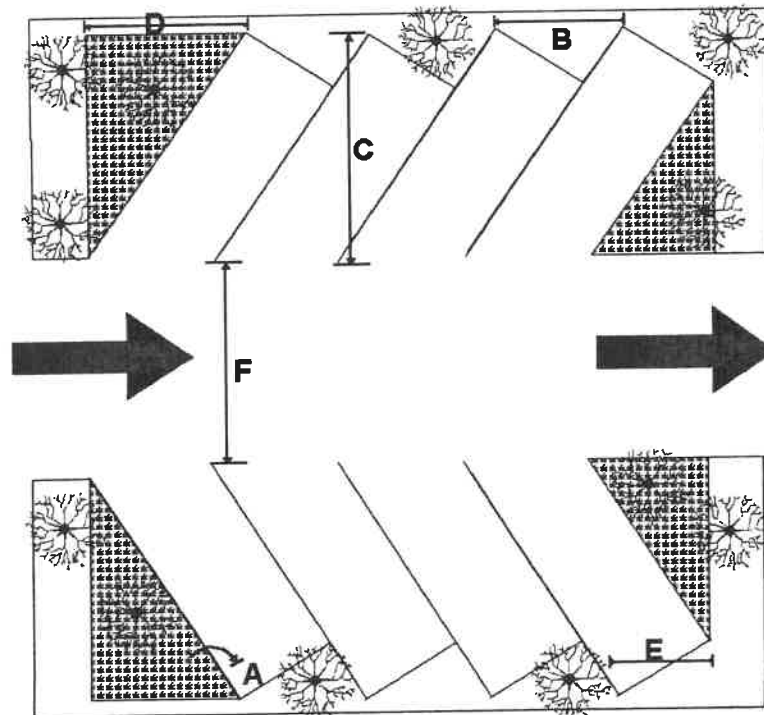
**3.14: Parking**

**3.14.1: General Design Standards:**

- A. Parking is requires as described in Chapter 4 for each specific zoning district.
- B. Unless no other practicable alternative is available, any off-street parking area shall be designed so that vehicles may utilize such areas without backing onto a public street.
- C. Off-street parking areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments.
- D. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians and without interfering with parking areas.
- E. No off-street parking area shall be located over an active or auxiliary septic tank field.
- F. Retaining walls, screen, landscaping, and building walls shall be protected from vehicle contact.
- G. A permanent turn-around shall be required when the dead-end aisle exceeds five hundred (500") feet, measured along the centerline of the dead-end aisle, from the last aisle or public roadway.
- H. Off-street parking shall be encouraged to be constructed on the side or rear of all buildings.

**3.14.2: Parking Space Dimensions:**

- A. Each parking space shall contain a rectangular area of at least one hundred eighty (180) square feet.
- B. Parallel parking shall provide a space of twenty (20) feet by nine (9) feet.
- C. Parking areas and widths shall conform to the following table:



Parking Standards					
A	B	C	D	E	F



Parking Angle	Curb Length	Stall Depth	Starting Loss	Last Car Requirement	Aisle Width Minimum	
					ONE WAY	TWO WAY
30°	18'	18'	30'	4'	12'	20'
45°	12'	20'	20'	6'	14'	20'
60°	10'	21'	12'	8'	18'	22'
90°	9'	20'	0.0'	9'	20'	22'

**3.14.3: Disabled Parking:**

- A. Except for a lot containing a single-family or duplex dwelling, all uses shall be required to provide and designate the following number of spaces designed for disabled persons.

Total Number of Off-Street Parking Spaces	Total Number of Spaces Required for Disabled
1-50	1
51-100	2
101 or more	2 plus 1 for every 50 spaces over 100

- B. Off-street parking spaces for the disabled shall be designed as follows:
- All spaces for the disabled shall have access to a curb-ramp or curb-cut when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles, and shall be located the shortest possible distance between the parking area and the entrance to the principal building it serves.
  - Parallel parking spaces for the disabled shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height that will not interfere with the opening and closing of motor vehicle doors.
  - Each parking space for the disabled shall be paved and prominently outlined with paint and with a permanent sign bearing the internationally accepted wheelchair symbol, posted at the head of the parking space.
  - The size of the parking space shall be per building code specifications.

**3.14.4: Cooperative Parking:**

A. Refer to required parking in Chapter 4 for the specific zoning district. These requirements may be met with cooperative parking.

B. Cooperative provisions for off-street parking may be made by contract between two or more adjacent property owners. The parking area provided on any one lot may be reduced to not less than one-half (½) the number of required parking spaces for the use occupying such lot. These lots shall be interconnected in the HC district.

**3.14.5: Application of Parking Requirements:**

A. Mixed Uses: When more than one (1) principal or accessory use occupy the same building or parcel; the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

B. Change In Use, Alteration Of Use, Or Extension Of Use: Off-street parking spaces shall be provided in accordance with these regulations whenever a building or use is changed, altered or enlarged by at least 50% in floor area, number of employees, number of dwelling units, seating capacity, or otherwise.

C. A scale drawing or layout of all required parking areas showing the location, size, and arrangement of the individual parking spaces, loading spaces, and landscaped areas shall be submitted to the Zoning Administrator for approval.

**3.14.6: Lighting Standards:**

A. All parking space area lighting shall be energy efficient and designed so that any glare is directed away from adjacent properties or create any hazardous traffic conditions.

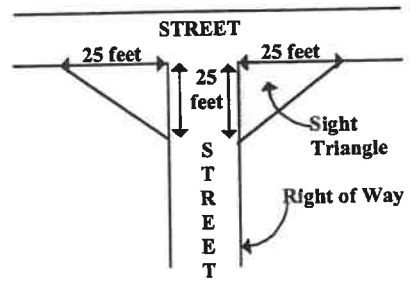
B. Lighting shall be provided to illuminate any off-street parking or loading spaces within developments providing customer service to the public after 5:00 P.M. Required lighting shall be designed at a mounting height, luminance, and spacing to provide a minimum average horizontal illumination of 0.6 foot-candles within the parking area and at primary building entrances.

---

### 3.15: Sight Triangle

---

- 3.15.1: Intent:** For protection against traffic hazards, no impediment to visibility shall be placed, allowed to grow, erected or maintained within visibility triangles described as follows;
- 3.15.2: Size of Sight Triangle:** A triangular-shaped portion of land 25 feet wide and 25 feet deep at the intersection.
- 3.15.3:** No structure, sign, or landscaping material shall exceed 3½ feet in height within the sight triangle.
- 3.15.4:** No parking is allowed within the sight triangle.



## Chapter 4: Zoning Districts

---

### 4.1: Official Zoning Map

---

#### 4.1.1: Intent

In order to accomplish the purpose set forth in the Comprehensive Plan and Chapter 1 of this ordinance, the boundaries of the zoning districts are hereby established as shown on the Official Zoning Map of the Town of Bonneau, which together with all explanatory matter hereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Clerk, and bearing the Seal of the City under the words: "Official Zoning Map, Town of Bonneau, SC," together with the date of adoption of this ordinance. The Official Zoning Map shall be located in the office of the Zoning Administrator and shall be the final authority to the current zoning status of land, water areas, buildings, and other structures in the Town, notwithstanding any other zoning map purported to be a copy of the Official Zoning Map.

#### 4.1.2: 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:

- A. Boundaries indicated as approximately following the center of streets, highways, railroad lines, utility easements, and alleys shall be construed to follow such center lines;
- B. Boundaries indicated as approximately following platted lot lines and Town limits shall be construed as following such lines;
- C. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

#### 4.1.3: Change of Town Boundaries

All territory which may hereafter be annexed to the Town shall be considered to be in the TNR (Traditional Neighborhood Residential) district unless otherwise classified.

---

### 4.2: Town Square District (TC)

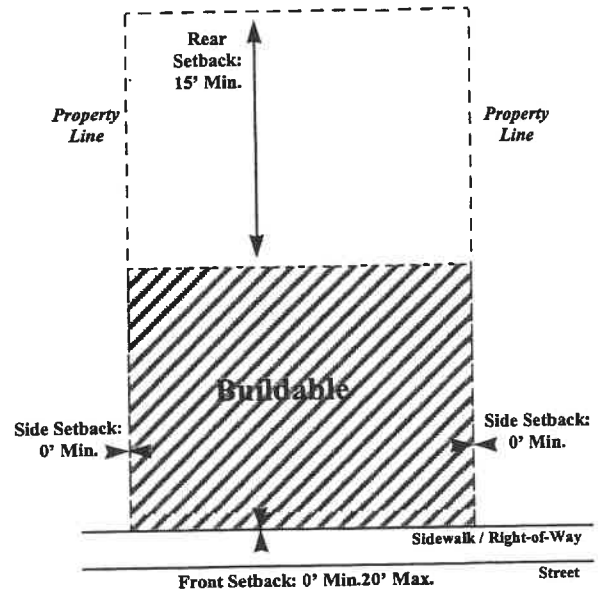
---

#### 4.2.1: Intent

Although there is no historical central area of the Town of Bonneau, the Town wishes to encourage the development of a Town Center along Hwy 52 around Town Hall. This district shall direct the development of shopping, services, and governmental facilities to this location in the hopes of creating a pedestrian-friendly area for Town residents and visitors to enjoy.

#### 4.2.2: General

- A. **Minimum Lot Size:** 5,000 square feet
- B. **Maximum Lot Coverage:** Building footprint shall not exceed 70% of the lot coverage.
- C. **Setbacks:**
  - 1. **Front:** 20 feet max.
  - 2. **Side:** 0 feet min.
  - 3. **Rear:** 15 feet min.
- D. **Maximum Building Height:** 35 feet  
Water towers, transmission towers, chimneys, flag poles, masts and aerials are permitted to exceed height limits, 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.



#### 4.2.3: Uses

A. **Permitted Uses:** The following uses shall be permitted in the TC district.

1. **Office / Commercial:** The following office and commercial uses are permitted in the TC district provided that all specified standards are met.

a) **Use List:**

- (1) Office
- (2) Personal Services
- (3) Business Services
- (4) General Retail
- (5) General Commercial
- (6) Restaurant
- (7) Lodging

b) **Standards:**

- (1) Balconies, bay windows, at an upper level and their supports at ground level, together with awnings above head height (min. seven feet, six inches (7'-6")) are permitted over the sidewalk with a maximum of five feet (5') encroachment into the right-of-way.
  - (2) Trash containers shall be located in the parking area, preferably to the rear of the parking area, and shall be screened from the right-of-way.
  - (3) Mechanical equipment at ground level should be placed on the parking lot side of building and away from buildings on adjacent sites.
  - (4) Building facades should constitute a street frontage at pedestrian scale.
  - (5) Main pedestrian access to the building shall be from the street. Secondary access may be from parking areas.
2. **Single-Family Residential:** Single-family residential uses are permitted in the TC district provided that all specified standards are met.
    - a) **Standards:** Garages may be detached or attached to the main dwelling, with or without habitable rooms above. The front wall of the garage shall be at least 10 feet behind the front facade of the dwelling or constitute less than thirty percent (30%) of the front facade of the building.

3. **Multifamily Residential:** Attached or detached multi-family residential uses are permitted in the TC district provided that all specified standards are met.
    - a) Standards:
      - (1) Garages may be detached or attached to the main dwelling, with or without habitable rooms above. The front wall of the garage shall be at least ten (10') feet behind the front facade of the dwelling or constitute less than thirty percent (30%) of the front facade of the building.
      - (2) **Minimum lot area per housing unit:** 2,500 square feet
      - (3) **Parking Requirement:** Two (2) spaces per unit
  4. **Institutional:** The following institutional uses are permitted in the TC district.
    - a) Use List
      - (1) Church
      - (2) Government
      - (3) School
      - (4) Assembly/Cultural
  5. **Outdoor Storage:** Outdoor storage uses are permitted in the TC district provided that all specified standards are met.
    - a) Standards:
      - (1) The storage shall be either an accessory use on the same lot as or a primary use for a lot providing that the primary business utilizing the storage is located within the TC District.
      - (2) Outdoor storage shall not front on Hwy 52.
  6. **Mixed Uses:** A mixture of the above uses are permitted provided that these uses meet the specified standards for that use in addition to the following standards.
    - a) Standards:
      - (1) When residential uses are attached to businesses or institutional uses, where business and residential portions of the building are located on different floors, business/commercial uses shall occupy the floors below the residential uses to preserve a residential atmosphere for the residents above.
      - (2) When residential uses are attached to businesses or institutional uses, business and residential portions of the mixed use building must be separated either by a soundproof concrete or masonry wall or two frame walls at least two feet apart, each insulated or otherwise soundproofed with the intervening space unoccupied except for utility lines, heating and air conditioning ducts, and similar devices not producing noise or vibration or requiring regular access.
- B. Accessory Uses:** Permitted accessory uses and structures shall be limited to the following and any additional uses and structures the Zoning Administrator finds are similar to those listed in scope, size, and impact and which are otherwise in compliance with this Ordinance.
1. **Residential**
    - a) Private greenhouse.
    - b) Private swimming pool.
    - c) Private tennis or outdoor recreational court.
    - d) Storage shed for personal, non-commercial use.
    - e) Studios and workshops without outdoor display for personal use.
    - f) Utility substation.
    - g) Public utility or communication tower, setback a minimum of one (1) foot for each one (1) foot in height.
  2. **Commercial**
    - a) Storage shed.
    - b) Utility substation.
    - c) Public utility or communication tower, setback a minimum of one (1) foot for each one (1) foot in height.
  3. Standards: The following standards apply to accessory uses or structures listed as permitted in 1 and 2 above.
    - a) Accessory uses or structures shall be located on the same lot as the principal structure or use.

- b) Accessory structures shall be included in the calculation of total lot coverage.
  - c) Unless otherwise noted, no accessory use or structure shall be located in a required yard.
  - d) No accessory use shall create a nuisance or hazard.
  - e) No accessory use shall be established until the principal use is established.
- C. Prohibited Uses:** The following uses shall be prohibited in the TC district.
- 1. Mobile homes
  - 2. Auto Sales
  - 3. Gas station
  - 4. Sexually Oriented Businesses
  - 5. Any use not listed as being permitted is prohibited.

#### 4.2.4: Parking

---

- A. Refer to general parking provisions in Chapter 3, Section 3.14: Parking.**
- B. Except for single family residential, parking shall be located to the rear of the building.**
- C. Parking areas on adjacent lots should be connected.**

#### 4.2.5: Landscaping

---

- A. Intent**  
Landscaping is required in the TC district to provide for buffering of adjacent zones, sound and light abatement, and screening of commercial uses, commercial parking, or residential parking with more than eight (8) spaces.
- B. Requirements for Parking Area Borders Parallel to Right-of-ways**
  - 1. A garden wall, opaque fence, or hedge [min. three (3') feet in height] shall be installed along any parking areas adjacent to street frontage.
- C. Requirements for Parking Area Borders Parallel to Adjacent Property Lines**
  - 1. Buffer strip shall be at least (5') in width.
  - 2. A garden wall, opaque fence, or hedge [min. four (4') feet in height] shall be installed along any adjacent property line.
  - 3. One (1) small maturing tree is required every ten (10) linear feet.
- D. Street Trees**
  - 1. Where appropriate, street trees shall be planted along all public streets with permission of the appropriate jurisdiction. Street trees shall be large maturing canopy species such as Silver Maple, Red Maple, or Live Oak.
  - 2. Maximum of one (1) street tree every thirty (30') feet on center.
  - 3. Tree size: min. of three (3") inches in caliper.

#### 4.2.6: Tree Protection

---

- A. Refer to Chapter 3, Section 3.13: Tree Protection for general tree protection requirements.**
- B. Grand Trees:** The destruction of any *grand tree* (twenty-four inches [24"] or greater DBH) is prohibited on any parcel of non-exempt land, unless a permit is granted certifying that removal is in compliance with section 3.11.
- C. Protected Trees:** The destruction of any *protected tree* (eight inches [8"] or greater DBH) is prohibited on any parcel of non-exempt land, unless a permit is granted certifying that removal is in compliance with section 3.11.

#### 4.2.7: Signage

---

- A. Materials employed for construction of sign shall be durable and weather resistant, and all signs shall be maintained in good repair.**

**A. Sign Area:** Shall be measured by height (A) by length (B) of the smallest rectangle that can be drawn to measure all sign elements. Unless otherwise noted, only one side or face of the same sign shall be used in computing sign area.

**B. Allowed Signs:** The applicant may select one (1) of the following of the five (5) choices for a sign type per street frontage:

**1. Wall Sign**

a) Maximum Size: Twenty-five (25) square feet or fifteen percent (15%) of the front wall area, whichever is greater.

**2. Window Sign**

a) Maximum Size: Thirty Percent (30%) of the window area.

**3. Projecting Sign**

a) Maximum Size: Six (6) square feet for one side.

b) Clearance: Eight feet (8') above ground level.

**4. Awning Sign**

a) Maximum Size: Individual letters shall not exceed ten inches (10") in height.

b) Signs, symbols, or designs may be painted or sewn on to any awning.

**5. Permanent Ground Sign**

a) Permanent monument signs are encouraged in the Town Center.

b) Maximum Size: Twenty-five (25) square feet per sign face.

c) Maximum Height: Five (5') feet from finished grade.

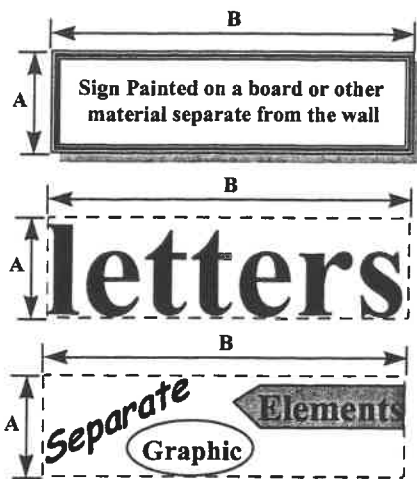
**C. Secondary Signs:** The following signs shall be permitted along in conjunction with the Allowed Sign.

1. Window or projecting sign no larger than six inches by eighteen inches (6"x18") bearing business identification in addition to a wall or awning sign.

2. One sign per business occupying the upper floors of a building no larger than 6"x18".

**D. Prohibited Signs:**

1. Moving signs of any type other than barber poles.
2. Internally illuminated other than non-flashing neon.
3. Signs projecting above the roof line.
4. Roof signs.
5. Freestanding signs.
6. Any sign not listed as being allowed is prohibited.




---

**4.3: Traditional Neighborhood Residential District (TNR)**

---

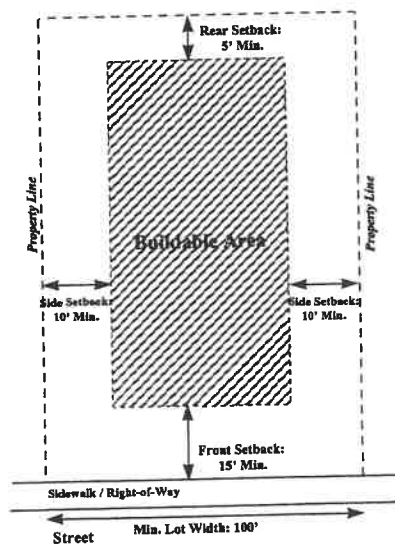
**4.3.1: Intent**

The Traditional Neighborhood Residential District (TNR) is a predominately single family residential area. Other uses such as mobile homes, multifamily dwellings, small offices and businesses are allowed in the district as long as they do not detract from the character of the small scale residential uses. Additional

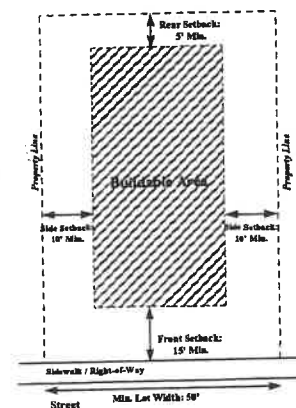
standards are placed on these uses to mitigate their impact on single family uses. Small offices and businesses are appropriate in this district as long as the use respects the integrity of the residential nature of the neighborhood and offer services needed to the residents. Government buildings, schools, and parks are also appropriate uses for the Traditional Neighborhood Residential District. Standards for all uses in the district are designed to protect the health, safety, and welfare of the citizens of Bonneau.

#### 4.3.2: General

	Large Size Lots	Small Size Lots	
Minimum Lot Size	43,560 sq. ft. minimum (One Acre)	21,780 sq. ft. minimum (1/2 acre)	
Minimum Lot Width	100 ft.	50 ft.	
Maximum # of Units	4 units	2 units	
Minimum Lot Area/Unit	5,000 sq. ft.	5,000 sq. ft.	
<b>Setbacks</b>			
	Front	15 feet minimum	15 feet min. to 20 feet max. or no greater than adjacent developed properties greater than 20 feet.
	Side	10 feet minimum	10 feet min.
	Rear	5 feet minimum	5 feet minimum
Setbacks apply to all structures greater than 6" above ground level.			
Max Height	35 feet	35 feet	
% Maximum Lot Coverage	35%	80%	
Distance between additional habitable structure on the same lot	15 feet minimum	15 feet minimum	



**Large Size Lots**



**Small Size Lots**



#### 4.3.3: Uses

**A. Permitted Uses:** The following uses are permitted in the TNR district provided that all specified standards are met.

1. Single Family Residential Building

- a) One (1) housing unit per lot permitted.
- b) Garages may be detached or attached to the main dwelling, with or without habitable rooms above. The front wall of the garage shall be at least ten (10) feet behind the front facade of the dwelling or no more than thirty percent (30%) of the front width of the housing unit.

2. Small Multifamily Residential Building(s)

- a) Up to four (4) units per lot permitted provided that lot size meets the minimum lot area/unit listed in the general requirements. Two (2) of these units may be mobile homes provided that they meet the standards set forth for mobile homes (Section 4.3.3:E).
- b) Units may be attached or detached.
- c) Garages may be detached or attached to the main dwelling, with or without habitable rooms above. The front wall of the garage shall be at least ten (10) feet behind the front facade of the dwelling or no more than thirty percent (30%) of the front width of the housing unit.
- d) Landscaping the Front Setback:
  - (1) One (1) large maturing tree per housing unit shall be planted within the required front setback. The trees shall be a minimum of three (3) inches in caliper at planting.
  - (2) Two (2) shrubs per housing unit shall be planted within the required front setback.

3. Small Office or Commercial Building(s)

- a) Office and commercial uses cannot occupy more than 2,000 square feet gross floor area exclusive of any residential living quarters.
- b) Office and commercial uses shall be limited to the ground floor of the structure. Residential uses above the office or commercial use is encouraged.
- c) Design of new construction shall be consistent with the residential nature of the area.
- d) Setbacks shall be consistent with neighboring property.
- e) Use List:
  - (1) Neighborhood retail shop or boutique,
  - (2) Professional office,
  - (3) Neighborhood service,
  - (4) Café or eatery establishment,
  - (5) Day care center
- f) Sign: One (1) sign permitted provided it is non-illuminating, no larger than one (1) square foot, and mounted against a wall of the principal building.
- g) Landscaping the Front Setback:
  - (1) One (1) large maturing tree per thirty feet (30') of street frontage shall be planted within the required front setback. The trees shall be a minimum of three (3) inches in caliper at planting.
  - (2) Two (2) shrubs per thirty feet (30') of street frontage shall be planted within the required front setback.

4. Civic Building(s)

a) Use List:

- (1) School
- (2) Church
- (3) Park/playground
- (4) Community Hall
- (5) Governmental Services Building

b) Landscaping the Front Setback:

- (1) One (1) large maturing tree per thirty feet (30') of street frontage shall be planted within the required front setback. The trees shall be a minimum of three (3) inches in caliper at planting.
- (2) Two (2) shrubs per thirty feet (30') of street frontage shall be planted within the required front setback.

5. Mobile or Manufactured Home(s)

a) Manufactured homes (mobile homes) shall be limited to residential use.

b) Only one (1) manufactured home is permitted per parcel provided that it meets the following standards: (NOTE: These standards do not apply to non-conforming mobile home parks.)

- (1) A manufactured home must bear a seal certifying that it was built to HUD standards for mobile homes, adopted on July 1, 1976.
- (2) Pre-owned manufactured homes being placed onto a parcel within town shall be less than five (5) years old.
- (3) Exterior siding: Wood, hardboard, vinyl, brick, or aluminum and shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
- (4) Roofing Material: Type of shingle that is commonly used in standard residential construction.
- (5) Minimum Roof Pitch: 3' X 12' roof pitch, or the standard of each manufacturer's equivalent to a 3' X 12' roof pitch.
- (6) Skirting: Continuous permanent brick foundation or curtain wall, continuous except for ventilation and access, shall be installed upon a poured concrete footing after placement on the lot, and before occupancy.
- (7) The tongue, axles, transporting lights, and removable towing apparatus must be removed after placement on the lot and before occupancy.
- (8) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in a manner commonly used in standard residential construction and attached firmly to the primary structure and anchored securely to the ground.

c) Garages may be detached or attached to the main dwelling, with or without habitable rooms above. The front wall of the garage shall be at least ten (10) feet behind the front facade of the dwelling or no more than thirty percent (30%) of the front width of the housing unit.

6. Agricultural Uses and Timber Operations

- a) All lots within the Traditional Neighborhood Residential District that are to be utilized for agricultural uses or for timber/forestry operation must conform to the large lot size requirements described in Section 4.3.2.
- b) Each lot utilized for agricultural, timber or forestry uses must be buffered from adjacent properties by a fence, berm or vegetative buffer to avoid any nuisance to adjacent property owners. The Zoning Administrator must approve this buffer. The Town encourages the retention of a buffer of a fifty-foot (50') of existing trees for timber and/or forestry operations.

**B. Prohibited Uses:** The following uses shall be prohibited in the TNR district.

1. Bars or taverns
2. Private clubs
3. Service or gas station
4. Outdoor storage
5. Outdoor business

6. Drive-through restaurant
7. Dry cleaning establishment
8. Sexually Oriented Businesses
9. Any use not listed as being permitted is prohibited.

#### **4.3.4: Parking**

---

- A. **General:** The following parking requirements shall apply within the TNR district.
  1. **Office:** Three (3) parking spaces per 1,000 square feet.
  2. **Retail/Restaurants:** Five (5) parking spaces per 1,000 square feet.
  3. **Residential:** Two (2) parking spaces per dwelling unit.
- B. **Parking:** Parking for non-residential uses shall be located to the side and rear of the building. This requirement may be waived by the zoning administrator where the use and situation requires parking to be placed to the front of the building, provided that this shall not adversely affect residential nature of the neighborhood.
- C. **Landscape Buffers:** (For non residential uses)
  1. **Required Landscaping Area:** At least five feet (5') in depth shall be located between the abutting property lines and the parking, loading, or other vehicular use area, except where permitted driveway openings are to be provided.
  2. **Required Landscaping Materials**
    - a) One (1) tree shall be planted for each fifty linear feet (50') of the landscaping area and one (1) small maturing tree or shrub of at least three feet (3') in height shall be planted every ten linear feet (10') within the landscape.
  3. **Other Requirements:**
    - a) All portions of the landscaping area not planted with shrubs and trees shall be planted in grass and/or with some other vegetative ground cover; and
    - b) Parked vehicles may overhang a landscaped area no more than one foot (1'), provided curbing or other wheel stops are installed to insure no greater overhang or penetration of the landscaped islands. Landscaping, walls, fences, and earthberms shall be located as to prevent their damage and/or destruction by overhanging vehicles.

#### **4.3.5: Tree Protection**

---

- A. **Refer to Chapter 3, Section 3.13: Tree Protection for general tree protection requirements.**
- B. **Grand Trees:** The destruction of any *grand tree* (twenty-four inches [24"] or greater DBH) is prohibited on any parcel of non-exempt land, unless a permit is granted certifying that removal is in compliance with section 3.11.
- C. **Protected Trees:** The destruction of any *protected tree* (eight inches [8"] or greater DBH) is prohibited on any parcel of non-exempt land, unless a permit is granted certifying that removal is in compliance with section 3.11.

---

#### 4.4: Highway Commercial District (HC)

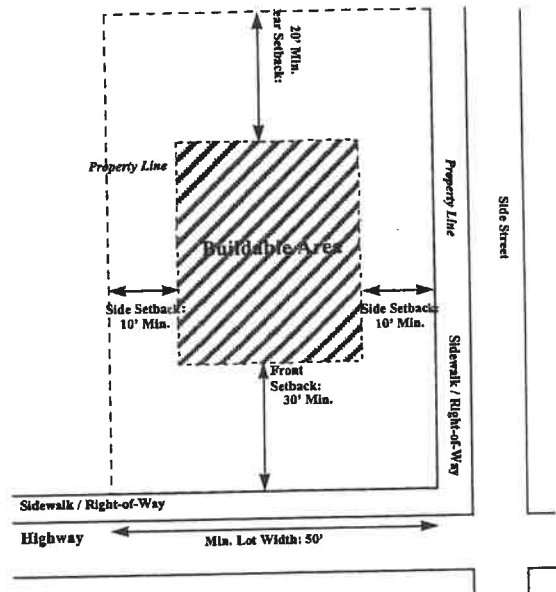
---

##### 4.4.1: Intent

This district represents the first impression, and often the only impression, to which visitors to Bonneau are exposed. Because of this, the intent of these provisions is to create a corridor that represents the Town and its local character. This district will offer a transition from the more rural County to the Town Center of Bonneau. In addition, these provisions are intended to facilitate convenient access, minimize traffic congestion, and reduce visual clutter along the highways.

##### 4.4.2: General

- A. **Minimum Lot Size:** 10,000 square feet
- B. **Maximum Lot Coverage:** Building footprint shall not exceed fifty percent (50%) of the lot coverage.
- C. **Minimum Street Frontage:** One Hundred (100') feet
- D. **Maximum Height:** 35 feet
- E. **Setbacks:**
  - 1. Front: Thirty (30') feet min.
  - 2. Side: Ten (10') feet min.
  - 3. Rear: Twenty (20') feet min.
- F. **Entranceways, Awnings, and Porches:** Permitted to encroach a maximum of Six (6') feet into front setbacks. Corner lots may encroach up to Six (6') feet on both the front and street-side setback.
- G. **Trash Containers:** Located in the parking area and screened from the right-of-way.
- H. **Mechanical Equipment at Ground Level:** Should be placed on the parking lot side of building, away from buildings on adjacent sites, and screened from view of public streets and residential uses.
- I. **Vehicular Access:** All individual lots or uses created after adoption of the Ordinance shall meet all of the requirements set forth in Section 6.3 of the Land Development Regulations.
- J. **Main Pedestrian Access:** Main pedestrian access to the building may be from the sides of the building. A secondary access from the street frontage shall be encouraged.



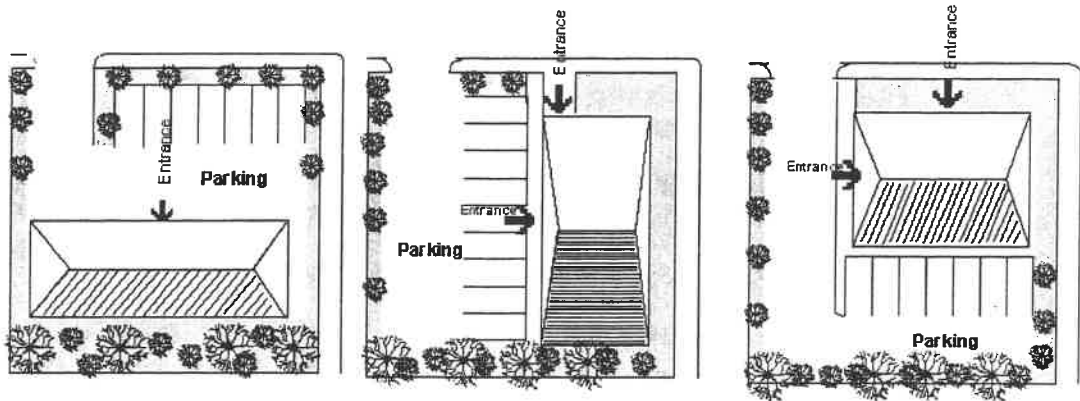
##### 4.4.3: Uses

- A. **Permitted Uses:** The following uses shall be permitted in the HC district.
  - 1. General Retail
  - 2. General Commercial
  - 3. Personal Services
  - 4. Business Services
  - 5. Office
  - 6. Entertainment Uses (i.e. Theaters, Drive-in Theaters, Mini Golf)
  - 7. Civic Uses
  - 8. Restaurants
  - 9. Filling Stations
  - 10. Lodging
  - 11. Residential Uses
- B. **Prohibited Uses:** The following uses shall be prohibited in the HC district.
  - 1. Sexually Oriented Businesses
  - 2. Heavy Manufacturing

- C. **Accessory Uses:** The following uses shall be permitted in the HC district as an accessory to the primary use.
1. Outdoor Storage
  2. Outdoor Sales

**4.4.4: Parking**

- A. **General Requirements:** See general parking requirements in Chapter 3 Section 3.14.
- B. **Location Of Parking:** Parking located along a commercial streetfront lessens the attractiveness of the area to pedestrians and compromises the safety of pedestrians along the street. Parking on a commercial streetfront should be minimized and where possible should be located behind a building.



**NOT ACCEPTABLE**  
 Parking lots along the streetfront are generally inappropriate.

**ACCEPTABLE**  
 In certain situations, limited streetfront parking lots may be allowed.

**PREFERRED**  
 Parking lots located behind shops and offices are preferred.

- C. Whenever possible, parking areas on adjacent lots shall be connected.
- D. **Required Parking Spaces**

Office/Personal Services/Business Services	1 per 300 square feet
General Retail/General Commercial	1 per 250 square feet
Restaurant	1 per 75 square feet
Hotels/Motels/Bed and Breakfast Inns	1 per room or suite
All other uses	1 per 250 square feet

- E. **Required Loading Spaces**  
 One (1) space for every 30,000 square feet of floor area, or a portion thereof.
- F. **Stacking Requirements**  
 Five (5) stacking spaces per drive-through window shall be provided at businesses with drive through facilities. These spaces shall be located off the public right-of-way and shall not conflict with the parking and circulation in the balance of the required parking area. Stacking spaces shall be a minimum of twenty-four (24) feet long and nine (9) feet wide.

#### 4.4.5: Landscaping

---

##### A. General Requirements

1. Additions, expansions, or changes which increase a business by forty percent (40%) of the gross floor area shall be in compliance with the landscaping requirements.
2. If more than one landscaping/buffering requirement overlaps, the more stringent regulation shall be applied.
3. See landscaping requirements in Chapter 3 Section 3.12: Landscaping

##### B. Sidewalks

1. Sidewalks are encouraged for all new development along Highway 52.
2. Sidewalks shall be a minimum of four feet (4') wide.
3. Sidewalks shall meet all requirements of the American Disabilities Act (ADA).

##### C. Street Trees

1. Street tree requirements apply only to lot frontage on US Highway 52.
2. One (1) large maturing tree every thirty feet (30'). (*Pick one or a few species to choose from for consistency.*)
3. Required trees shall be planted a minimum distance of seven to ten feet (7'-10') and a maximum distance of ten feet (10') from the right of way or property boundary within the required front setback.
4. Tree size at planting: 3 inches in caliper (circumference) minimum

##### D. Requirements for Parking Areas

###### 1. Peripheral

- a) Required Landscaping Area: at least 5' in depth shall be located between the abutting property lines and the parking, loading, or other vehicular use area, except where permitted driveway openings area to be provided.
- b) Required Landscaping Materials: Choose One:
  - (1) One (1) large maturing tree shall be planted for each fifty linear feet (50') of the landscaping area and one (1) small maturing tree or shrub of at least three feet (3') in height shall be planted every ten linear feet (10') within the landscape; or
  - (2) A combination of trees, hedge, other durable landscape material or approved wall, fence or earthberm may be utilized to form the continuous landscape element of at least three feet (3') in height.

###### 2. Interior

- a) Required Landscaping Area: Five percent (5%) of the interior of any parking, loading, or other vehicular use area shall be landscaped. The location of such landscaping is at the option of the owner or developer; provided, however, the following standards shall apply;
  - (1) Landscape Island: shall be at least nine feet (9') in width and eighteen feet (18') in length. Each island shall contain one large maturing tree plus shrubs and/or vegetative ground cover to cover the entire area.
    - (a) No more than ten (10) parking spaces shall be permitted in a continuous row without being interrupted by a *landscaped island*.
    - (b) Each parking row shall terminate in a *landscape island*.
  - (2) Median Strip: shall be at least ten feet (10') in width.
    - (a) Every fourth row of parking shall be separated by a *median strip* for landscaping and pedestrian purposes.
    - (b) Every median strip shall contain plantings of one large maturing tree at intervals of thirty (30') to forty (40') feet, plus shrubs and/or vegetative ground cover to cover the entire area.

###### 3.) Other Requirements:

- (a) All portions of the landscaping area not planted with trees shall be planted in grass and/or with some other vegetative ground cover; and
- (b) Parked vehicles may overhang a landscaped area no more than two and one-half feet (2½'), provided curbing or other wheel stops and installed to insure no greater overhang or penetration of the landscaped islands. Landscaping, walls, fences, and

earthberms shall be located as to prevent their damage and/or destruction by overhanging vehicles.

**E. Requirements for Front Setback**

1. Required Landscaping Area:
  - a) Minimum Depth: Twenty (20') feet
  - b) Maximum area of impervious surface within the front required setback shall be fifteen percent (15%) exclusive of curbcuts (walkways, fountains, etc.).
2. Required Landscaping Materials:
  - a) All portions of the landscaping area not planted with shrubs and trees or covered by a wall or fence barrier shall be planted in grass and/or with some other vegetative ground cover.
  - b) One (1) small maturing tree for every one hundred (100) square feet (Street trees or large maturing trees may be counted towards this requirement)
  - c) Street trees, where required, shall be included as part of the required planting.
  - d) Six (6) shrubs every five hundred (500) square feet
  - e) Approved ground cover

**F. Requirements For Boundaries Adjacent To Existing Residential Uses in the Highway Commercial District**

1. Required Buffer Area:
  - a) Minimum Width: Twenty (20') feet
2. Required Buffering Materials:
  - a) Buffering materials shall provide an opaque buffer to create a strong impression of a spatial separation and to preclude visual contact.
  - b) Seven (7) trees for every one hundred (100) linear feet.
  - c) 50 shrubs per 100 linear feet.
  - d) All portions of the landscaping area not planted with shrubs and trees or covered by a wall or fence barrier shall be planted in grass and/or with some other vegetative ground cover.
3. Alternative 1: Buffering Requirements reduced by twenty-five percent (25%) (five (5') feet):
  - a) Minimum width may be reduced by twenty-five percent (25%) or five (5') feet with use of a landscaped earth berm.
  - b) Berms shall be constructed within the property boundary meeting the following requirements:
    - (1) Minimum Height: Two (2') ft.
    - (2) Minimum Crown Width: Two (2') ft.
    - (3) Minimum Slope: Two: One (2:1)
4. Alternative 2: Buffering Requirements reduced by fifty percent (50%) (Ten (10) feet):
  - a) Minimum width may be reduced by fifty percent (50%) or ten (10) feet and required number of shrubs reduced to thirty (30) shrubs per one hundred (100) linear feet with use of landscaped wall or fence.
  - b) Wall shall be solid and meet the standards for walls and fences set forth in Section 3.2.
  - c) Maximum wall height: Six (6') ft.
  - d) Shrubs shall reach 1/3 of the height of the wall within three (3) years.
5. Alternative 3: Buffering Requirements reduced by sixty percent (60%) (Twelve (12') feet):
  - a) Minimum width may be reduced by sixty percent (60%) or twelve (12) feet and required number of shrubs reduced to thirty (30) shrubs per one hundred (100) linear feet with use of landscaped wall or fence, and a planted earth berm.

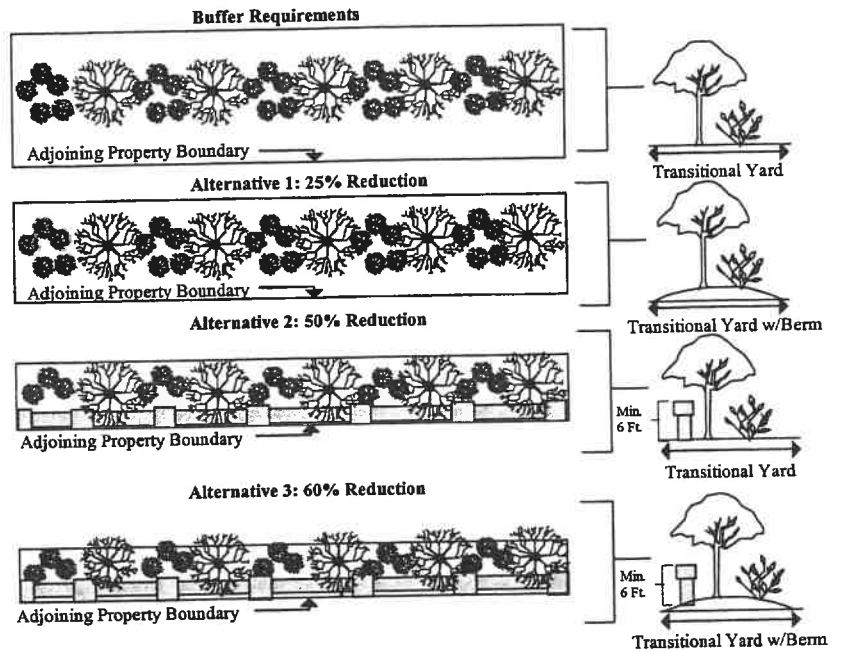
b) **Berms** shall be constructed within the property boundaries meeting the following requirements:

- (1) Minimum Height: Two (2') ft.
- (2) Minimum Crown Width: Two (2') ft.
- (3) Minimum Slope: Two: One (2:1)

c) Wall shall be solid and meet the standards for walls and fences set forth in Section 3.2.

d) Maximum wall height: 6 ft.

e) Shrubs shall reach 1/3 of the height of the wall within three (3) years.



#### 4.4.6: Tree Protection

- A. Refer to Chapter 3, Section 3.13: Tree Protection for general tree protection requirements.
- B. **Grand Trees:** The destruction of any *grand tree* (twenty-four inches [24"] or greater DBH) is prohibited on any parcel of non-exempt land, unless a permit is granted certifying that removal is in compliance with section 3.11.
- C. **Protected Trees:** The destruction of any *protected tree* (eight inches [8"] or greater DBH) is prohibited on any parcel of non-exempt land, unless a permit is granted certifying that removal is in compliance with section 3.11.

#### 4.4.7: Signage

##### A. Intent

The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication; to maintain and enhance the aesthetic environment; and to increase the Town's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

##### B. Refer to section 3.11: Signage for general sign requirements.

C. No sign, or part thereof, may be altered, constructed, changed, converted, enlarged, or moved unless in conformity with the following requirements.

D. **Sign Area:** Shall be measured by height (A) by length (B) of the smallest rectangle that can be drawn to measure all sign elements. Unless otherwise noted, only one (1) side or face of the same sign shall be used in computing sign area.



**E. Allowed Signs:** The applicant may select two (2) of the following six (6) choices for a sign type per street frontage:

**1. Wall Sign**

- a) Maximum Size: 1 square foot per linear foot of the building wall on which the sign is to be placed.

**2. Window Sign**

- a) Maximum Size: Twenty percent (20%) of the window area

**3. Projecting Sign**

- a) Maximum Size: Sixteen (16) square feet for one side
- b) Maximum Height: No projecting sign shall extend above the roofline.
- c) Clearance: Eight feet (8') above ground level

**4. Awning Sign**

- a) Maximum Size: Fifteen percent (15%) of exterior surface of the awning.
- b) Signs, symbols, or designs may be painted or sewn onto the awning.

**5. Freestanding Sign**

- a) Maximum Size: Thirty-five (35) square feet.
- b) Maximum Height: Twelve (12') feet.
- c) Setback: No freestanding sign shall be closer than five (5) feet to an exterior property line.
- d) No more than one (1) freestanding sign shall be allowed per parcel.

**6. Directory Sign**

- a) The parcel shall contain no more than one (1) directory sign.
- b) The maximum sign area shall not exceed three (3) inches by fifteen (15) inches for each identified activity, business, firm, or tenant.
- c) The directory sign may take the form of any sign permitted in the zoning district provided that such sign shall comply with its applicable specification. If the directory sign is a freestanding sign, no other freestanding shall be located on the parcel.

**F. Prohibited Signs:**

- 1. Moving signs of any type.
- 2. Signs projecting above the roofline.
- 3. Any sign not listed as being allowed is prohibited.

**G. Criteria for Bonus Sign Area**

To encourage design excellence, the maximum sign areas for the Highway Commercial district may be increased by the percentages as provided herein. A separate bonus is granted for compliance with each of the criteria and the area is cumulative, but the percentage increase is based on the original sign area limitation.

- 1. Wall sign which consists of individual letters or words mounted directly on the building surface: **Fifteen percent (15%) increase permitted**
- 2. Coordinated signs in shopping centers or any three consecutive separate establishments, all the lettering and background is uniform in style and color: **Ten percent (10%) increase permitted**
- 3. Gas stations that incorporate the price information into the main identification sign face: **10% increase permitted**
- 4. Sign is not internally illuminated (other than non-flashing neon): **Fifteen percent (15%) increase permitted**
- 5. Ground sign is installed in a landscaped planted having an area four (4) times the area of the resultant sign for one sign face: **Twenty percent (20%) increase permitted**

---

## 4.5: Light Industrial / Warehouse District (LIO)

---

### 4.5.1: Intent

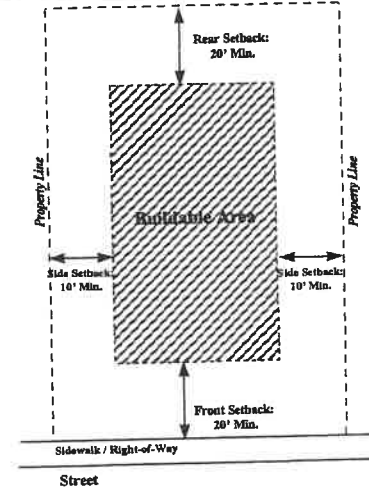
---

The purpose of the light industrial and office district is to accommodate a mix of similar and compatible light industrial uses, industrial-related business uses, and related commercial uses. The LIO district shall have limited traffic and aesthetic impacts on surrounding properties, supporting public facilities, and utilities. The LIO district is intended to generate development through the use of creative design which will enhance the character of the surrounding area.

### 4.5.2: General

---

- A. **Minimum Lot Size:** 1 acre (43,560 square feet)
- B. **Maximum Lot Coverage:** Building footprint shall not exceed 50% of the lot coverage.
- C. **Maximum Height:** Thirty-five (35') feet
- D. **Setbacks:**
  - 1. Front: Thirty (30') feet minimum
  - 2. Side: Thirty (30') feet minimum
  - 3. Rear: Thirty (30') feet minimum
- E. **Maximum % Impervious Surface:** Eighty percent (80%)
- F. Trash containers shall be located on a concrete, or other impervious surface, in the parking area and shall be screened from the right-of-way.
- G. Mechanical equipment at ground level should be placed on the parking lot side of building, away from buildings on adjacent sites, and screened from view of public streets and residential uses.



### 4.4.3: Uses

---

- A. **Permitted Uses:** The following uses shall be permitted in the LIO district.
  - 1. Wholesale Business
  - 2. General Commercial
  - 3. Business Services
  - 4. Personal Services
  - 5. Office
  - 6. Manufacturing Services
  - 7. Agriculture
  - 8. Gas Stations
  - 9. Automobile Service and Repair
  - 10. Mini-warehouse
- B. **Prohibited Uses:** The following uses shall be prohibited in the LIO district.
  - 1. Residential Uses
  - 2. Mobile homes
- C. **Accessory Uses:** The following uses shall be permitted in the LIO district as an accessory to the primary use. These uses shall meet minimum setbacks.
  - 1. Outdoor Storage
  - 2. Outdoor Sales

**D. Conditional Use:** The following uses shall be permitted in the LIO district as a conditional use provided that the standards provided are met.

1. Sexually Oriented Businesses

a) Findings of Fact:

- (1) Although there are no known sexually oriented businesses currently operating in Bonneau, it is possible, and probable, that at some point one or more would desire to locate in Bonneau and it is in the interests of the health, safety, and welfare of the patrons of such businesses, as well as the citizens of Bonneau, to provide certain minimum standards and regulations for sexually oriented businesses, as well as the operators and employees of such businesses.
- (2) Sexually oriented businesses generate secondary effects which are detrimental to the public health, safety, and welfare. Additionally, sexually oriented businesses are frequently used for unlawful sexual activities, including public sexual indecency, prostitution, and sexual encounters of a casual nature. Such businesses are of particular concern to the community when they are located in close proximity to each other, or close to schools, churches or parks and playgrounds.
- (3) The concern over sexually transmitted diseases is a legitimate health concern of Bonneau, which demands reasonable regulation of these businesses in order to protect the health and well being of our citizens.
- (4) The location of sexually oriented businesses close to residential areas diminishes property values and leads to conditions that give rise to crime in residential neighborhoods. Many studies performed in other communities indicate conclusively that property crimes and sexual crimes increase significantly in neighborhoods in which such a business is located.
- (5) It is not the intent of this section to suppress any speech activities protected by the First Amendment or to place any impermissible burden on any constitutionally protected expression or expressive conduct by the enactment or enforcement of the Ordinance. Rather, it is the intent of Bonneau Town Council to enact a "content neutral regulation" which addresses the secondary effects of sexually oriented businesses.
- (6) Sexually oriented businesses shall not be located within 1320'(1/4 mile) of any other sexually oriented business, school, daycare facility, cemetery, public park, library, religious institution, liquor store, or any residential zoning boundary.

b) Signage:

- (1) Freestanding signs are prohibited.
- (2) Business shall not display a sign or advertising visible from public streets or sidewalks, or outside the premises that is photographic, pictorial, or illustrative.

c) Required Buffers Between Residential Areas or Residentially Zoned Areas and Business:

- (1) Required Buffer Area:
  - (a) Minimum Width: Twenty (20') feet
- (2) Required Buffering Materials:
  - (a) Buffering materials shall provide an opaque buffer to create a strong impression of a spatial separation and to preclude visual contact.
    - (i) Seven (7) trees for every one hundred (100) linear feet.
    - (ii) Fifty (50) shrubs per one hundred (100) linear feet.
    - (iii) All portions of the landscaping area not planted with shrubs and trees or covered by a wall or fence barrier shall be planted in grass and/or with some other vegetative ground cover.
- (3) Berms shall be constructed within the property boundaries meeting the following requirements:
  - (a) Minimum Height: Two (2') ft.
  - (b) Minimum Crown Width: Two (2') ft.
  - (c) Minimum Slope: Two: One (2:1)

- (4) Solid walls shall be constructed and meet the standards for walls and fences set forth in Section 3.5
  - (a) Maximum wall height: Six (6') ft.
  - (b) Shrubs shall reach 1/3 of the height of the wall within three (3) years.
- (5) No free access shall be permitted between adjacent residential area and the parcel.

**4.5.4: Parking**

**A. General Requirements: See general parking requirements in Chapter 3 Section 3.15.**

**B. Required Parking Spaces**

Office/Personal Services/Business Services	1 per 300 square feet
General Retail/General Commercial	1 per 250 square feet
Wholesale Business/Manufacturing Services	1 for each 1 employees at maximum employment on a single shift plus 1 space for each company vehicle operating from premises
Warehouse	1 per employee on the largest shift, plus 1 space per 4,000 square feet of gross floor area
Mini-warehouse	1 per 10 storage cubicles, plus 2 spaces for employees
All other uses	1 per 250 square feet

**C. Required Loading Spaces**

One (1) space for every 30,000 square feet of floor area, or a portion thereof with a maximum of two (2) spaces.

**4.5.5: Landscaping**

**A. General Requirements**

- 1. Additions, expansions, or changes which increase a business by forty percent (40%) of the gross floor area shall be in compliance with the landscaping requirements.
- 2. If more than one landscaping/buffering requirement overlaps, the more stringent regulation shall be applied.
- 3. See landscaping requirements in Chapter 3 Section 3.12: Landscaping

**B. Requirements for Parking Areas**

**1. Peripheral**

- a. Required Landscaping Area: at least five feet (5') in depth shall be located between the abutting property lines and the parking, loading, or other vehicular use area, except where permitted driveway openings area to be provided.
- b. Required Landscaping Materials: Choose One:
  - 1. One (1) large maturing tree shall be planted for each fifty linear feet (50') of the landscaping area and one (1) small maturing tree or shrub of at least three feet (3') in height shall be planted every ten linear feet (10') within the landscape; or
  - 2. A combination of trees, hedge, other durable landscape material or approved wall, fence or earthberm may be utilized to form the continuous landscape element of at least three feet (3') in height.
- c. Other Requirements:
  - 1. All portions of the landscaping area not planted with shrubs and trees or covered by a wall or fence barrier shall be planted in grass and/or with some other vegetative ground cover; and
  - 2. Parked vehicles may overhang a landscaped area no more than two and one-half feet (2½'), provided curbing or other wheel stops are installed to insure no greater overhang or penetration of the landscaped islands. Landscaping, walls, fences, and

earthberms shall be located as to prevent their damage and/or destruction by overhanging vehicles.

**2. Interior**

- a. Required Landscaping Area: Five percent (5%) of the interior of any parking, loading, or other vehicular use area shall be landscaped. The location of such landscaping is at the option of the owner or developer; provided, however, the following standards shall apply;
  1. Landscape Island: shall be at least nine feet (9') in width and eighteen feet (18') in length. Each island shall contain one large maturing tree plus shrubs and/or vegetative ground cover to cover the entire area.
    - a) No more than ten (10) parking spaces shall be permitted in a continuous row without being interrupted by a *landscaped island*.
    - b) Each parking row shall terminate in a *landscape island*.
  2. Median Strip: shall be at least ten feet (10') in width.
    - a) Every fourth row of parking shall be separated by a *median strip* for landscaping and pedestrian purposes.
    - b) Every median strip shall contain plantings of one large maturing tree at intervals of thirty (30') to forty (40') feet, plus shrubs and/or vegetative ground cover to cover the entire area.
- b. Other Requirements:
  1. All portions of the landscaping area not planted with trees shall be planted in grass and/or with some other vegetative ground cover; and
  2. Parked vehicles may overhang a landscaped area no more than two and one-half feet (2½'), provided curbing or other wheel stops and installed to insure no greater overhang or penetration of the landscaped islands. Landscaping, walls, fences, and earthberms shall be located as to prevent their damage and/or destruction by overhanging vehicles.

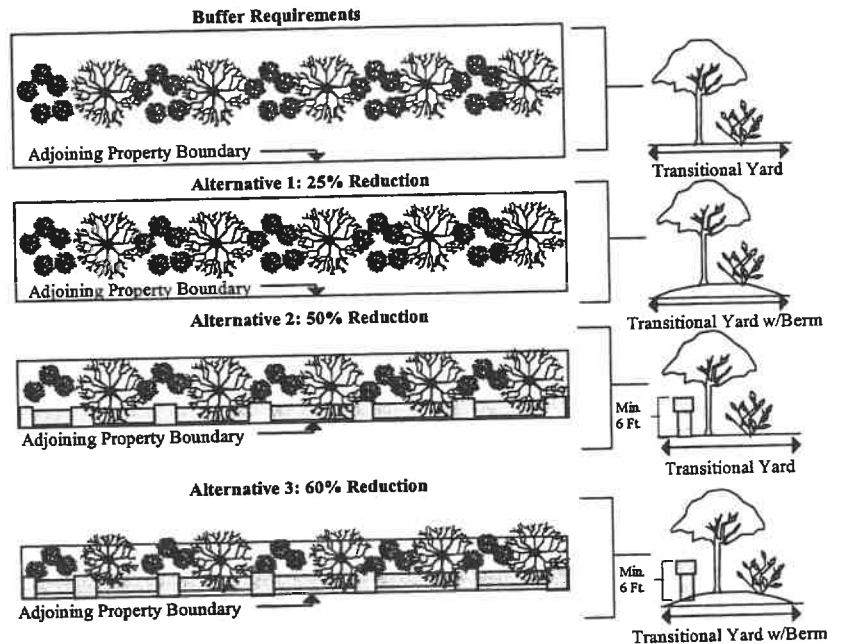
**C. Requirements for Front Setback**

1. Required Landscaping Area:
  - a. Minimum Depth: Twenty (20') feet
  - b. Maximum area of impervious surface within the front required setback shall be fifteen percent (15%) exclusive of curbcuts (walkways, fountains, etc.).
2. Required Landscaping Materials:
  - a. All portions of the landscaping area not planted with shrubs and trees or covered by a wall or fence barrier shall be planted in grass and/or with some other vegetative ground cover.
  - b. One (1) small maturing tree for every one hundred (100) square feet (large maturing trees may be counted towards this requirement)
  - c. 6 shrubs every 500 square feet
  - d. Approved ground cover

**D. Requirements For Boundaries Adjacent To the Traditional Neighborhood Residential Zoning District and Existing Residential Uses in the Light Industrial Office District**

1. Required Buffer Area:
  - a. Minimum Depth: Twenty (20') feet
2. Required Buffering Materials:
  - a. Buffering materials shall provide an opaque buffer to create a strong impression of a spatial separation and to preclude visual contact.
  - b. Seven (7) trees for every one hundred (100) linear feet.
  - c. Fifty (50) shrubs per one hundred (100) linear feet.
  - d. All portions of the landscaping area not planted with shrubs and trees or covered by a wall or fence barrier shall be planted in grass and/or with some other vegetative ground cover.
3. Alternative 1: Buffering Requirements reduced by twenty-five percent (25%)(five (5') feet):
  - a. Minimum width may be reduced by twenty-five percent (25%) or five (5') feet with use of a landscaped earth berm.
  - b. Berms shall be constructed within the property boundary meeting the following requirements:
    1. Minimum Height: Two (2') ft.
    2. Minimum Crown Width: Two (2')ft.

3. Minimum Slope: Two:one (2:1)
4. **Alternative 2: Buffering Requirements reduced by fifty percent (50%) (ten (10) feet):**
- Minimum width may be reduced by fifty percent 50% or ten (10') feet and required number of shrubs reduced to thirty (30) shrubs per one hundred (100) linear feet with use of landscaped wall or fence.
  - Wall shall be solid and meet the standards for walls and fences set forth in Section 3.2.
  - Maximum wall height: Six (6') ft.
  - Shrubs shall reach 1/3 of the height of the wall within three (3) years.
5. **Alternative 3: Buffering Requirements reduced by sixty percent (60%) (Twelve (12) feet):**
- Minimum width may be reduced by fifty percent (50%) or twelve (12') feet and required number of shrubs reduced to thirty (30) shrubs per one hundred (100) linear feet with use of landscaped wall or fence, and a planted earth berm.
  - Berms** shall be constructed within the property boundaries meeting the following requirements:
    - Minimum Height: Two (2') ft.
    - Minimum Crown Width: Two (2') ft.
    - Minimum Slope: Two: one (2:1)
  - Wall shall be solid and meet the standards for walls and fences set forth in Section 3.2.
  - Maximum wall height: 6 ft.
  - Shrubs shall reach 1/3 of the height of the wall within three (3) years.



#### 4.5.6: Tree Protection

- Refer to Chapter 3, Section 3.13: Tree Protection for general tree protection requirements.
- Grand Trees:** The destruction of any *grand tree* (twenty-four inches [24"] or greater DBH) is prohibited on any parcel of non-exempt land, unless a permit is granted certifying that removal is in compliance with section 3.11.
- Protected Trees:** The destruction of any *protected tree* (eight inches [8"] or greater DBH) is prohibited on any parcel of non-exempt land, unless a permit is granted certifying that removal is in compliance with section 3.11.

#### 4.5.7: Signage

##### A. Intent

The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication; to maintain and enhance the aesthetic environment; and to increase the Town's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

- Refer to section 3.11: Signage for general sign requirements.

- C. No sign, or part thereof, may be altered, constructed, changed, converted, enlarged, or moved unless in conformity with the following requirements.
- D. **Sign Area:** Shall be measured by height (A) by length (B) of the smallest rectangle that can be drawn to measure all sign elements. Unless otherwise noted, only one side or face of the same sign shall be used in computing sign area.
- E. **Allowed Signs:** The applicant may select two (2) of the following six (6) choices for a sign type per street frontage:
  - 1. **Wall Sign**
    - a) Maximum Size: One (1) square foot per lineal foot of the building wall on which the sign is to be placed.
  - 2. **Window Sign**
    - a) Maximum Size: Twenty percent (20%) of the window area
  - 3. **Projecting Sign**
    - a) Maximum Size: Sixteen (16) square feet for one side
    - b) Maximum Height: No projecting sign shall extend above the roofline.
    - c) Clearance: Eight (8') feet above ground level
  - 4. **Awning Sign**
    - a) Maximum Size: Fifteen percent (15%) of exterior surface of the awning.
    - b) Signs, symbols, or designs may be painted or sewn onto the awning.
  - 5. **Freestanding Sign**
    - a) Maximum Size: Thirty-five (35) square feet.
    - b) Maximum Height: Twelve (12') feet.
    - c) Setback: No freestanding sign shall be closer than five (5) feet to an exterior property line.
    - d) No more than one (1) freestanding sign shall be allowed per parcel.
  - 6. **Directory Sign**
    - a) The parcel shall contain no more than one (1) directory sign.
    - b) The maximum sign area shall not exceed three (3) inches by fifteen (15) inches for each identified activity, business, firm, or tenant.
    - c) The directory sign may take the form of any sign permitted in the zoning district provided that such sign shall comply with its applicable specification. If the directory sign is a freestanding sign, no other freestanding sign shall be located on the parcel.
- F. **Prohibited Signs:**
  - 1. Moving signs of any type.
  - 2. Signs projecting above the roofline.
  - 3. Any sign not listed as being allowed is prohibited.

---

**4.6: Planned Development District (PD)**

---

**4.6.1: Intent**

---

The intent of the Planned Development District is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character, and quality of new development; to facilitate the provision of streets and utilities; and to preserve the natural and scenic features of open areas.

#### **4.6.2: General**

---

- A. Any area may apply to be zoned PD if one (1) or more of the following conditions are met:
1. Separate land uses, which would not otherwise be permitted to locate within the same zoning district, are proposed for development on one or more adjacent parcels.
  2. Exceptions or variations to the existing regulations are essential for the project in terms of site, design, or dimensional requirements.
- B. **Minimum Parcel Size:** 2.5 acres
- C. **Minimum Lot Depth:** Two hundred (200') feet
- D. Lot shall adjoin or have direct access to at least one major street.
- E. The site shall be in one (1) ownership, or if in several ownerships, the application for amendment to the Zoning Chapter shall be filed jointly by all of the owners.

#### **4.6.3: Uses**

---

- A. **Permitted Uses:** The following uses or combination of uses shall be considered.
1. Any use proposed by the developer and considered by the Planning Commission and Town Council as being compatible to other nearby uses within and beyond the district may be permitted in such district, upon approval by the Planning Commission and Town Council. A listing of permitted uses within a particular PD district shall be adopted as part of the regulations applying to that district. Thereafter, the uses permitted in the district shall be restricted to those listed, approved and adopted.
- B. **Prohibited Uses:** The follow uses or combination of uses shall not be considered in the PD district.
1. Sexually Oriented Businesses

#### **4.6.4: Design Criteria and Development Standards**

---

- A. Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships. Variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged.
- B. Densities for residential dwelling units shall not exceed one (1) unit per 2,500 square feet of land area including yard and other dimensional requirements.
- C. Bufferyards: As determined as needed by the Planning Commission and Town Council.
- D. Open Space: As determined as needed by the Planning Commission and Town Council.
- E. All standards of the existing zoning district shall apply, if not specified otherwise in that particular PD district.

#### **4.6.5: Administrative Procedures with Regard to PD Zoning Districts**

---

- A. **Zoning Chapter Amendment Required:** Any request pertaining to the establishment of a PD Zoning District shall be considered an amendment to the Zoning Chapter and shall be administered and processed in accordance with Section 5.4. The request shall first be submitted to the Planning Commission for review, public hearing, and recommendation, then forwarded to Town Council for final action. If approved by the Town Council, all information pertaining to the proposal shall be adopted. Any proposed changes in the district shall be treated as amendments to the Zoning Chapter and must be considered accordingly.
- B. **Time Limitation:** If the approved planned development project has not begun within two (2) years of its approval date by Town Council, the planned development chapter shall become null and void and the land classification shall revert to its previous zoning classification.

#### **4.6.6: Submission Materials Required for Development Plan**

---

- A. **Purpose and Effect:** An application for rezoning to a Planned Development district shall include a Development Plan incorporating the information required in B and such additional information as the applicant may deem necessary to provide a detailed understanding of the proposed planned



development. Although it is unnecessary to become involved in the preparation of engineering drawings at this stage, the Development Plan must be sufficiently detailed to be judged for its superiority to other forms of development or other zoning districts. No development plan shall be required for rezoning to districts other than PD districts.

**B. Application Contents:** The following information and documentation together with such additional information as required by the Commission shall constitute a complete rezoning application:

1. The applicant's name and address and ownership interest in the subject property.
2. The name and address, and signed written consent of those having an ownership interest, if different than the applicant filing the application.
3. The tax map identification number.
4. The present and proposed zoning classification and use of the subject property and adjacent land.
5. A survey showing property boundary lines, metes and bounds, utility transmission lines and public rights-of-way crossing and adjacent to the subject property.
6. A vicinity map.
7. A written statement generally describing the proposed development's compliance with the Comprehensive Plan.
8. One or more Development Plans at a scale approved by the Zoning Administrator depicting or describing the following features of the development:
  - a) A land use plan map with a description of the type, location, and nature of land use (and building type) within each area of the development indicating the acreage and proposed density and lot requirements of each subarea.
  - b) A proposed traffic circulation map which illustrates internal trafficways related to the development, existing and proposed access points, and through roads accessing adjacent parcels.
  - c) A general description of the means of providing water service, sanitary sewerage, utilities, refuse collection, schools, fire protection, libraries, parks and similar services, where applicable.
  - d) A delineation and description of the open space areas.
  - e) A statement identifying easements and restrictive covenants relating to the establishment of common open space or service facility within the planned development, and the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or private common area.
9. A tabulation of the following information
  - a) The maximum total number of dwelling units proposed by type of structure, by subarea, if applicable.
  - b) The maximum total square feet of building floor area proposed for nonresidential uses by type of use, by sub area, if applicable.
  - c) The total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to residential and non-residential uses.
  - d) The minimum lot requirements for each proposed use (if different than the minimum lot requirements specified in the current zoning district).
10. If the planned development is proposed for construction in phases during a period exceeding a single construction season, a proposed phasing plan shall be submitted stating the portion of each uses and public spaces to be provided during each stage.
11. A statement identifying each of the regulations or other applicable provisions of this Ordinance which the applicant proposes to be modified as part of the Development Plan, the proposed modification, and the justification thereof.

---

#### **4.7: Manufactured Home Park District (MHP)**

---

##### **4.7.1: Intent**

The Manufactured Home Park District (MHP) allows for the consolidation of all manufactured home parks into their own district. This district will provide for the health and safety of the inhabitants of

manufactured home parks and will protect manufactured home parks from encroaching on incompatible land uses. The current manufactured home parks that exist in the Town of Bonneau are included in this district and will be accompanied by any new manufactured home parks that may be permitted by the Town of Bonneau.

**4.7.2: General**

	Entire Park	Each Home -Site
Minimum Lot Size	3 acres minimum	5,000 sq. ft. minimum
Minimum Lot Width	50 ft. at street frontage	N/A
Maximum # of Units		
Setbacks		
	Front	20 ft. minimum
	Side	10 ft. minimum
	Rear	10 ft. minimum
		15 ft. minimum
		15 ft. minimum
Max Height	35 ft.	35 ft.
% Maximum Lot Coverage	50%	N/A
Distance between additional accessory structure on the same lot	10 ft.	10 ft.

**4.7.3: Uses**

**C. Permitted Uses:** The following uses are permitted in the MHP district provided that all specified standards are met.

1. Mobile or Manufactured Home(s)

- a) Manufactured homes (mobile homes) shall be limited to residential use.
  - (1) Each manufactured home must bear a seal certifying that it was built to HUD standards for mobile homes, adopted on July 1, 1976.
  - (2) Pre-owned manufactured homes being placed onto a parcel within town shall be less than fifteen (15) years old.
  - (3) Exterior siding: Wood, hardboard, vinyl, brick, or aluminum and shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
  - (4) Roofing Material: Type of shingle that is commonly used in standard residential construction.
  - (5) Minimum Roof Pitch: 3' X 12' roof pitch, or the standard of each manufacturer's equivalent to a 3' X 12' roof pitch.
  - (6) Skirting: Continuous permanent brick foundation, concrete block, wood, metal or vinyl skirting, continuous except for ventilation and access, shall be installed upon a poured concrete footing after placement on the lot, and before occupancy.
  - (7) The tongue, axles, transporting lights, and removable towing apparatus must be removed after placement on the lot and before occupancy.
  - (8) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in a manner commonly used in standard residential construction and attached firmly to the primary structure and anchored securely to the ground.

**D. Prohibited Uses:**

- 1. Any use not listed as being permitted is prohibited

**E. Accessory Structures:**

- 1. The following uses are permitted as accessory uses as a detached structure or a subordinate use to the main building on a home-site:
  - a) Fences and walls;

- b) Garages, carports and off-street parking;
  - c) Playhouses, patios, porches, gazebos and incidental storage buildings;
  - d) Any other necessary and customary use that is determined by the Zoning Administrator to be acceptable.
2. Only one accessory structure will be permitted per home site.
  3. Each accessory structure shall be a minimum of 10 feet (10') from the principal structure on the lot.

---

#### 4.7.4: Landscaping

##### A. Landscaping the Front Setback of MHP:

1. One (1) large maturing tree per every fifteen feet (15') of street frontage shall be planted within the required front setback. The trees shall be a minimum of two (2) inches in caliper at planting.
2. Two (2) shrubs per thirty feet (30') of street frontage shall be planted within the required front setback.

##### B. Landscaping for Rear and Side Setback of MHP:

1. One (1) small maturing tree per every thirty feet (30') of rear and side lot lines

##### C. Landscaping around each home-site:

1. One shrub per every fifteen feet (15')

---

#### 4.7.5: Signs

- A. Refer to general sign requirements in Chapter 3, Section 3.11: Signs
- B. A permanent sign displaying the name of the mobile home park shall not exceed fifty (50) square feet. No more than one sign is permitted along each public street frontage that has an entrance to the park.

---

#### 4.7.6: Parking

- A. Refer to general parking provisions in Chapter 3, Section 3.14: Parking
- B. Two (2) off-street parking spaces per each home-site.
- C. Each space shall be made of a durable, all-weather surface, such as gravel.

---

#### 4.7.7: Roadways

- A. Roadways within the MHP district shall have a minimum travel width of twenty feet (20'), exclusive from parking spaces.
- B. Each roadway shall be constructed of a durable, all-weather surface, such as gravel.
- C. The maintenance of these roadways shall be the responsibility of the property owner(s).

---

#### 4.7.8: Tree Protection

- D. Refer to Chapter 3, Section 3.13: Tree Protection for general tree protection requirements.
- E. **Grand Trees:** The destruction of any *grand tree* (twenty-four inches [24"] or greater DBH) is prohibited on any parcel of non-exempt land, unless a permit is granted certifying that removal is in compliance with section 3.11.
- F. **Protected Trees:** The destruction of any *protected tree* (eight inches [8"] or greater DBH) is prohibited on any parcel of non-exempt land, unless a permit is granted certifying that removal is in compliance with section 3.11.

---

#### 4.7.9: Street Lighting

- A. All areas of the park shall be lighted sufficiently to permit pedestrian and vehicular traffic.

---

#### 4.7.10: Other Mobile Home Park Specification

- A. A park office, laundromat, maintenance buildings and recreation facilities are permitted in the mobile home park for convenience of park occupants.
  - B. All new mobile home parks shall reserve a minimum of ten (10) percent of its developable land area for open space that may be developed into recreational space.
-

- D. All current, existing mobile home parks are considered existing nonconformities under this ordinance until such time as these parks are expanded. At this time the mobile home park must be brought into compliance with all sections of this ordinance.
- E. Where available, the site shall be served by public water and sewer.

## Chapter 5: Administration

---

### 5.1: Nonconforming Land Uses

**5.1.1:** Nonconforming land 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 use 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 nonconforming building or land use shall not be:

- A. Changed to another nonconforming use.
- B. Reestablished after discontinuance for one year.
- C. Repaired, rebuilt, or altered after damage exceeding fifty percent (50%) of its preexisting (before damaged) assessed market value. Reconstruction must begin within six (6) months after damage is incurred. The Zoning Administrator may grant a property owner an extension to this deadline for extenuating circumstances.
- D. Enlarged or altered in a way which increases the nonconformity.

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

---

### 5.2: Lots of Record

Where a lot of record at the time of the effective date of this Ordinance (or revision thereto) has less area or width than herein required in the district in which it is located, said lot may nevertheless be used for a permitted use in the district.

---

### 5.3: Administration, Enforcement, Appeal, Complaints, and Remedies

**5.3.1: Administrative Officer:** This Ordinance shall be administered and enforced by the Town Zoning Administrator.

**5.3.2: Building Permits:** Building permits are required for all structures and signs constructed or erected after the effective date of this ordinance. No building permit shall be issued until a zoning permit has been issued by the Zoning Administrator.

**5.3.3: Zoning Permits:** A zoning permit will only be issued after it is demonstrated to the satisfaction of the Zoning Administrator that all land development and zoning codes will be met.

**A. General Provisions:** No building or structure shall be erected or occupied, no use, or change in use commenced, and no excavation or grading commenced relating thereto unless a zoning permit has been issued by the Zoning Administrator and is still valid.

**B. Permit Applications:** All applications for building permits shall be accompanied by plans in duplicate drawn to scale, showing the following:

- 1. the actual dimensions and shape of the lot to be built upon;
- 2. the exact size and locations on the lot of buildings already existing, if any;
- 3. the location and dimensions of the proposed building or alteration;
- 4. the number, size, location, and lighting of proposed and existing signs, if any; and
- 5. the number, size, and location of proposed and existing off-street parking lots or spaces.

The application shall include such other information as lawfully may be required by the Zoning Administrator, including:

- 1. existing or proposed uses of the building and land;
- 2. the number of families, housekeeping units, or rental units the building is designed to accommodate;
- 3. conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

One (1) copy of the plans shall be returned to the applicant by the Zoning Administrator, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original copy of the plans, similarly marked, shall be retained by the Town.

- C. Records:** The Zoning Administrator shall maintain a record of all zoning permits on file at his office, and copies shall be made available on request to interested parties.
- D. Expiration of Building and Zoning Permits:** Any building and zoning permit issued in accordance with this Ordinance will lapse and become invalid unless the work for which it was issued is started within six (6) months of the date of issue, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year. Written notice of the permit lapse shall be given to the persons affected, together with notice that further work as described in the canceled permits shall not proceed unless and until new permits have been obtained.

**5.3.4: Certificate of Occupancy:**

**A. Inspections:**

1. An inspection of the structure will be required prior to the issuance of a certificate of occupancy. This inspection will be conducted either by employees of the County, or by an entity under contract with the County.
2. The inspection will evaluate whether the structure complies with the provisions of this ordinance, and with any conditions required by the building permit, or Bonneau Land Development Regulations.

**5.3.5: Planning Commission:** The Bonneau Planning Commission as established by Bonneau Town Council, shall function as an advisory committee to the Zoning Administrator with respect to the provisions of this ordinance.

**5.3.6: Violations:** If the Zoning Administrator shall find that any of the provisions of this chapter are being violated or has received reliable information indicating that a violation of this Ordinance is about to occur, he shall:

- A. notify in writing the person responsible for such violations and the property owner, if different, indicating the nature of the violation; and
- B. take such action as is necessary to correct the violation and prevent further, similar violations from occurring.

**C. Selection of Remedial Action:**

1. In order to correct a violation of this ordinance, or to mitigate the adverse impacts resulting from a violation of this ordinance, the Zoning Administrator has the discretion to select among the following courses of action, as appropriate under the circumstances;
  - a) order a discontinuance of the illegal action;
  - b) require cessation of construction, or of an unauthorized activity or use, pending the submission and approval of a building permit, or Development Plan as provided for in this ordinance;
  - c) require the developer or owner to take specific actions to bring the construction or activity in question into compliance with this ordinance;
  - d) where compliance is not practicable, require the developer or owner to take specific actions that will minimize the extent and impacts of the non-compliance, so long as this will not work an undue hardship on adjoining or nearby property and uses;
  - e) where the severity of the situation warrants, require the removal of illegal structures, additions, and uses;
  - f) require the developer or owner to take appropriate actions to mitigate the adverse impacts caused by, or associated with, the violating action or use; and/or
  - g) require the developer or owner to otherwise make reasonable restitution for damage caused or expenses incurred as a result of the violation of this Ordinance.

**D. Penalties:** Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined, as determined by the Municipal Court for each offense. Each day such violation continues shall constitute a separate offense. Nothing herein shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

**E. Appeals:** The developer or owner may appeal any action of the Zoning Administrator under this section to the Board of Zoning Appeals. Such appeal must be filed within thirty (30) days of the receipt of notice of such action. The Zoning Administrator's action will remain in effect during the appeal process.

**F. Judicial Action:** The Zoning Administrator is empowered to seek injunctive relief or specific performance to enforce the provisions of this ordinance, or of any requirements for remedial

action taken under this section. Injunctive relief is especially warranted when land altering activity is commenced, or is about to commence, which could be construed as contrary to the provisions of this ordinance.

- 5.3.7: Appeal from the Decision of the Zoning Administrator:** It is the intention of this Ordinance that all questions arising in connection with the enforcement of the Ordinance shall be presented first to the Zoning Administrator and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the written decision of the Zoning Administrator.

---

#### **5.4: Amendments**

---

- 5.4.1:** The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

**5.4.2: Application to Town:**

- A. Any amendments, change or supplement to the Zoning Map or ordinance must first be submitted to the Zoning Administrator for review and recommendation.
- B. Application form, together with the application fee for zoning amendment shall be filed with the Zoning Administrator. The Zoning Administrator shall review the application as to proper form. Within thirty (30) working days of receipt, applicant shall receive written notice from the Zoning Administrator of review, if application is incomplete and notice of the proposed meeting date, or if additional information is required.
- C. Upon receipt of a complete application the Zoning Administrator shall then transmit application and recommendation to the Planning Commission within thirty (30) days.
- D. **Required Information:** The applicant shall set forth a detailed description of the amendment on an application provided by the Zoning Administrator. When the amendment involves a change in the Zoning Map, the applicant shall submit the following information:
  1. A legal description and street address of the subject property, together with a property boundary map if subject property is not explicitly delineated on the Zoning Map.
  2. Name, address, and phone number of applicant.
  3. Name of property owner(s) and applicant's interest in the property if not the owner in fee simple title.
  4. Filing date of application.
  5. Applicant's and property owner's signature.

**5.4.3: Notice:**

- A. **Newspaper Notice:** A notice shall be placed in a newspaper of general circulation in the Town at least 15 days prior to the hearing. The notice must list the hearing time and place.
- B. **Posting Property:** In rezoning cases, conspicuous notices shall be posted on or adjacent to the affected property by the Zoning Administrator. One notice must be visible from each public street that borders the property. Such sign(s) shall be posted at least 15 days prior to the public hearing.
- C. **Mail Notice:** Written notice must be mailed to all interested groups requesting notice.

- 5.4.4: Planning Commission Review:** All proposed amendments must be submitted to the Bonneau Planning Commission for its review and recommendation. The Planning Commission shall have thirty (30) days 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 recommended approval of the requested amendment. In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition. These facts should include, but not be limited to, the following:
- A. Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
  - B. Whether or not the requested zoning change is consistent with the comprehensive plan.
  - C. The precedents, and the possible effects of such precedents, which might result from approval or denial of the petition.
  - D. The capability of the Town or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.
  - E. Effect of approval of the petition on the condition and/or value of property in the Town.
  - F. Effect of approval of the petition on adopted plans and policies of the Town of Bonneau.
- 5.4.5: Public Hearing:** The Town Council shall conduct a public hearing. Town Council shall review the Planning Commission report and comments made at the Public Hearing before taking action to either adopt or reject the ordinance.
- 5.4.6: Limit on Re-application:** Except for requests which are continued with the mutual consent of the applicant and the Planning Commission, a property owner or owners shall not initiate action for a zoning amendment affecting the same parcel of property, or any part thereof, more often than once every twelve (12) months.
- 5.4.7: Adoption of Ordinance:** After the required public hearing and Planning Commission review, the amendment or rezoning is submitted to Town Council for consideration of adoption. Adoption of the amendment or rezoning must be by ordinance. After adoption, the Zoning Administrator shall make the necessary changes to the Zoning Ordinance text and Official Map.

---

**5.5: Board of Zoning Appeals**

- 5.5.1: Establishment of Board of Zoning Appeals:** A Board of Zoning Appeals is hereby established. Said Board shall consist of five (5) members.
- 5.5.2: Membership:**
- A. Members shall be citizens of Bonneau
  - B. Members shall be appointed by the Council for overlapping terms of five (5) years.
  - C. Members may serve up to two (2) terms.
  - D. Members may continue to serve until a successor is appointed.
  - E. Initial appointment shall be one member each for terms of one, two, three, four, and five years.
  - F. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
  - G. Members shall serve without pay, but may be reimbursed for expenses incurred while representing the Board.
  - H. Members cannot hold any other public office or position in the Town.
- 5.5.3: Proceedings of the Board of Zoning Appeals**
- A. 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.
  - B. The Board shall appoint a secretary, who may be a Town officer, a Town employee, a member of the Planning Commission, or a member of the Board of Zoning Appeals.
  - C. The Board shall adopt rules and by-laws in accordance with the provisions of this Ordinance and the South Carolina Code of Laws, 1994, Title 6, Chapter 7; as amended.
  - D. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.
- 5.5.4: 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 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 examination and other official actions, all of which shall be filed in the office of the Board and shall be a public record. On all appeals, applications and other matters brought before the Board of Zoning Appeals, the Board shall inform in writing all the parties involved of its decision(s) and the reason(s) heretofore.

**5.5.5: Procedures for Appeals and Variances:**

- A. Application:** Any person displeased with the written decision of the Zoning Administrator may appeal it to the Board of Zoning Appeals. Such appeals shall be filed with the secretary within thirty (30) days after the date of written notice of the decision or order of the Zoning Administrator. The applicant and parties to the permitting process are entitled to notice of the appeal.
- B. Stay of Proceedings:** Filing an appeal to the Board stays all legal proceedings to enforce the appealed action unless the appealed officer certifies that a stay would cause imminent peril to life and property. In such cases, a Board or court restraining order may stay the action.
- C. Hearings:** The Board of Zoning Appeals shall hold a public hearing within thirty (30) days of receiving written application for the hearing, give public notice there of at least 15 days prior to the hearing by placing notice in a general circulation newspaper in the community.
- D. Posting Property:** In cases involving variances, staff must post conspicuous notices on or next to the affected property. At least one notice must be visible from each street that borders the property.

**5.5.6: Powers of the Board of Zoning Appeals:**

- A. Administrative Review:** The Board may hear and decide appeals where it is alleged the Zoning Administrator erred in an order, requirement, decision, or determination. In such cases, the Board may reverse or affirm, wholly or in part, the Zoning Administrator's actions. The Board has all the powers of the Zoning Administrator in such cases and may direct the issuance of a permit.
- B. Variances:** The Board has the power to hear and decide requests for variances when strict application of the Zoning Ordinance would cause an unnecessary hardship.
  - 1. The following standards must apply for finding an unnecessary hardship:
    - a) **Extraordinary Conditions:** There are extraordinary and exceptional conditions pertaining to the particular piece of property, which could exist due to topography, street widening, or other conditions that make it difficult or impossible to make an economically feasible use of the property.
    - b) **Other Property:** Extraordinary conditions generally do not apply to other property in the vicinity.
    - c) **Utilization:** Because of these extraordinary conditions, the application of the ordinance to a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
    - d) **Detriment:** The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by granting of the variance.
  - 2. **Conditions:** In granting a variance, the Board may attach conditions to it. These conditions may address the location, character, or other features of a proposed building, structure, or use. The Board sets the conditions to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.
  - 3. **Use Variances:** The Board may not grant use variances. A "use variance" involves the establishment of a use not otherwise permitted in a zoning district, or extends physically a non-conforming land use or changes the zoning district boundaries shown on the official zoning map.

**5.5.7: Appeals from Decisions of Board of Zoning Appeals:**

- A. Any person who may have a substantial interest in any decision of the Board of Zoning Appeals may appeal from any decision of the Board to the circuit court filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty (30) days after the decision of the Board is rendered.

---

**5.6: Fees**

The Town Council shall establish a schedule of fees, charges and expenses, and a collection procedure for Building Permits, Zoning Permits, Zoning Amendments, and Variances, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the Town Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.