
Town of Donalds, South Carolina



Official Zoning Ordinance

This document has been prepared for the

Town of Donalds Town Council

The Town of Donalds Planning Commission

**With assistance from the Upper Savannah Council of Governments and
Abbeville County Planning & Zoning**

Adopted by Donalds Town Council:

April 15th, 2024

ZONING ORDINANCE

TOWN OF DONALDS, SOUTH CAROLINA

TOWN COUNCIL

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SUSAN POWELL, MAYOR PRO TEM of TOWN COUNCIL

TISHA HILL, TOWN COUNCIL

RONNIE VAUGHN, TOWN COUNCIL

WILLIAM O. SCOGGINS, JR., MBA, MPA, TOWN COUNCIL

MORGAN DAVENPORT, TOWN CLERK & ZONING ADMINISTRATOR

PLANNING COMMISSION

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DANNY MITCHELL, VICE CHAIRPERSON

ROBBIE HILL

MELANIE KENNEDY, PhD

JANE STONE

BOARD OF ZONING APPEALS

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GENE GARNER, VICE CHAIRPERSON

LAMAR LATIMER

UPPER SAVANNAH COUNCIL OF GOVERNMENTS

RICK GREEN, GOVERNMENT SERVICES DIRECTOR

ABBEVILLE COUNTY PLANNING & ZONING

ANDY PRICE, COUNTY PLANNER

STATE OF SOUTH CAROLINA)
COUNTY OF ABBEVILLE)
TOWN OF DONALDS)

An Ordinance Adopting the official Town of Donalds Zoning Ordinance

Whereas, the Town of Donalds Zoning Ordinance sets residential and commercial property zoning requirements and incorporates refinements to existing town ordinances be made as necessary to maintain its effectiveness and efficiency, and

Whereas, the Town of Donalds Planning Commission has recommended a comprehensive plan that identifies residential and commercial property suggested guidelines and several refinements be made as a result of review by that body;

Now, therefore, be it ordained by the Town Council of Donalds, South Carolina, that the Town of Donalds does hereby adopt this ordinance to establish a town zoning ordinance and incorporate any applicable prior individual town ordinances, effective after the final reading, and shall continue in effect as hereafter mandated.

RESOLVED, this 15th Day of April, 2024.

Mayor

Town Clerk

Introduction and First Reading: March 4, 2024	Yay: <u>5</u> Nay: <u>0</u>
Second Reading: March 11, 2024	Yay: <u>5</u> Nay: <u>0</u>
Third Reading and Public Hearing: April 15, 2024	Yay: <u>5</u> Nay: <u>0</u>

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ARTICLE I: PURPOSE, AUTHORITY, AND ENACTMENT CLAUSE

Section 101: Short Title

This Ordinance is officially titled as, “The Zoning Ordinance of the Town of Donalds, South Carolina”, and shall be known as the Zoning Ordinance. The official map designating the various zoning districts shall be titled, “Town of Donalds, Zoning Map”, and shall be known as the Zoning Map.

Section 102: Authority and Enactment Clause

Zoning provisions enacted herein are under the authority of the South Carolina Code of Laws, 1976, 1994 Cumulative Update, Title 6, Chapter 29, which extends to cities the authority to enact regulations which promote the health, safety, morals, or the general welfare of the community. It further authorizes cities to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. This section further authorizes the establishment of overlay districts in which additional regulations may be imposed upon properties that lie within the boundary of the district. The statutes also require that all such regulations shall be uniform for each class or type of building throughout each district, but that the regulations in one district may differ from those in other districts.

Section 103: Purpose and Scope

The purpose of this ordinance is to guide development in accordance with the community’s existing and future needs and to protect, promote, and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the Town of Donalds. The regulations set forth herein are designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote the public health and general welfare; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentration of populations; to protect scenic areas, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to promote desirable living conditions and the sustained stability of neighborhoods; to protect property against blight and depreciation; to secure economy in governmental expenditures; to conserve the value of land and buildings; and to encourage the most appropriate use of land and buildings and structures.

From and after the effective date of this ordinance, the use of all land and all buildings or portions thereof erected, altered with respect to area, added to, or relocated, and every use within a building or use accessory thereto, in the Town of Donalds, shall be in conformity with the provisions of this ordinance. Any existing building or structure and existing use of building or land not in conformity with the regulations herein prescribed shall be regarded as non-conforming but may be continued subject to the regulations herein provided in respect to non-conforming buildings or uses.

Section 104: Separability

If any section or specific provision or standard of this Ordinance or any regulating district boundary arising from it is found by a court to be invalid for any reason, the decision of the

court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect. Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 105: Relation to Other Ordinances

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, vested rights or building permits previously adopted or issued pursuant to law and currently effective. The provisions of this ordinance are minimum requirements and where conflicts with other laws occur, the stricter shall apply.

Section 106: Jurisdiction

The regulations set forth in this ordinance shall be applicable within the corporate limits of the Town of Donalds.

Section 107: Effective Date

These regulations shall become effective on April 15th, 2024. Upon such date, these regulations shall supersede, repeal, and replace any individual town ordinances pertaining to residential or commercial oversight, as amended, adopted on April 15th, 2024.

ARTICLE II: ESTABLISHMENT OF ZONING DISTRICTS

Section 201: Establishment of Districts

District	Uses	Minimum Lot Size
R1	Single Family Residential	2 acres
C1	Core Commercial	1 acre
H1	Single & Multi Family Residential	2 acres
HC	Historical Conservation	0.25 acres
RA	Single Family Residential Agricultural	10 acres

Section 202: Zoning District Boundaries and the Official Zoning Map

The boundaries of the above zoning districts are hereby established as shown on the Official Zoning Map of the Town of Donalds, South Carolina, which together with all explanatory matter thereon is hereby adopted 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 under the following words: “Official Zoning Map Town of Donalds, South Carolina”, together with the date of the adoption of this ordinance.

If, in accordance with the provisions of this ordinance and South Carolina Code of Laws, 1976, 1994 Cumulative Update, Title VI, Chapter 29, Section 760, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the official zoning map promptly by the Town Clerk within seven (7) days after the amendment has been approved by the Town Council. No amendment to this ordinance which involves a matter portrayed on the Official Zoning Map shall become effective until after such change (s) has been made on said map.

No changes of any nature shall be made on the Official Zoning Map except when in conformity with the procedures set forth in the Ordinance. Any unauthorized change of whatever kind, by any person or persons, shall be considered a violation of this ordinance and punishable as provided by law.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Town Clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the town. A reproducible copy of the Official Zoning Map shall be kept on file in the Office of the Town Clerk and with the Abbeville County Planning and Zoning office, and copies shall be available at all times for the inspection by the public.

Section 203: Interpretation of District Boundaries

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

District boundary lines are intended to follow the center lines of streets, highways, alleys, rail lines, easements, and other rights-of-way; the center lines of streams or other water channels; and follow platted lot or other property lines.

In the absence of visual district boundaries or specified distances on the Official Zoning Map, dimensions or distances shall be determined by the Zoning Administrator by scaling the distance on the Official Zoning Map.

Properties divided by highways, streets, railroads, streams, rivers, lakes, and other bodies of water shall not be considered adjacent properties.

Where distances are not specifically indicated on the Official Zoning Map and/or are not covered within this section, the Board of Zoning Appeals shall interpret the district boundaries.

Section 204: Divided Lot

Where a district boundary divides a lot which was in single ownership at the time of passage of the ordinance, the Board of Appeals may permit the extension of the regulations for either portion of the lot, not to exceed fifty (50) feet beyond the district line into the remaining

portion of the lot. The extension of regulations may be approved provided the request will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The 50-foot extension of regulations may be granted only once per lot and does not constitute an amendment to the Official Zoning Map. Thereafter, the existing zoning district boundary lines shall govern all sections of newly created approved lots of record without extension considerations.

Section 205: Zoning of Annexed Property

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

- A. New land areas incorporated or otherwise annexed shall be assigned a zoning classification at the time of annexation by the Zoning Administrator and the Town Council. The ordinance to annex the territory will establish a zoning classification for the property based on a recommendation from the planning commission, consideration of the current use of the property, the municipality's comprehensive plan, and the current zoning of neighboring properties.
- B. In all cases, where additions or deletions in the Town of Donalds total land area require adjustments in the Zoning District boundaries, said amendments shall be made on the Zoning Map within 90 (ninety) days of the date of Council action and the date shall be noted.

ARTICLE III: APPLICATION OF DISTRICT REGULATIONS

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

Section 301: Use of Land or Structures

- A. No building, land or portion thereof shall be erected, used, moved, or altered except in conformity with the regulations specified for the district in which it is located.
- B. No structure shall hereafter be erected or altered:
 - with greater height, size, bulk, or other dimensions;
 - to occupy a greater percentage of lot area; or
 - to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this ordinance.

- C. No part of a setback, or other open space, off-street parking or loading area required in connection with any building for the purpose of complying with this ordinance, shall be included as part of a setback, open space, or off-street parking or loading space similarly required for any other building.

Section 302: Lot Reduction Prohibited

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

Section 303: Use of Substandard Lots of Record

Where, at the time of the adoption of this ordinance, an existing lot of record with preexisting water, septic/sewage, power and utilities, recorded in compliance with all regulations in effect at the time it was recorded, does not conform to the dimensional requirements of this ordinance, it may nonetheless be used as a building site and the Zoning Administrator is authorized to issue a Certificate of Zoning Compliance for the use of the property. If any of two (2) or more adjoining lots under the same ownership do not conform to the dimensional requirements of this ordinance, then the lots must be combined to meet more closely, if not completely, the dimensional requirements of this ordinance for the issuance of a Certificate of Zoning Compliance.

ARTICLE IV: DISTRICT REGULATIONS

The following regulations pertain to the districts established by this ordinance.

Section 401: R1 - Single Family Residential District

Purpose: It is the intent and purpose of the R1 District to provide for and protect the quiet and peaceful character of single-family residential development. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one family dwellings situated on lots having an area of at least two (2) acres or 87,120 square feet and to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district. The only non-residential activities viewed as compatible are low intensity public uses, including parks, recreation areas, schools, and churches.

401.1: Permitted Uses

The following uses shall be permitted in any R1 Zoning District:

- A. Single family dwellings greater than six hundred (600) square feet that meet the International Building Code which includes modular homes but excludes mobile and manufactured homes, and tiny homes/houses.

- B. The minimum lot size is two (2) acres for all new residential dwellings as of the adoption of this Ordinance. A building permit will not be issued for new residential dwellings on lots smaller than two (2) acres.
 - 1) The only exception is for a lot that has preexisting water, septic/sewer, power, and utility hook-ups and connections. Building codes and setbacks must be met in these cases, thus will be subject to review before a building permit is issued.
- C. Accessory uses in compliance with the provision of Section 826 of this ordinance.
- D. Publicly owned buildings, facilities, or land.
- E. Non-commercial horticulture or agriculture, including the keeping and housing of domesticated animals (not including livestock) and fowl, in full compliance with Article 4 of the Donalds Municipal Code. The property must have a dwelling and be occupied full-time to keep any animals on the premises.
- F. Unlighted, regulation size and par three golf course.

401.2: Conditional Uses

The following uses shall be permitted in any R1 Zoning District on a conditional basis:

- A. Church, Synagogue, temple, or other places of worship provided that the following conditions are met:
 - 1. Shall be housed in a permanent structure.
 - 2. Shall be located on a lot which is not less than five (5) acres or 217,800 square feet.
 - 3. No structure on the lot shall be located closer than twenty-five (25) feet to any abutting residential property line.
 - 4. Signage shall not be illuminated, no greater than thirty (30) square feet in area and no greater than ten (10) feet in height.
- B. Private kindergarten or pre-school nursery provided that the following conditions are met:
 - 1. Shall be located on a lot which is not less than five (5) acres or 217,800 square feet.
 - 2. Such use shall meet the minimum standards set forth for such facilities by the State Board of Health.
 - 3. No structure on the lot shall be located closer than twenty-five (25) feet to any abutting residential property line.

4. Signage shall not be illuminated, no greater than thirty (30) square feet in area and no greater than ten (10) feet in height.
- C. Public Utility Substation, sub-installation, including water towers provided that the following conditions are met:
1. Such use shall be enclosed by either a board-on-board wooden fence, a chain link fence, or a wall at least six (6) feet in height above the finished grade.
 2. No office or commercial operations are permitted on the site.
 3. No vehicle or equipment storage is permitted on the site.
 4. Landscape strip not less than five (5) feet in width shall be planted and maintained around all buildings, structures, or facilities.
- D. Parks, recreation facilities, playgrounds provided that the following conditions are met:
1. Such use shall be located on a lot which is not less than five (5) acres or 217,800 square feet.
- E. Cemetery provided that the following conditions are met:
1. Such use shall be located on a lot which is not less than ten (10) acres.
 2. Such use shall not include a crematorium or dwelling unit other than for the caretaker.
 3. Shall have a minimum front yard setback of ten (10) feet.
 4. Signage shall not be illuminated, no greater than thirty (30) square feet in area and no greater than ten (10) feet in height.
- F. Bed and Breakfast provided that the following conditions are met:
1. The inn must be operated by members of the household residing on the premises.
 2. The inn shall have no more than four (4) guest rooms.
 3. The inn shall not require any alteration or change in the essential residential character of the dwelling and must be compatible with a quiet residential environment.
 4. Creates no health or safety hazard, noise, offense emissions, traffic hazard, unsightly condition, or nuisance.
 5. The operation of the inn shall involve no exterior storage of materials or supplies.

6. There shall be no exterior display of signs, except for one (1) site sign no larger than twenty (20) square feet stating the name of the inn and shall not be illuminated.
 7. The inn shall provide one (1) paved parking space on the property for each guest room with parking spaces shall be located behind the front line of the structure.
 8. No guest shall occupy the inn for more than seven (7) consecutive nights.
- G. Temporary Contractor Office provided that the following conditions are met:
1. Such use is in connection with construction on the premises.
 2. Such use shall not cause traffic congestion or create a nuisance.
 3. Such use can be used for one (1) year with one (1) renewal.
 4. Such use cannot be located in a full, nearly full, or occupied residential development.
- H. Library / Museum provided that the following conditions are met:
1. Such use is on a parcel of land at least two (2) acres.
 2. No building, parking area, or accessory use shall be placed within thirty (30) feet of any abutting property line.
 3. Signage shall not be illuminated and no greater than thirty (30) square feet in area and not greater than ten (10) feet in height.
- I. Customary home occupation in single-family dwelling provided that all the following conditions are met:
1. Conducted inside the dwelling by resident family members.
 2. Uses no more than twenty-five percent (25%) of total dwelling floor area or fifty percent (50%) of an accessory building.
 3. No change in exterior or appearance of dwelling.
 4. No outside display of products.
 5. No sale of products except those made on premises or consumable incidental to a service.
 6. Creates no health or safety hazard, noise, offense emissions, traffic hazard, unsightly condition, or nuisance.
 7. Activity is not visible outside dwelling except for a wall-mounted non illuminated nameplate not over four (4) square feet in area.
 8. Meets off-street parking requirements found in Section 501.

401.3: Prohibited Uses

No activity that does not fall within the parameters of Sections 401.1 or 401.2 shall be permitted within the R1 Zoning District. The following uses are expressly prohibited within the R1 Zoning District or within a two (2) mile radius of schools, churches, or public parks that occupy space within the town limits of the Town of Donalds, to increase ordinance clarity:

- Sexually Oriented Businesses
- Cellular Towers
- Tattoo Parlor
- Liquor Stores
- Vape Stores
- Title Loans

401.4: Dimensional Requirements

Uses permitted in the R1 Zoning District shall be required to conform to the following standards, except for the use of substandard lots of record as of the effective date of this ordinance which is outlined in Section 303 of this ordinance.

<u>Minimum Lot Area:</u> 87,120 sq. ft. (2 acres)	<u>Minimum Lot Width:</u> 100 Feet at building line
<u>Minimum Building Setbacks:</u> Front: 25 Feet Side: 10 Feet Rear: 15 Feet	<u>Accessory Structure Setback:</u> 3 Feet (side and rear)
<u>Maximum Buildings Height:</u> 35 Feet	<u>Maximum dwelling units per 2 acres:</u> 1

401.5: Parking and Loading

Uses permitted in R1 Zoning District shall meet standards set forth in Article V.

401.6: Signs

Signs permitted in the R1 Zoning District must adhere to the regulations found in Article VI of this ordinance and they include:

- A. Signs for which permits are not required are found in Article VI, Section 612 of this ordinance.
- B. A single non-illuminated bulletin board not exceeding twenty (20) square feet in area. Such sign or bulletin board shall be setback not less than ten (10) feet from any street right of way.
- C. Signs located at entrances to subdivision and multi-family complexes; no more than two (2) signs at each entrance, with a maximum sign area of seventy-five (75) square feet. All large residential signs shall be integrally designed as a part of a permanently constructed and maintained wall, fence, or similar feature or shall be a ground sign. All such areas shall be landscaped. The maximum height of such sign shall be four (4) feet when constructed as a ground sign. A ground sign which is integrated into a brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet. Any large residential sign and the attended landscaped area shall be owned and maintained either by the ^{owner}/developer or by a legally established homeowner's association. Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any nearby residential structure.
- D. One home occupation sign either mounted against the wall of the principal building or located in the yard, provided that it is not illuminated, and that it is no larger than four (4) square feet in area.

401.7: Exterior Storage Requirements

Exterior storage of junk shall not be permitted unless completely enclosed by a six (6) foot high wallboard on a board fence, or chain link fence with solid slats. Exterior storage of goods, equipment, and junk shall not be located on the front yard of the property. If the property is located on a corner and has two frontages, junk shall not be located on either frontage. Storage of junk shall not be located on front porches, decks, or stoops of residential dwellings.

Section 402: C1 - Commercial District

Purpose: It is the intent and purpose of the C1 District to permit concentrated development and redevelopment of businesses in the town center to more efficiently serve the community and its surrounding area. The area is intended for a wide variety of land uses that will create a vital, quality, well-rounded, atmosphere downtown. Desired activities include fully enclosed retail, commercial, office service, public, civic, cultural and residential. The intent is to encourage the formation and maintenance of a centrally located trade and commercial service area and to provide for the orderly expansion of such uses.

402.1: Permitted Uses

The following uses shall be permitted in the C1 Zoning District:

A. Any retail or wholesale business involving the sale of merchandise on the premises including:

1. antique store
2. electronic or appliance/repair and service shop
3. book, magazine, and newspaper store
4. drug store/pharmacy
5. bakery
6. florist shop
7. gift store
8. grocery store/produce stand
9. hardware/paint store
10. hobby/toy store
11. household furnishings store
12. music store
13. general variety/retail store
14. office supply
15. shoe/shoe repair store
16. sporting goods store
17. jewelry/repair shop

B. Businesses involving the rendering of a personal service including:

1. Bank, insurance agencies and other financial institutions
2. barber/beauty shop
3. dressmaker/tailor shop
4. dry cleaning/laundry

5. locksmith/gunsmith
 6. medical/dental offices
 7. professional/government offices
 8. public utility business office
 9. real estate agency
 10. dance/art/music/drama schools
 11. travel agency
- C. private/semi-private club, lodge, union hall, or social center
- D. church/other religious facility
- E. residential use lawfully existing within the district at the time of adoption of this ordinance
- F. off-street commercial parking lot/garage
- G. hotel/motel
- H. publicly owned and operated building, facility, or land
- I. commercial recreation facility
- J. commercial trade/vocation school
- K. eating, drinking establishment excluding drive in or curb service
- L. radio/TV station
- M. day care center (adult and child)
- N. senior citizen housing
- O. meat market
- P. plumbers/electricians
- Q. Accessory use on same lot with principal use, as follows:
1. Off street parking or storage area for vehicles owned by members, customers or employees of business

2. Completely enclosed building for storage of supplies or merchandise for use in the principal business

402.2: Conditional Uses

The following uses shall be permitted in any C1 Zoning District:

- A. Temporary Christmas tree sales, on vacant lot for a period not to exceed forty-five (45) days.
- B. Contractor's office and equipment shed provided all following conditions are met:
 1. used in connection with construction on premises.
 2. must not cause traffic congestion or nuisance.
 3. for term up to one (1) year; may be renewed once.

402.3: Special Exemptions

- A. Automobile service station, including limited sale of groceries, provided the Board of Appeals determines:
 1. The use is compatible with the district.
 2. Parking & service areas are separated from adjoining residential property by planting screen, fence or wall at least six (6) feet high.
 3. No major repairs or vehicle sales conducted on premises.
 4. Adequate provisions are made for access and traffic safety.
 5. Conditions are imposed to protect adjacent property from adverse impact.
- B. Car wash, either automatic or self-service provided the Board of Appeals determines:
 1. The use is compatible with the district.
 2. Adequate spaces for vehicles awaiting entry are required; more than the minimum may be required.
 3. The area is required to be adequately screened from adjoining residential property.
 4. Adequate provisions are made for access and traffic safety.
 5. Hours of operation are limited to prevent late night noise.

C. Transportation terminals for bus and railroad services provided the Board of Appeals determines:

1. Repair facilities and truck terminals are not permitted.
2. Adequate maneuvering and parking spaces are set.
3. Adequate provisions are made for access and traffic safety.
4. The area is adequately screened from residential areas.
5. The use is compatible with the district.

402.4: Prohibited Uses

No activity that does not fall within the parameters of Sections 402.1 and 402.2 shall be permitted within the C1 Zoning District. The following uses are expressly prohibited within the C1 Zoning District or within a two (2) mile radius of schools, churches, or public parks that occupy space within the town limits of the Town of Donalds, in order to increase ordinance clarity:

- Sexually Oriented Businesses
- Cellular Towers
- Tattoo Parlor
- Liquor Stores
- Vape Stores
- Title Loans

402.5: Dimensional Requirements

Unless otherwise specified elsewhere in this ordinance, uses permitted in the C1 Zoning District shall be required to conform to the following standards except that the use of substandard lots of record as of the effective date of this ordinance may be subject to the relief provided in Article III, Section 303 of this ordinance.

<u>Minimum Lot Area:</u> 43,560 sq. ft. (1 acre)	<u>Minimum Lot Width:</u> 50 Feet at building line
--	--

Minimum Building Setbacks:

Front: 20 Feet

Side: 10 Feet - No setback is required except when the property is abutting a residential district. A side setback shall be provided on a lot where it abuts a residential district at least equal to the requirements of the abutting residential district. When a setback is not required but still provided, it shall be a minimum of 3 feet.

Rear: 20 Feet - The rear setback may be used for parking and service drives but must remain unobstructed by structures or buildings, and must be designed in conformance with Article VII, Section 812, if used for parking.

Maximum Buildings Height:

35 Feet

Accessory Structure Setback:

5 Feet (rear)

402.6: Signs

The following types of signs are permitted in the C1 district:

- A. All signs permitted in residential districts.
- B. Within the front or side setback area of any parcel in the C1 district, a maximum of one (1) permanently mounted detached sign of the type required to secure a permit shall be permitted for each three hundred (300) feet of road frontage for each road fronted. The maximum allowable sign copy area for these signs shall be seventy-five (75) square feet multiplied by the number of signs permitted. No such sign shall be located closer than ten (10) feet on any street right of way. The maximum height if detached signs shall be twenty-five (25) feet, as measure from the base of the sign.
- C. Wall signs which must meet the requirements found in Section 613.1 of this ordinance.
- D. May be illuminated.
- E. All signs must follow the regulations found in Article VI of this ordinance.

402.7: External Storage

Any external storage of inventory, parts, or machinery shall be established to the rear of the front line of the principal structure and shall be completely enclosed by a six (6) foot high wall, board on board fence, chain link fence with solid slats, or any other opaque material that creates a visual barrier.

Section 403: H1 - Single and Multi-Family District

Purpose: It is the intent and purpose of the H1 District to provide for low density single and multi-family residential developments. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one and two family dwellings situated on lots having an area of at least six thousand (6,000) square feet or more, and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the district. Intended for primarily single family, cluster home and low intensity multi-family residential usage, with a density of four (4) to eight (8) units per acres. Compatible non-residential activities include low intensity public uses, including parks, recreation areas, schools and churches.

403.1: Permitted Uses

The following uses are permitted in any H1 Zoning District:

- A. Any use, together with the conditions attached thereto, permitted in the R1 Zoning District.
- B. Two Family dwellings accommodating no more than two (2) families per lot.
- C. Duplexes with no more than two (2) residential dwelling units on any parcel.

403.2: Conditional Uses

The following uses shall be permitted in any H1 Zoning District subject to the conditions of this section:

- A. All conditional uses permitted in the R1 district shall be permitted in any H1 Zoning District on a conditional basis subject to the conditions set forth for that district.

403.3: Prohibited Uses

No activity that does not fall within the parameters of Sections 403.1 or 403.2 shall be permitted within the H1 Zoning District. The following uses are expressly prohibited in order to increase ordinance clarity The following uses are expressly prohibited within the H1 Zoning District or within a two (2) mile radius of schools, churches, or public parks that occupy space within the town limits of the Town of Donalds, in order to increase ordinance clarity:

- Sexually Oriented Businesses
- Cellular Towers
- Tattoo Parlor
- Liquor Stores
- Vape Stores

- Title Loans

403.4: Dimensional Requirements

Uses permitted in the H1 Zoning District shall be required to conform to the following standards, except that the use of substandard lots of record as of the effective date of this ordinance may be subject to the relief provided in Article III, Section 303 of this ordinance.

<p><u>Minimum Lot Area:</u> Single Family: 6,000 square feet Duplexes: 4,500 square feet</p>	<p><u>Minimum Lot Width:</u> 50 Feet at building line</p>
<p><u>Minimum Building Setbacks:</u> Front: 15 Feet Side: 5 Feet Rear: 15 Feet</p>	<p><u>Accessory Structure Setback:</u> 5 Feet (side and rear)</p>
<p><u>Maximum Buildings Height:</u> 35 Feet</p>	<p><u>Maximum Dwelling units per acre:</u> 7 units if one unit per lot 6 units if two units per lot</p>

403.5: Parking and Loading

Uses permitted in the H1 Zoning District shall meet the parking and loading standards set forth in Article V.

403.6: Signs

Signs permitted in the H1 Zoning District must adhere to the regulations found in Article VI of this ordinance and they include:

- A. Signs for which permits are not required are found in Article VI, Section 612 of this ordinance.
- B. A single non-illuminated bulletin board not exceeding twenty (20) square feet in area. Such sign or bulletin board shall be setback not less than ten (10) feet from any street right of way.

- C. Signs located at entrances to multi-family complexes; no more than two (2) signs at each entrance, with a maximum sign area of seventy-five (75) square feet. All large residential signs shall be integrally designed as a part of a permanently constructed and maintained wall, fence, or similar feature or shall be a ground sign. All such areas shall be landscaped. The maximum height of such a sign shall be four (4) feet when constructed as a ground sign. A ground sign which is integrated into a brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet. Any large residential sign and the attended landscaped area shall be owned and maintained either by the owner/developer or by a legally established homeowner's association. Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any nearby residential structure.
- D. One home occupation sign either mounted against the wall of the principal building or located in the yard, provided that it is not illuminated, and that it is no larger than four (4) square feet in area.

403.7: Exterior Storage Requirements

Exterior storage of junk shall not be permitted unless completely enclosed by a six (6) foot high wallboard on board fence, or chain link fence with solid slats. Exterior storage of goods, equipment, and junk shall not be located on the front yard of the property. If the property is located on a corner and has two frontages, junk shall not be located on either frontage. Storage of junk shall not be located on front porches, decks, or stoops of residential dwellings.

Section 404: HC - Historical and Conservation District

Purpose It is the intent of the HC Zoning District to preserve and control development within land, wetland, water and/or other areas in the Town of Donalds which impact the natural environment. In order to be designated a HC zoning district, the area shall meet one or more the following characteristics:

- A. serve as a wildlife refuge.
- B. possess great natural beauty.
- C. is historically significant.
- D. utilized for outdoor recreational purposes.
- E. provide open space, which improves the health and general welfare of the town's residents.
- F. is subject to periodic flooding.
- G. includes a delineated wetland according to the US Army Corps of Engineers

404.1: Permitted Uses

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

- A. Publicly owned and/or operated park, open space, recreational facility or use and the equipment necessary for serving the township
- B. Public utility line, fire or water tower, or substation
- C. Municipal building or meeting place
- D. Historical tours

404.2: Conditional Uses

The following uses shall be permitted in any HC Zoning District subject to the conditions on this section:

Municipality buildings of historical significance that are non-residential and use:

1. Shall be located on a lot which is not less than one quarter (.25) acres or ten thousand eight hundred and ninety (10,890) square feet in area.
2. Shall have a front yard setback of at least twenty (20) feet from the right of way.
3. Signage shall be limited to non-illuminated signage no greater than thirty (30) square feet in area and ten (10) feet in height.

404.3: Prohibited Uses

No activity that does not fall within the parameters of Sections 404.1 or 404.2 shall be permitted within the HC Zoning District. The following uses are expressly prohibited within the R1 Zoning District or within a two (2) mile radius of schools, churches, or public parks that occupy space within the town limits of the Town of Donalds, in order to increase ordinance clarity:

- A. Sexually Oriented Businesses
- B. Tattoo Parlor
- C. Cellular Towers
- D. Liquor Stores
- E. Vape Stores
- F. Title Loans

404.4: Dimensional Requirements

Unless otherwise specified elsewhere in this ordinance, uses permitted in the HC Zoning District shall be required to conform to the following standards:

<u>Minimum Lot Area:</u> 10,890 sq ft	<u>Minimum Lot Width:</u> 50 Feet
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<u>Minimum Building Setbacks:</u> Front: 20 Feet Side: 10 Feet Rear: 15 Feet	
<u>Maximum Buildings Height:</u> 50 Feet	<u>Accessory Structure Setback:</u> 15 Feet Rear

404.5: Parking and Loading

Uses permitted in the HC Zoning District shall meet the parking and loading standards set forth in Article V, unless in conflict with National Historical Registry specifications on significantly altering the building or land.

404.6: Signs

The following types of signs are permitted in the HC district:

- A. All signs permitted in residential districts.
- B. Within the front or side setback area of any parcel in the HC district, a maximum of one permanently mounted detached sign of the type required to secure a permit shall be permitted for each three hundred (300) feet of road frontage for each road fronted. The maximum allowable sign copy area for these signs shall be seventy-five (75) square feet multiplied by the number of signs permitted. No such sign shall be located closer than ten (10) feet on any street right of way. The maximum height if detached signs shall be twenty-five (25) feet, as measured from the base of the sign.
- C. Wall signs which must meet the requirements found in Section 613.1 of this ordinance.
- D. May be illuminated.
- E. All signs must follow the regulations found in Article VI of this ordinance.

404.7: External Storage

Any external storage of inventory, parts, or machinery shall be established to the rear of the front line of the principal structure and provided that such storage shall be

completely enclosed by a solid fence or wall of at least six (6) feet in height composed of treated wood or brick.

Section 405: RA - Single Family Residential Agricultural

Purpose It is the intent and purpose of the RA District to provide for and protect single family residential development together with traditional low intensity agricultural and farming activities. The regulations which apply within the district are designed to encourage the formation and continuance of a stable, healthy environment for single family dwellings located on farm lots, or compatible single-family dwellings located in low density subdivisions, and to discourage the encroachment of commercial, industrial, or other uses capable of adversely affecting the residential and agricultural quality of the district.

405.1: Permitted Uses

The following uses shall be permitted in any RA Zoning District:

- A. Single family dwellings that meet the International Building Code which include modular homes but excludes mobile and manufactured homes.
- B. Accessory uses in compliance with the provision of Section 827 of this ordinance.
- C. Publicly owned buildings, facilities, or land.
- D. Non-commercial horticulture or agriculture, including the keeping and housing of animals, livestock, and fowl. The number of farm animals shall be limited to one (1) farm animal per two (2) acres. *For reference, a ten (10) acre plot is limited to five (5) farm animals in total.*

No pen or area used for the keeping or grazing of livestock or animals shall be closer than five hundred (500) feet to any abutting property line of any property that is in a residential zoning classification. This provision shall not apply to dogs, cats, or similar animals that are kept as pets. The provision does apply to all horses, cows, pigs, goats, mules, donkeys, sheep, or other animals that are commonly perceived as livestock or wild.

- E. Unlighted, regulation size and par three golf course.

405.2: Conditional Uses

The following uses shall be permitted in any RA Zoning District on a conditional basis:

- A. Church, Synagogue, temple, or other places of worship provided that the following conditions are met:
 - 1) Shall be housed in a permanent structure.

- 2) Shall be located on a lot which is not less than five (5) acres or 217,800 square feet.
 - 3) No structure on the lot shall be located closer than twenty-five (25) feet to any abutting residential property line.
 - 4) Signage shall not be illuminated, no greater than thirty (30) square feet in area and no greater than ten (10) feet in height.
- B. Private kindergarten or pre-school nursery provided that the following conditions are met:
- 1) Shall be located on a lot which is not less than five (5) acres or 217,800 square feet.
 - 2) Such use shall meet the minimum standards set forth for such facilities by the State Board of Health.
 - 3) No structure on the lot shall be located closer than twenty-five (25) feet to any abutting residential property line
 - 4) Signage shall not be illuminated, no greater than thirty (30) square feet in area and no greater than ten (10) feet in height.
- C. Public Utility Substation, sub-installation, including water towers provided that the following conditions are met:
- 1) Such use shall be enclosed by either a board-on-board wooden fence, a chain link fence, or a wall at least six (6) feet in height above the finished grade.
 - 2) No office or commercial operations are permitted on the site.
 - 3) No vehicle or equipment storage is permitted on the site.
 - 4) Landscaped strip not less than five (5) feet in width shall be planted and maintained around all buildings, structures or facilities.
- D. Parks, recreation facilities, playgrounds provided that the following conditions are met:
- 1) Such use shall be located on a lot which is not less than five (5) acres or 217,800 square feet.
 - 2) Exterior lights shall not reflect onto abutting properties.
 - 3) Cemetery provided that the following conditions are met:
 1. Such use shall be located on a lot which is not less than ten (10) acres.
 2. Such use shall not include a crematorium or dwelling unit other than for the caretaker.

3. Shall have a minimum front yard setback of ten (10) feet.
4. Signage shall not be illuminated, no greater than thirty (30) square feet in area and no greater than ten (10) feet in height.

E. Bed and Breakfast provided that the following conditions are met:

- 1) The inn must be operated by members of the household residing on the premises.
- 2) The inn shall have no more than four (4) guest rooms.
- 3) The inn shall not require any alteration or change in the essential residential character of the dwelling and must be compatible with a quiet residential environment.
- 4) The operation of the inn shall involve no exterior storage of materials or supplies.
- 5) There shall be no exterior display of signs, except for one (1) site sign no larger than twenty (20) square feet stating the name of the inn and shall not be illuminated.
- 6) The inn shall provide one (1) paved parking space on the property for each guest room, parking spaces shall be located behind the front line of the structure.
- 7) No guest shall occupy the inn for more than seven (7) consecutive nights.

F. Farm, kennel, commercial orchard, plant or tree nursery provided that the following conditions are met:

- 1) Such use shall be located on a lot which is not less than two acres in area.
- 2) Any retail sales conducted on the premises shall concern only products grown on the premises.
- 3) The number of farm animals shall be limited to one (1) farm animal per two (2) acres. *For reference, a ten (10) acre plot is limited to five (5) farm animals in total.*
- 4) No pen or area used for the keeping or grazing of livestock or animals shall be closer than five hundred (500) feet to any abutting property line of any property that is in a residential zoning classification. This provision shall not apply to dogs, cats, or similar animals that are kept as pets. The provision does apply to all horses, cows, pigs, goats, mules, donkeys, sheep, or other animals that are commonly perceived as livestock or wild.

405.3: Prohibited Uses

No activity that does not fall within the parameters of Sections 405.1 or 405.2 shall be permitted within the RA Zoning District. The following uses are expressly prohibited within the RA Zoning District or within a two (2) mile radius of schools, churches, or

public parks that occupy space within the town limits of the Town of Donalds, in order to increase ordinance clarity:

1. Sexually Oriented Businesses
2. Tattoo Parlor
3. Cellular Towers
4. Liquor Stores
5. Vape Stores
6. Title Loans

405.4: Dimensional Requirements

Uses permitted in the RA Zoning District shall be required to conform to the following standards, except for the use of substandard lots of record as of the effective date of this ordinance which is outlined in Section 303 of this ordinance.

<u>Minimum Lot Area:</u> 435,600 sq. ft. (10 acres)	<u>Minimum Lot Width:</u> 150 Feet at building line
<u>Minimum Building Setbacks:</u> Front: 35 Feet Side: 15 Feet Rear: 20 Feet	<u>Accessory Structure Setback:</u> 5 Feet (side and rear)
<u>Maximum Buildings Height:</u> 35 Feet	<u>Maximum dwelling units per acre:</u> 1 per 10 acres

405.5: Parking and Loading

Uses permitted in RA Zoning District shall meet standards set forth in Article V.

405.6: Signs

Signs permitted in the RA Zoning District must adhere to the regulations found in Article VI of this ordinance and they include:

- A. Signs for which permits are not required are found in Article VI, Section 612 of this ordinance.
- E. A single non-illuminated bulletin board not exceeding twenty (20) square feet in area. Such sign or bulletin board shall be setback not less than ten (10) feet from any street right of way.

- F. Signs located at entrances to subdivision and multi-family complexes; no more than two (2) signs at each entrance, with a maximum sign area of seventy-five (75) square feet. All large residential signs shall be integrally designed as a part of a permanently constructed and maintained wall, fence, or similar feature or shall be a ground sign. All such areas shall be landscaped. The maximum height of such a sign shall be four (4) feet when constructed as a ground sign. A ground sign which is integrated into a brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet. Any large residential sign and the attended landscaped area shall be owned and maintained either by the owner/developer or by a legally established homeowner's association. Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any nearby residential structure.
- G. One home occupation sign either mounted against the wall of the principal building or located in the yard, provided that it is not illuminated, and that it is no larger than four (4) square feet in area.

ARTICLE V: PARKING AND LOADING REGULATIONS

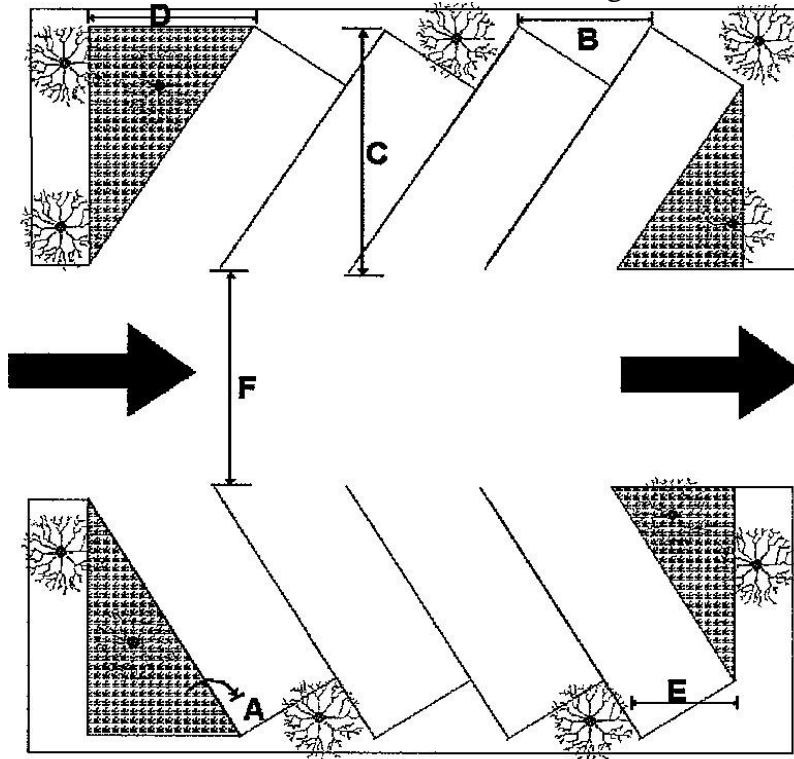
Section 501: General Design Standards

- A. 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.
- B. Off-street parking areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments.
- C. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians and without interfering with parking areas.
- D. No off-street parking area shall be located over an active or auxiliary septic tank field.
- E. Retaining walls, screening, landscaping, and building walls shall be protected from vehicle contact.
- F. A permanent turn-around shall be required when the dead-end aisle exceeds 500 feet, measured along the centerline of the dead-end aisle, from the last aisle or public roadway.
- G. Parking areas and driveways shall have a minimum covering of two inches (2") crushed stone, or other suitable materials such as asphalt or concrete for adequate off-street parking.

Section 502: Parking Space Dimensions

- A. Each parking space shall contain a rectangular area of at least 180 square feet.

B. Parallel parking shall provide a space of 20 feet by 9 feet. C. Parking areas and widths shall conform to the following table:



Parking Standards						
A Parking Angle	B Curb Length	C Stall Depth	D Starting Loss	E Last Car Requirement	F 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'

Section 503: Disabled Parking

A. With the exception of a lot containing a single family or duplex dwelling, all districts are required to provide the following number of spaces for disabled persons and shall conform to the following table:

Total Number of Off-Street Parking Spaces	Total Number of Spaces Required for Disabled
1-25	1

26-50	2
51 or more	3, plus 1 for every 50 spaces over 100

B. Off-street parking spaces for the disabled shall be designed as follows:

1. All spaces for the disabled shall have access to a curb-ramp or curb-cut when necessary to allow access to the building served, 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.
2. 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 which will not interfere with the opening and closing of motor vehicle doors.
3. 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.
4. The size of the parking space shall be per building code specifications, normally 12' x 20' (240 square feet) or greater.

Section 504: Cooperative Parking

A. Cooperative provisions for off-street parking may be made by contract between two or more adjacent property owners in the Core Commercial (C1) district, only. The parking area provided on any one lot may be reduced to not more than one-half of the number of required parking spaces for the use occupying such lot. These lots shall be interconnected in the Core Commercial (C1) district.

Section 505: Application of Parking Requirements

- A. Mixed Uses: When more than one (1) principal or accessory use occupies 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.

Section 506: Lighting Standards

A. All parking space area lighting shall be energy-efficient and designed so that any glare is directed away from adjacent properties and does not create any hazardous traffic conditions.

B. Lighting shall be provided to illuminate any off-street parking or loading spaces within establishments providing customer service to the public after sunset.

ARTICLE VI: SIGN REGULATIONS

Section 601: General Purpose

The purpose of this section is to provide sign regulations for the Town of Donalds in order to:

- A. Protect the public welfare and town property values by preserving the aesthetic and environmental qualities of the Town.
- B. Promote safety by eliminating traffic hazards or hazards due to collapse, decay, or abandonment of signs.
- C. Maintain the economic viability of businesses in our community through the availability of appropriate signage.
- D. Promote the efficient transfer of public and commercial information through sign management.

The regulations herein shall apply and govern all zoning districts. No sign shall be erected or maintained unless it is in compliance with the regulations of this Article, except that a nonconforming sign as set forth in Article VIII, relating to nonconforming uses, may be maintained if in existence prior to the adoption of this ordinance.

Section 602: Permit Required

Except as otherwise provided in this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move or replace any sign or cause the same to be done, without first having obtained a sign permit for such sign from the Zoning Administrator or designee as required by this Ordinance. A fee, in accordance with a fee schedule adopted by the Town Council, shall be charged for each sign permit issued.

Section 603: Permit Denial

If an application for a sign permit is denied by the Zoning Administrator or designee, a letter stating the reasons for the denial and the relevant Code Section number relating to the denial shall be sent by first class mail to the applicant.

Section 604: Sign Design Guidelines

The following regulations shall apply to all permitted signs in the Town of Donalds.

- A. Materials, colors, and shapes of proposed signs should be architecturally compatible with the buildings and the surrounding area of its location and be made of durable materials.

- B. The sign shall not be the dominant feature of its location and shall be scaled in accordance with the size of conforming signs on adjacent and nearby properties.
- C. A uniform sign plan shall be required for all major site plans, major subdivisions, office and retail complexes, multi-tenant buildings, and multi-family developments.
- D. The development plans shall denote the maximum total sign area permitted for the project.
- E. All tenants shall comply with the approved uniform sign plan.

Section 605: Maximum Number of Signs Allowed

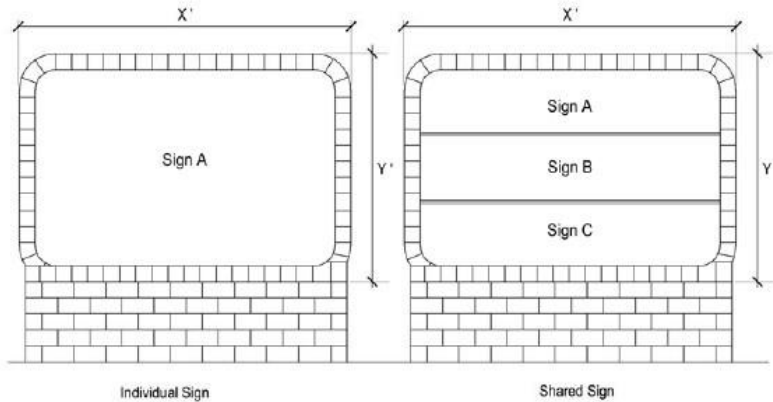
Unless otherwise specified in the Code, no establishment shall have more than one (1) primary identification sign in accordance with this Section. Corner lots may be permitted to have one (1) sign per street frontage. Wall signs may be permitted where a primary entrance fronts a parking lot. Structures subordinate to the principle uses are permitted one wall sign.

Section 606: Sign Area

The sign area shall be the area of smallest geometric figure, which encompasses the facing of the sign including the copy, insignia, logo, symbol, photograph, background, and borders. All area provisions in this Ordinance are calculated from the sign surface area dimensions as defined above.

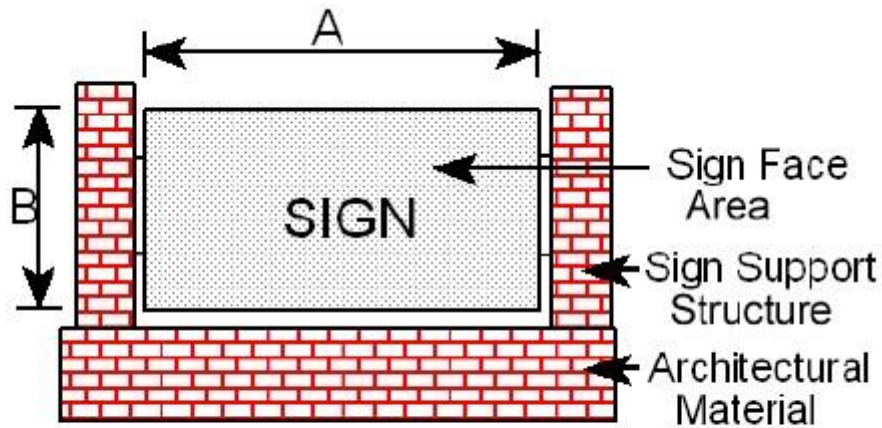
- A. **General** The sign face area shall be the advertising display surface of the sign.
- B. **Size of Sign Face Area** In the case of freestanding signs, the sign face area consists of the entire surface area of the sign on which copy could be placed.
- C. **Supporting Structure Not Counted** The supporting structure or bracing of a sign shall not be counted as part of the sign's face area unless such structure or bracing is made a part of the sign's message.
- D. **Collocation Individual** uses on adjoining lands may place their individual freestanding signage on a single sign support structure provided the combined sign face area does not exceed the amount of sign face area permitted if the freestanding signs would have been constructed separately. Sign support structures shall comply with the height limits regardless of the number of collocated signage.

Figure 1: Collocation



E. **Two-Sided Signs** Where a sign has two (2) display faces back-to-back, the area of only one (1) face shall be considered the sign face area. Where a sign has more than one (1) display face, all areas that can be viewed simultaneously shall be considered the sign face area as depicted in

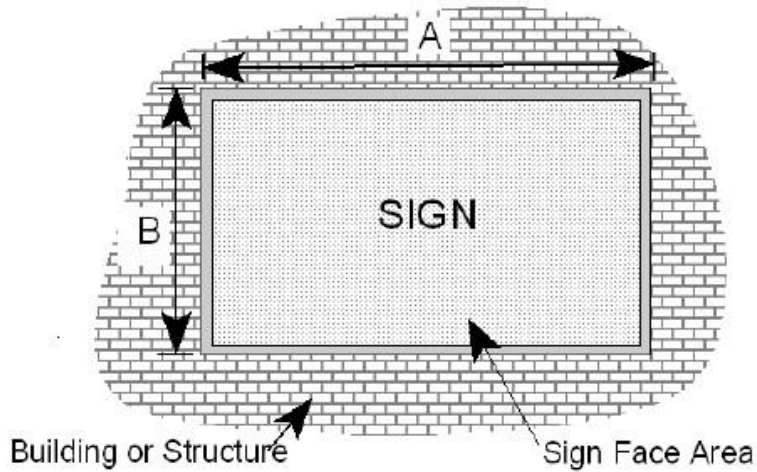
Figure 2: Two Sided Signs



$$\text{Sign Area} = (A) \times (B)$$

F. **Signs With a Background** In the case of a sign whose message is fabricated together with the background which borders or frames that message, the sign face area shall be the total area of the entire background as depicted in Figure 3, Signs with a Background:

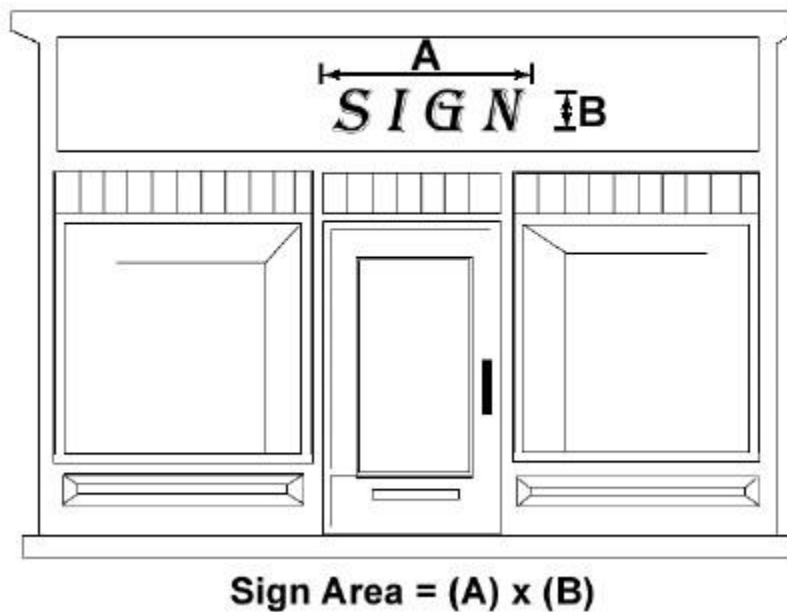
Figure 3: Signs with a Background



$$\text{Sign Area} = (A) \times (B)$$

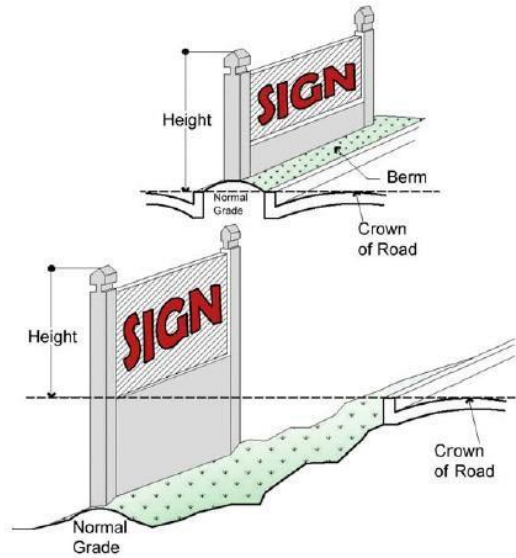
- G. **Signs with No Border or G. Frame** In the case of a sign whose message is applied to a background which provides no border or frame, sign face area shall be the area of the smallest rectangle that can encompass all words, letters, figures, emblems, and other elements of the sign message as depicted in Figure 4.

Figure 4: Signs with No Border or Frame:



Section 607: Sign Height

No freestanding sign shall exceed 25' in height as measured from the base of the sign. Ornamentation such as caps, spires, and finials shall not extend more than 2 feet from the top of the sign. The height of a sign shall be measured from the base of the sign at normal grade to the highest point of the sign support structure, or sign face, whichever is higher. For the purposes of this subsection, "normal grade" shall mean the newly established grade after construction, not including any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade is below the grade of the street to which the sign is oriented, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the crown of the adjacent street as depicted in the figure.



Section 608: Sign Setbacks

All signs shall be set back a minimum of five (5) feet from the right-of-way of a public or private street. At intersections, no sign shall be in the sight triangle as defined by this ordinance in Article VIII, Section 811.

Section 609: Maintenance and Upkeep of Signs

All signs and all components thereof, including supports, braces, anchors, etc., shall be kept in a good state of repair, in compliance with all building and electrical codes, and in conformance with the requirements of this Ordinance. Any sign which is determined by the Zoning Administrator as being insecure, in danger of falling or otherwise endangering the public safety shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of this Ordinance.

All signs shall be maintained in sound structural condition. No sign shall be allowed to deteriorate to a condition in which it requires repairs or renovations in an amount that exceeds fifty percent (50%) of its current replacement cost. This includes signs which are defaced, missing some or all illumination or characters, and whose finishes or facings are chipping, peeling, cracking, or broken in any way shall be deemed to be in disrepair. Signs that deteriorate to such a condition that they are in violation of this Ordinance shall be either removed or replaced within sixty (60) days. If a sign is replaced, it shall comply with the standards in this section at the time of replacement.

Section 610: Sign Illumination

A. Illuminated signs shall conform to the following:

1. Illumination shall be internally located and directed solely at the sign.

2. The light source shall not be visible from the right-of-way nor cause glare hazards to pedestrians, motorists, or adjacent properties.
3. Light source shall not be mounted to any part of sign.
4. Only one exterior light shall be permitted per sign face for signs thirty-two (32) square feet or less and two (2) exterior lights for sign faces that exceed thirty-two (32) square feet.
5. Channel letters may be internally illuminated.
6. All lighting shall meet all applicable electrical codes.
7. Illumination and/or sound from sign shall not cause a nuisance to residential or commercial property within the town limits.

Section 611: Prohibited Signs

The following signs are prohibited in the Town of Donalds:

- A. Signs Imitating Warning Signals: No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, nor shall any sign use the words "stop", "danger", or any other phrase, symbol, or character in a manner that might mislead or confuse the driver of an automobile.
- B. Signs Within Street or Highway Right-of-Ways: No sign, whether temporary or permanent, except traffic signs and signals and information signs erected by a public agency approved by the Zoning Administrator, is permitted within any street or highway right-of-way.
- C. Certain Attached and Painted Signs: Signs painted on or attached to trees, fence posts, and telephone or other utility poles or signs painted on or attached to rocks or other natural features or painted on the roofs of buildings are prohibited.
- D. Off Premise Outdoor Advertising: All off premises outdoor advertising shall be prohibited.
- E. Roof Signs
- F. Signs placed or painted on a motor vehicle or trailer and parked with the primary purpose of providing a sign not otherwise allowed by this ordinance.
- G. Signs causing illumination and/or sound that cause a nuisance to residential or commercial property within the town limits.

Section 612: Signs for Which a Permit Is Not Required

A permit is not required for the following types of signs in any zoning district. However, such signs shall conform to the applicable requirements set forth in this Article.

- A. Traffic, directional, warning, or information signs authorized by any public agency approved by the Zoning Administrator.
- B. Official notices issued by any court, public agency, or public office.
- C. One non-illuminated "for sale," "for rent", or "for lease" sign not exceeding six (6) square feet in area in residential districts and twenty (20) square feet in other than residential districts and located at least ten (10) feet back from the street right-of-way line, unless attached to the front wall of a building.
- D. On-site directional signs provided such sign bears no commercial message and does not exceed four (4) square feet in area.
- E. Identification sign indicating the name and street number or owner or occupant of a parcel, as long as such sign does not exceed four (4) square feet of copy area.
- F. Bulletin board, which is defined as a permanent sign which primarily displays the name of a noncommercial place of public assembly and announces the upcoming events of that organization. To not require a permit, such a sign shall not exceed thirty-six (36) square feet of copy area or five (5) feet in height. Signs of this type shall be restricted to one (1) per parcel of land.
- G. Sign identifying a project under construction which denote the name of the project, the architect, engineer, contractor, owner, etc., as long as such sign does not exceed twenty-five (25) square feet in residential districts, or one hundred (100) square feet in non-residential zones, is not illuminated, and is removed within fourteen (14) days of completion of the project.
- H. Signs attached or integrated into a gasoline pump, automatic bank teller machine, or drive through component of a fast-food restaurant, which give operational instructions to users, the price of the product, the brand name of the product, or descriptive information about the product. I. Signs on the interior side of window glass.
- J. Decorative flags and banners which contain no commercial message when displayed on a residence.

Section 613: Types of Signs

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

- A. In calculating the maximum permitted aggregate area of wall signs for all buildings except shop fronts, the square footage of windows and doorways shall be excluded.
- B. In calculating the maximum permitted aggregate area of wall signs for shop front buildings, the square footage of windows and doorways shall be included. The residential portion of mixed-use buildings shall not be used to calculate the aggregate wall area.
- C. No wall sign shall be attached to any cupola, tower, chimney, or other architectural structure that is above the roofline.
- D. Projecting Signs: Wall signs attached flat against a wall may extend not more than twenty-four (24) inches from the wall. Signs projecting more than six and one half (6.5) feet and may be located not closer than eighteen (18) inches to a vertical plan at the street curb line. A projecting sign shall not extend above the roof line a distance greater than the height of the roof above the ground level. In no case shall signs project beyond property lines except that signs may project over public sidewalks in the Core Commercial Zoning District provided that the minimum height above grade or sidewalk level of such signs shall be no less than ten (10) feet.
- E. Canopy and awning signs may be substituted for part or all of the allowable wall signage per premises. Signs may be painted or printed onto a canopy or awning. Canopies and awnings may only be illuminated externally (exception: Service Station canopies).
- F. Principal building walls and service station canopies on corner lots may have signage on all facades which front on a public street. Such signage shall not exceed twenty percent (20%) of the building wall or canopy face. The 20% maximum signage area permitted shall include all signage on a wall face.
- G. Wall signs should reflect the proportional and dimensional relationships of the structure.
- H. Signs on the Front Surface of a Building: the total area of signs on the exteriors' front surface shall not exceed twenty (20%) percent of the front surface of the building.
- I. Signs on the Side and Rear Surface of a Building: the total area of signs on a side or rear surface of a building shall not exceed twenty-five (25%) percent of the exterior side or rear surface of the building.

613.2: Ground Mounted Signs

- A. All ground mounted signs shall be located a minimum of five (5) feet behind the street right-of-way.
- B. No ground mounted sign shall be located closer than ten (10) feet to any adjacent lot line. A fifteen (15) foot side-yard setback shall be required if the side lot line abuts a residential district.

- C. All ground mounted signs shall have a maximum area of thirty-two (32) square feet and a maximum height of six (6) feet.
- D. An arm sign may be substituted for a ground mounted sign but shall meet all height and area requirements as provided.

613.3: Arm Signs

- A. Arm signs shall not exceed eight (8) square feet.
- B. Arm signs shall be located a minimum of five (5) feet behind the street right-of-way.
- C. A ten (10) foot side-yard setback shall be required if the side lot line abuts a residential district.

613.4: Private Directional Signs

Signs indicating the location and direction of premises available for or in the process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agency, may be erected and maintained, provided:

- A. the size of any such sign is not in excess of six (6) square feet, nor in excess of four (4) feet in length.
- B. Not more than one (1) such sign is erected for every five hundred (500) feet of street frontage.

613.5: Portable Signs/Temporary Signs

- A. A mobile sign is a sign mounted on a trailer-type frame or portable wood or metal frame not permanently attached to the ground.
- B. One (1) portable sign may be permitted per business for two (2) weeks for no more than twice per year. This would include signs located in parking lots advertising merchandise that is available inside.
- C. Portable signs may be permitted for non-profit organizations such as churches, schools, etc., to announce upcoming special events.
- D. One (1) portable sign in addition to the signage permitted under this ordinance may be used by a license business, institution or civic organization for a maximum of two periods of up to fourteen (14) dates each calendar year.
- E. An applicant obtaining the sign permit shall be responsible for removal of the sign upon expiration date.
- F. Signs shall be located on the site for which they are permitted.
- G. If a portable sign is to be illuminated it shall be in compliance with all Southern Standard Building Code and UL Regulations. Utilization of above ground electric extension cord is expressly prohibited.

613.6: Political Signs

- A. Political campaign signs shall be permitted in compliance with the regulations normally included herein. Such signs shall not count as part of signage normally permitted under this ordinance. Such signs shall conform to all other provisions of this and all other applicable ordinances for the Town of Donalds.
- B. Usage of political campaign signs by a candidate or support of any issue shall require issuance of a Political Campaign Sign permitted by the Town of Donalds.
- C. Political campaign signs shall be permitted in any zoning district.
- D. Permits for Political campaign signs shall not exceed a period commencing from the date of qualifying of candidate or advertisement of an issue to be on a ballot through the seventh day after the last date upon which that candidates' name or issue appears on a ballot for a primary, runoff, general, or special election.
- E. To secure a political campaign sign permit, the applicant must pledge to remove all political signs within seven (7) days after the expiration of the political campaign sign permit. In addition, the applicant must post a bond or deposit, guaranteeing that all signs shall be removed. Upon written notification that all signs have been removed, the Town of Donalds shall have ten (10) business days to verify sign removal and, if all signs are removed, return the bond or deposit.
- F. No such sign may exceed ten (10) square feet in surface area.
- G. Signs are not permitted in the public right-of-way and must be confined to private property with the permission of the property owner.

613.7: Gasoline Pump Signs

- A. Petroleum product pumps and dispensers which are within view of a public shall be permitted to display only information required by law and the brand name and type of product being dispensed.
- B. Premises from which retail petroleum products are dispended by pump shall be permitted one additional sign with a maximum area of ten (10) square feet announcing the price per gallon of the products. In lieu of the one additional sign permitted above, the provide per gallon may be:
 - A. displayed on each individual pump structure with characters not exceeding six (6) inches in height; or
 - B. displayed by increasing by ten (10) square feet the area allowed for a freestanding sign.
- C. Any other signs on the premises would be considered illegal temporally signs.

613.8: Vending Machines, ATMS, and other similar products

- A. Shall be permitted, alongside the store building or within the bank drive through.

- B. The Identification Signs on the merchandise may be visible and shall be allowed.
- C. Any additional signs on the vending machine or ATM shall not exceed three (3) square feet per sign face.
- D. Shall be allowed in all zoning districts that allow vending machines or ATMs.

Section 614: Administration and Enforcement

614.1: Sign Permit Required:

- A. Except for temporary signs it shall be unlawful, after enactment of this Ordinance, for any person to erect or place a sign within the corporate limits of the Town of Donalds unless a sign permit is secured.
- B. In the event that the owner wishes to alter an existing sign for which a permit has been issued, a new petition must be submitted.
- C. The existence of a permanent sign at the time of passage of this article which does not conform with the standards of this Ordinance or other Ordinances of the Town of Donalds shall constitute a vested right. When any such is removed or whenever any renovation, change, maintenance, or routine painting up to fifty (50%) percent of the sign replacement cost, such sign shall not be replaced or renovated except in conformity with the regulations of this and other Ordinances of the Town of Donalds.
- D. The existence of a temporary sign at the time of passage of this article shall not constitute vested right. No permit shall be required of the business/owner to erect a temporary sign. A temporary sign shall be allowed only for a period of thirty (30) days during each calendar quarter.

614.2: Application for Sign Permit:

An application for a permit required by this article shall be filed with the Zoning Administrator, who shall mark such petition as received and filed as of the date of such receipt and filing.

- A. The Donalds Town Council shall have the authority to set a reasonable fee to be paid for the filing of a permit with the Zoning Administrator that will be established in the Town's fee schedule.
- B. The plans, drawn to scale, to be attached to the petition for erection or alteration of a sign, shall include:
 - 1. Scale;
 - 2. Street address of subject parcel;
 - 3. If for a free-standing sign, the exact location of all existing free-standing signs, and the exact location of the proposed sign in relation to the boundaries of the lot upon which it is to be situated;

4. If for a free-standing sign, a sketch of the sign frame and structure, to include dimensions;
5. If for a wall, fascia, or facade sign, an elevation of the side of the building (to include dimensions) for which the sign is to be placed, to show the exact location and dimensions of all existing and proposed signs;
6. The maximum and minimum height of the sign;
7. Materials to be utilized with copy/wording, colors, and designs;
8. Illumination type and electrical detail;
9. Landscaping plan; and
10. Written authorization from the property owner for the sign installation.

614.3: Enforcement

- A. In the event that a sign is erected or altered without an approved permit, the lot owner will be notified and given thirty (30) days to remove the sign or secure a permit. After thirty (30) days the Town will have the sign removed and the property owner will be charged for the costs of removal incurred by the Town.
- B. If it is determined by the Zoning Administrator that a sign is abandoned, is not being maintained, and is no longer being used for purposes under which the original permit was issued, the lot owner will be notified and given thirty (30) days to remove the sign. After thirty (30) days, the Town will have the sign removed and the property owner will be charged for the costs of removal incurred by the Town.

614.4: Sign Inspection and Maintenance

All signs for which a permit is required shall be subject to inspection by the Zoning Administrator. Either official will be authorized to enter at all reasonable times upon property or premises to ascertain whether the provisions of the code are being obeyed. In the event that maintenance is deemed necessary, the sign owner will be notified by letter. The sign owner will then have thirty (30) days in which to have the maintenance completed. The Zoning Administrator may grant an extension being thirty (30) days for cause shown. Lot owners may appeal by letter to the Planning Commission, which must answer, by letter, within fourteen (14) calendar days.

614.5: Action on Sign Permit Petition

A denial or approval of sign applications will be issued no later than thirty (30) days after receipt of the application in the Town Hall.

614.6: Sign Permit Issuance, Refusal or Appeal:

- A. If the Zoning Administrator shall authorize the erection or alteration of a sign pursuant to a petition filed under this article, he shall issue to the petitioner a permit. If the Zoning Administrator does not authorize the erection or alteration of the sign as applied for in the petition, he shall write a letter to the petitioner, advising that the request in his petition is refused and give the reason for the denial and the relevant section in the code. A copy of the letter shall be attached to the petition and another copy shall be furnished to the Chairman of the Planning Commission.
- B. 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. Any appeal of an administrator's decision shall be presented to the Zoning Board of Appeals and heard according to the procedures set out in this ordinance for appeals.

ARTICLE VII: PROPERTY MAINTENANCE STANDARDS

Section 701: Purpose

The purpose of Property Maintenance Standards is to maintain and enhance the aesthetic beauty of the township, to prevent rural blight and to encourage Residential and Commercial Property Maintenance. To prohibit the excessive growth of grass, weeds, and/or vegetation. To prohibit the accumulation of rubbish, junk, debris, garbage, refuse, and/or trash. To prohibit the open storage of unregistered/unlicensed vehicles or vessels, disabled or inoperative vehicles, derelict vessels, or derelict off-road vehicles. To define acceptable storage building standards. All are to protect the integrity, value, and character of residential neighborhoods along with public health and safety, and to provide for the administration and enforcement.

Buffer yard standards under the provisions of this section are intended to minimize potential nuisances between adjacent land uses such as visual impacts, transmission of noise, dust, odor, litter, and glare of lights from adjacent properties; provide for a separation of space and establish a sense of privacy. Buffer yards shall be of different types, based upon the relationship between the two adjacent land uses between which the buffer yard is to be located. The appropriate use of existing landscaping is encouraged to enhance the aesthetic appearance of buffer yards and blend new development with the natural landscape. Several options for buffer yards are provided to allow flexibility for the developer while maintaining the appropriate size and density of plantings for each situation.

Section 702: Location

Property Maintenance Standards Article VII applies to all residential and business parcels in all Districts within the town limits of Donalds, whether occupied or not, provided that such parcels have a building intended for the shelter, housing, or enclosure of persons, animals, or property. Empty parcels or lots with no buildings or structures on them are subject to the same maintenance standards.

Section 703: Property Maintenance and Abatement of Public Nuisances on Residential and Commercial Property.

DEFINITIONS: The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Debris: means nonhazardous material generally considered not to be water-soluble, including but not limited to steel, concrete, glass, brick, asphalt, roofing material, scrap building materials and lumber, and materials of a similar kind or character.

Department or Locality: means the Township of Donalds, South Carolina and its Town Council.

Derelict vessel: means any boat or conveyance designed to be used or actually used to transport persons, goods or a combination thereof upon, under, or over the water that is:

- (1) Deteriorated, rotten, damaged, dismantled, or otherwise in a state of disrepair so as to admit water where designed to be watertight, or otherwise not seaworthy as it was originally designed and built; or
- (2) Not capable of being lawfully operated on the waters of the state of South Carolina; or
- (3) Not displaying a current registration decal (s) as required under state law; or
- (4) Not stored, parked, placed or maintained on a currently and lawfully registered trailer, on which the vessel is designed to be transported.

Fully enclosed structure: means any commercial or residential garage or other permitted, manmade building structure that effectively screens and prevents viewing of its contents from adjacent properties, walkways, roadways or alleys.

Garbage: means all kitchen and table food waste, animal or vegetative waste that is attendant with or results from the storage, preparation, cooking, or handling of food.

Inoperative vehicle: means a vehicle that is in a state of disrepair and incapable of being moved under its own power, a vehicle or trailer that is incapable of being lawfully operated on the streets of the state of South Carolina, or a trailer that is in a state of disrepair. A vehicle or trailer shall be deemed inoperative if one or more parts which are required for the operation of the vehicle are missing, are dismantled, are inoperative or are not attached to the vehicle as designed. A vehicle or trailer shall be deemed to be incapable of being lawfully operated on the streets of the state

of South Carolina if a current registration tag, also known as a license plate, of a kind required under state law as a condition of operation upon the public streets, is not affixed thereto.

Junk: means old, used, or discarded materials or manufactured products which may or may not be reusable or saleable, such as inoperative refrigerators, stoves, or similar appliances, removed household fixtures from home repairs/renovations, inoperative and derelict automobiles, boats, trucks and similar vehicles, and household articles such as furniture or home furnishings which are in such a state of disrepair as to preclude their effective use for their original intended purposes.

Off-road vehicle: means any vehicle not intended by design or manufacture to be used upon the streets of the state. Examples include but are not limited to, race car, swamp buggy, all-terrain vehicle, amphibious vehicle, racing motorcycle or dirt bike. This definition is not intended to include any boat or vessel designed to be used solely in water.

Owner: means the registered owner (s) of the vehicle or the owner (s) of the property upon which the inoperative vehicle is located.

Person: means any and all persons, natural or artificial, including any individual, firm, or association; any municipal or private corporation organized or existing under the laws of the state of South Carolina or any other state; and any governmental agency of this state or the federal government.

Property: means any individual parcel of real property or any portion thereof.

Public property: means any federal, state, county or city-owned, leased, controlled, dedicated, or platted real property, including but not limited to parks, marinas, alleys, streets, rights-of-way, submerged lands, or other real property.

Refuse: means materials that are unburnable at ordinary incinerator temperatures (800 to 1,800 degrees Fahrenheit), such as metals, mineral matter, large quantities of glass or crockery, metal furniture, auto bodies or parts, and other similar material or refuse not usual to housekeeping or to the operation of stores or offices.

Rubbish: means vegetative matter resulting from landscaping maintenance or land-clearing operations, and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, tree limbs and stumps.

Trash: means combinations of rubbish, garbage, refuse, and debris and/or other debris such as paper, cardboard, cloth, glass, white goods, street sweepings, vehicle tires, and other like material.

Vehicle: means any automobile, pickup truck, van, truck, motorized recreation vehicle, motorcycle, motor scooter, moped, or any other motorized device on or within which any person or property is or may be transported upon the streets of the state.

PROHIBITIONS: All developed residential and commercial properties whether occupied or vacant, vehicles, and storage buildings must be maintained by the property owner (s).

- a) The excessive growth or accumulation of lawn's, grass, weeds, vegetation, and/or similar plant material on a residential or commercial property within the town limits of Donalds, South Carolina is contrary to the public health, safety, and welfare, in that such growth or accumulation creates a haven or breeding place for snakes, rats, rodents and other vermin of like or similar character, creates a fire hazard to adjacent properties, and creates a traffic hazard at road intersections. It is therefore deemed in the best interest of the health, safety, and welfare of the citizens that such growth and accumulations of more than Ten (10) inches in height be prohibited in accordance with this Ordinance. This is a nuisance and is required to be maintained accordingly.
- b) It is prohibited for any person to dump or cause to be dumped, or place or cause to be placed, or leave or permit to accumulate any garbage, refuse, rubbish, junk, debris, or similar noxious material of any kind, in plain view on any property, within the town limits of Donalds, South Carolina. This is a nuisance and is required to be abated.
- c) No vehicle, vessel, or trailer without a current State registration and license plate on display shall be placed, parked, or stored in plain view on any residential or commercial property within the town limits of Donalds, South Carolina, except in a fully enclosed building. It is prohibited for any person or any nonautomotive repair business entity to place, park, or store, or allow to be placed, parked, or stored any inoperative vehicle (s), derelict vessel (s), in plain view on any property within the town limits of Donalds, South Carolina. Vehicles and vessels must be in a condition that would allow them to be legally operated on the roads or waterways of the state of South Carolina. Vehicles and vessels in working order with a current registration/tag that have cosmetic imperfections are not a violation. Vehicles and vessels kept inside an enclosed garage do not constitute a violation. The accumulation or storage of unregistered or unlicensed vehicles or vessels, abandoned, wrecked, dismantled or inoperative vehicles or vessels on public or private property is a nuisance and may be abated.
- d) Storage buildings (sheds, enclosures, etc.) on the property are required to be permanently affixed to real property such as a permanent foundation. If a storage building (shed, enclosure, etc.) is set directly on the ground, the ground must be cleared, level and the grass, weeds, and vegetation maintained. Exterior storage of junk shall not be permitted unless completely enclosed by a six (6) foot high wallboard on a board fence, or chain link fence with solid slats. Exterior storage of goods, equipment, and junk shall not be located on the front yard of the property. If the property is located on a corner and has two frontages, junk shall not be located on either frontage. Storage of junk shall not be located on front porches, decks, or

stoops of residential dwellings. It is prohibited to have a storage building (shed, enclosure, etc.) mounted on wheels or any other transportable trailer, on residential or commercial property within the city of Donalds, South Carolina. Nonconforming storage buildings, sheds, enclosures, etc. on public or private property are a nuisance and may be abated.

VIOLATION:

Notification of Violation: The Zoning Administrator in conjunction with the Donalds Town Council, directly and/or through Code Enforcement or Law Enforcement, shall notify in writing the owner (s) of the property that is in violation of this ordinance. If The Zoning Administrator, The Donalds Town Council and/or Code Enforcement or Law Enforcement cannot notify the owner (s) of the property, then notice may be posted in a conspicuous place on the residence located on the property. The owner (s) shall be given Seven (7) days in which to remedy the first notice of violation. The Town of Donalds hereby authorizes any law enforcement officer or codes enforcement officer to use a uniform ordinance summons for the enforcement of municipal ordinances.

Penalties for Violation: Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not less than two hundred dollars (\$200.00) and not exceeding five hundred dollars (\$500.00) or by imprisonment with or without hard labor, on the public works of the city or upon the public works of the county, for a period not exceeding 30 days. Each day any violation of any provision of this Code or of any such ordinance or resolution continues, it shall constitute a separate offense.

In addition to the penalty prescribed above, the Town Council may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits. A previous violation may be considered in determining the penalty assessed. A finding that a violation has occurred or an admission that a violation has occurred is not required to assess and recover a penalty, pursuant to either an agreed judgment or consent decree in a court action for a violation:

- a. If a violation listed under the Prohibition a section is not remedied in seven (7) days after written notice is sent to the property owner (s), the Donalds Town Council may hire a contractor to mow the grass, etc., and bring the property up to code. All costs incurred by the locality to bring the property up to code will be charged to the owner (s) of the premises and the cost may be collected by the locality as taxes are collected. All costs authorized by this section with which the owner (s) of the premises has been assessed shall constitute a lien against the property cited for violation, the lien to continue until actual payment of the cost has been made to the locality. If the town

hires a contractor to remedy the nonconformance (s), neither the town nor any individual (s) representing the town nor any hired person (s) to perform the work are responsible for any injury (s) or damage (s) to the property or any other property on the premises.

- b. If a violation listed under the Prohibition b section is not remedied in seven (7) days after written notice is sent to the property owner (s), the Donalds Town Council may hire a contractor to remove each nonconformance and bring the property up to code. All costs incurred by the locality to bring the property up to code will be charged to the owner of the premises and the cost may be collected by the locality as taxes are collected. All costs authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property cited for violation, the lien to continue until actual payment of the cost has been made to the locality. If the town hires a contractor to remedy the nonconformance (s), neither the town nor any individual (s) representing the town nor any hired person (s) to perform the work are responsible for any injury (s) or damage (s) to the property or any other property on the premises.
- c. If a violation listed under the Prohibition c section is not remedied in ten (10) days after written notice is sent to the property owner (s), the Donalds Town Council may hire a contractor to remove each nonconforming vehicle or vessel and bring the property up to code. In the event the locality removes a vehicle or vessel, after having given such reasonable notice, it may dispose of the vehicle or vessel after giving additional notice to the owner of the premises. All costs of the removal, storage, and disposal will be charged to the owner (s) of the premises and the cost may be collected by the locality as taxes are collected. The vehicle or vessel may also be auctioned off to recover any outstanding penalties or costs associated with the violation. All costs authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the inoperable vehicle or vessel was removed, the lien to continue until actual payment of the cost has been made to the locality. If an order to abate the Vehicle or parts of a Vehicle is issued, neither the town nor any individual (s) representing the town nor any hired person (s) to perform the abatement are responsible for any injury (s) or damage (s) to the Vehicle or the premises or any other property on the premises.
- d. If a violation listed under the Prohibition d section is not remedied in seven (7) days after written notice is sent to the property owner (s), the Donalds Town Council may hire a contractor to remove each nonconforming storage building, shed, enclosure, etc. and bring the property up to code. In the event the locality removes a nonconformance, after having given such reasonable notice, it may dispose of the nonconformance after giving additional notice to the owner of the premises. All costs of the removal, storage, and disposal will be charged to the owner of the premises and the cost may be collected by the locality as taxes are collected. All costs authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the nonconforming building or structure was removed, the lien to continue until actual payment of the cost has been made to the locality. If the town hires a contractor to remedy the nonconformance (s), neither the town nor any individual (s) representing the town nor any hired

person (s) to perform the work are responsible for any injury (s) or damage (s) to the property or any other property on the premises.

- e. The Town may publish a list of owners and occupants who have been cited for a repeat violation under this Ordinance, and the address of the affected property. The Town Council shall determine the frequency of publication.
- f. Any County, State, Government, Utility or comparable service entities codes, regulations and penalties may still be applicable, in addition to those defined in this Ordinance.
- g. A Ten (10) day notice of intention to abate and remove a Vehicle or part of a Vehicle, or Vessel as a public nuisance is required, unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or parts of such vehicle, or vessel.

CHRONIC NUISANCE PROPERTY: If the Zoning Administrator, Locality and or Code/Law Enforcement receives documentation confirming the reoccurrence of conduct violations within a 12-month period after a Notification of Violation and/or Penalties for Violation has previously been issued, the Penalties for Violation will immediately be pursued, in lieu of another Notification of Violation warning.

Section 704: Noise, Vibration, and Light.

DEFINITIONS: The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Noise and Vibration: No noise or vibration shall be detectible without the use of special instruments placed at the property line.

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

Prohibitions:

It shall be unlawful for any persons to continue, or cause to be continued, any loud, excessive, unnecessary, or disturbing noise or any noise which either injures or endangers the health, peace or safety of others, within the town limits of Donalds, except with a permit from the sheriff. The following acts, among others, are declared to be loud, excessive, unnecessary, or disturbing noises in violation of this section, but such acts shall not be deemed to be exclusive:

1. **Blowing horns.** The sounding or blowing of any horn or signal device on any automobile or other motor vehicle, except as a warning signal. Radios, phonographs, television, etc. The playing of any radio, stereo set, phonograph, television, public address system or musical instrument in such manner or with such volume as to annoy or disturb any person.

2. **Pets.** The keeping of any animal, whether it be domestic, farm, exotic, etc., which, by causing frequent or long continued noise and/or aggression shall disturb the comfort or repose of any person in the vicinity.
3. **Use of vehicle.** The use of any automobile, motorcycle, or vehicle so out of repair, or used or customized in such manner as to create loud or unnecessary noises, particularly grating, grinding, rattling, riveting or other disturbing noises.
4. **Noises near schools, churches, etc.** The creation of any excessive noise on any street adjacent to any school, institution of learning, library, or court, while the same is in session, or adjacent to any church during church services, which interfere with the work of worship in any such place or institution; provided, that signs shall be displayed in or near such streets, indicating that the same is a school, church, library or court.
5. **Loudspeakers or amplifiers.** The use of any mechanical loudspeakers or amplifiers on residential property, commercial property, trucks or other vehicles for recreational use, advertising, or other purposes, except by permit from the sheriff.
6. **The creation of noise by recreational vehicles.** Such as: motorcycles, ATV's's, dirt bikes, go carts, or other vehicles while running on public or private roads within the town limits, shall be prohibited if such noises are disturbing multiple residences.
7. **Exterior lighting.** Any lighting that illuminates and causes a visual nuisance to any adjacent properties.
8. **Fireworks.** Fireworks are prohibited within the Donalds town limits with the exception of:
 - i **July 4th:** Between the hours of 9pm and midnight, eastern standard time.
 - ii **New Years Eve:** Between the hours of 9pm and 1am on January 1st, eastern standard time.

A loud, excessive, unnecessary, or disturbing noise is defined as any sound regulated by the Noise and Prohibitions paragraph and examples above. The following noises shall be exempt from the prohibitions, even when they cause a disturbance:

- a. Lawnmowers, agricultural equipment, and vehicles which comply with the muffler requirements of the state highway department.
- b. Noises of safety signals, warning devices and emergency pressure relief valves.
- c. Noises resulting from any authorized emergency vehicles when responding to an emergency call or acting in time of emergency.
- d. Noises resulting from emergency work.
- e. Noise from school bells, church bells or chimes.
- f. Any noise resulting from activities sponsored or co-sponsored by the county.

- g. Noises resulting from public ballparks, playing fields, stadiums, or comparable outdoor facilities.
- h. Noises resulting from aircraft in flight or in operation at an airport, railroad equipment in operation on railroad rights-of-way, or motor vehicles, otherwise in lawful operation, on all public streets and highways; provided, however, that there must be compliance with any federal regulations applicable to such noise.

The complaints of three or more persons, or of one or more persons when combined with the complaint of the county sheriff or any lawful officer serving under him, is prima facie evidence that a sound regulated by this section annoys, disturbs, injures, or endangers the health, peace, and safety of others, in violation of this section. If complaints are made to town officials, they will advise residents to contact the appropriate law enforcement channels and the town officials may contact law enforcement directly about the issue, as well as pursue additional legal recourse.

Noises audible in public streets or public places which violate the standards of this section are hereby declared to be public nuisances, which may be abated by the county sheriff or any lawful officer serving under him, or the Zoning Administrator, or the town of Donalds.

VIOLATION:

Notification of Violation: The Zoning Administrator in conjunction with the Donalds Town Council, directly and/or through Code Enforcement or Law Enforcement, shall notify in writing and/or in person, the owner (s) of the property that is in violation of this ordinance. If The Zoning Administrator, The Donalds Town Council and/or Code Enforcement or Law Enforcement cannot notify the owner (s) of the property, then notice may be posted in a conspicuous place on the residence located on the property. The owner (s) will be requested to immediately remedy the first notice of violation. The Town of Donalds hereby authorizes any law enforcement officer or codes enforcement officer to use a uniform ordinance summons for the enforcement of municipal ordinances.

Penalties for Violation: Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not less than two hundred dollars (\$200.00) and not exceeding five hundred dollars (\$500.00) or by imprisonment with or without hard labor, on the public works of the city or upon the public works of the county, for a period not exceeding 30 days. Each day any violation of any provision of this Code or of any such ordinance or resolution continues, it shall constitute a separate offense.

In addition to the penalty prescribed above, the Zoning Administrator or Town Council may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits. A previous violation may be considered in determining the penalty assessed. A finding that a violation has occurred or an admission that a violation has occurred is not required to assess and recover a penalty, pursuant to either an agreed judgment or consent decree in a court action for a violation:

If a violation listed under the Prohibition section is not remedied immediately after written notice is delivered to the property owner (s), the Zoning Administrator or Town Council may abate and remove the nuisance. All costs incurred by the locality to bring the property up to code will be charged to the owner (s) of the premises and the cost may be collected by the locality as taxes are collected. All costs authorized by this section with which the owner (s) of the premises has been assessed shall constitute a lien against the property cited for violation, the lien to continue until actual payment of the cost has been made to the locality. If the town hires a contractor to remedy the nonconformance (s), neither the town nor any individual (s) representing the town nor any hired person (s) to perform the work are responsible for any injury (s) or damage (s) to the property or any other property on the premises.

CHRONIC NUISANCE PROPERTY: If the Zoning Administrator, Locality and or Code/Law Enforcement receives documentation confirming the reoccurrence of conduct violations within a 12-month period after a Notification of Violation and/or Penalties for Violation has previously been issued, the Penalties for Violation will immediately be pursued, in lieu of another Notification of Violation warning.

Section 705: Parking and Storage of Campers or Major Recreational Equipment

RECREATIONAL VEHICLE (RV) STORAGE STANDARDS FOR THE TOWN OF DONALDS

The purpose of the Recreational Vehicles (RV) Storage Standards is to clearly define and identify requirements for the storage of Recreational Vehicles (RV) and prohibit person (s) from occupying and/or using Recreational Vehicles (RV) stored on residential property, to protect the integrity, value, and character of residential neighborhoods along with public health and safety, and to provide for the administration and enforcement.

RECREATIONAL VEHICLE (RV) DEFINED: A Recreational Vehicle, often abbreviated as RV, is a motor vehicle or trailer which includes living quarters designed for accommodation. Common types of RVs include motorhomes, campervans, caravans (also known as travel trailers and camper trailers), fifth-wheel trailers, popup campers, and truck campers.

Recreational Vehicle (RV) Storage Standards:

- a. Registered Owner. The registered owner (s) of a Recreational Vehicle (RV) stored on residential property must be the owner (s) of the residential property.
- b. A Recreational Vehicle (RV) may be parked on residential property for the sole purpose of dead storage only. IE, slide outs, canopies, etc. are required to be closed. It is strictly prohibited that a Recreational Vehicle (RV) be used in any other capacity while it is stored on residential property. This includes, but is not limited to occupying, living in, using for entertainment activities, sleeping, or housekeeping purposes.
- c. It is strictly prohibited that a Recreational Vehicle (RV) stored on residential property be connected to any public utility or remote utility source, including but not limited to water, power, sewage disposal, etc.
- d. Front Yard RV Storage is prohibited. No storage of a Recreational Vehicle (RV) may occur in the front yard area or in front of the main residence of the property or on a designated road or highway.
- e. Storage of a Recreational Vehicle (RV) in the rear yard or side yard area is permissible. If the property borders a maintained road or highway on Two (2) or more sides of the property, there must be a permitted storage enclosure with a solid barrier shielding the Recreational Vehicle (RV) from view. A Recreational Vehicle (RV) shall not encroach closer to than Three (3) feet to any wall or fence. A Recreational Vehicle (RV) must be stored a minimum of Sixty (60) feet from the primary residence dwelling unless it is stored in a permitted enclosed structure. A permitted enclosed structure is defined for this purpose as having at least 2 vertical walls, a roof and have a completely cleared, level and maintained hard surface base. Screening walls, gates and fences shall be required to obtain any necessary review, approvals, and permits.
- f. A Recreational Vehicle (RV) may be stored in the open provided no part of such vehicle or trailer shall project into any required side or rear yard (setback) and shall be parked on a hard surface that has been cleared of vegetation. The vegetation must be maintained under and around the perimeter of the Recreational Vehicle (RV) and cannot exceed a height of Ten (10) inches.
- g. No Recreational Vehicle (RV) without a current state of South Carolina registration and license plate on display shall be placed, parked, or stored on any residential or commercial property within the town limits of Donalds, South Carolina, except in a permitted enclosed structure with at least 2 vertical walls, a roof and have a completely cleared, level and maintained hard surface base.
- h. Any County, State, Government, Utility or comparable service entities codes, regulations and penalties may still be applicable, in addition to those defined in this Ordinance.

VIOLATION:

Notification of Violation: The Donalds Town Council, directly and/or through Code Enforcement or Law Enforcement, shall notify in writing the owner (s) of the property that is in violation of this ordinance. If The Donalds Town Council and/or Code Enforcement or Law Enforcement cannot notify the owner (s) of the property, then notice may be posted in a conspicuous place on the residence located on the property. The owner (s) shall be given Seven (7) days in which to remedy the first notice of violation. The Town of Donalds hereby authorizes any law enforcement officer or codes enforcement officer to use a uniform ordinance summons for the enforcement of municipal ordinances.

Penalties for Violation: Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not less than two hundred dollars (\$200.00) and not exceeding five hundred dollars (\$500.00) or by imprisonment with or without hard labor, on the public works of the city or upon the public works of the county, for a period not exceeding 30 days. Each day any violation of any provision of this Code or of any such ordinance or resolution continues, it shall constitute a separate offense.

In addition to the penalty prescribed above, the Town Council may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits. A previous violation may be considered in determining the penalty assessed. A finding that a violation has occurred or an admission that a violation has occurred is not required to assess and recover a penalty, pursuant to either an agreed judgment or consent decree in a court action for an Ordinance violation.

- a. The improper storage and/or prohibited occupancy or use of a Recreational Vehicle (RV) on public or private property is a nuisance and may be abated. In the event the locality removes a Recreational Vehicle (RV), after having given such reasonable notice, it may dispose of the Recreational Vehicle (RV) after giving additional notice to the owner (s) of the premises. The cost of the removal, storage, and disposal may be charged to either the owner (s) of the Recreational Vehicle (RV) or the owner (s) of the premises from which it was removed, and the cost may be collected by the locality as taxes are collected. The Recreational Vehicle (RV) may also be auctioned off to recover any outstanding penalties or costs associated with the violation. All costs authorized by this section with which the owner (s) of the premises has been assessed shall constitute a lien against the property from which the Recreational Vehicle (RV) was removed, the lien to continue until actual payment of the cost has been made to the locality. If an order to abate the Recreational Vehicle (RV) is issued, neither the town nor any individual (s) representing the town nor any hired person (s) to perform the abatement are responsible for any injury (s) and/or damage (s) to the Recreational Vehicle (RV) or the premises or any other property on the premises.

- b. The Town may publish a list of owners and occupants who have been cited for a repeat violation under this Ordinance, and the address of the affected property. The Town Council shall determine the frequency of publication.
- c. Any County, State, Government, Utility or comparable service entities codes, regulations and penalties may still be applicable, in addition to those defined in this Ordinance.
- d. A ten (10) day notice of intention to abate and remove a Recreational Vehicle (RV) as a public nuisance is required, unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or parts of such vehicle.

CHRONIC NUISANCE PROPERTY: If the Zoning Administrator, Locality and or Code/Law Enforcement receives documentation confirming the reoccurrence of conduct violations within a 12-month period after a Notification of Violation and/or Penalties for Violation has previously been issued, the Penalties for Violation will immediately be pursued, in lieu of another Notification of Violation warning.

Section 706: Buffer yard Specifications

- 1. Buffer Areas shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. They shall not be located on any portion of an existing street or right-of-way; however, they may occupy part or all of any front, side, or rear yard or setback required by this Ordinance. Where required, buffer areas and/or buffer area structures shall be developed as an integral part of the proposed use.
- 2. To determine the buffer yard required between two adjacent parcels, the following procedure shall be followed:
 - A. Identify the proposed land use;
 - B. Identify the use of lands adjacent to the proposed use; and
 - C. Determine the buffer yard required on each boundary or segment thereof for the proposed land use by referring to Table of Buffer yard Requirements and Illustrations contained herein which specify the buffer yard options required between a proposed use and the existing adjacent uses.
- 3. The responsibility for the screening is that of the more intense land use. When a user is the first to develop on two adjacent vacant parcels, the first user shall provide the buffer for vacant land.
- 4. The second user to develop shall, at the time it develops, provide all additional plant material, structures and/or land necessary to provide the total buffer yard required between the two uses.
- 5. These landscaped planting yards are intended to ensure that a natural area of appropriate size and density of plantings is planted or preserved between zoning

districts and/or uses. The following illustrations specify the type and quantity of plant materials required by each buffer yard. The requirements are stated in terms of width of the buffer yard and the number of plants required per one hundred (100) feet of buffer yard. The requirements of a buffer yard may be met by any of the options illustrated. The "plant unit multiplier" is a factor by which the basic number of plant materials required for a particular buffer yard is determined when there is a change in the width of that yard. Each illustration depicts the total buffer yard required between two uses. Whenever a wall, fence, or berm is required within a buffer yard, these are shown as "structures" in the illustrations wherein their respective specifications also are shown.

6. The exact placement of required plants shall be the decision of the developer except that evergreen (or conifer) plants shall be planted in clusters rather than singly in order to maximize their chances of survival and increase screening capabilities. All buffer yards shall be seeded with lawn grass or have a suitable ground cover.

7. Where the Buffer yard Illustrations indicate a mass or line of plants parallel to the length of the property line, the plant materials shall be sufficiently sized to insure obscurity at the time of installation. However, seeding plants may be used where berms or structures are required as part of the buffer yard.

8. Any existing healthy, well-formed plant materials which are greater than or equal to the recommended buffer and which otherwise satisfy the requirements of this section may be counted towards satisfying all such requirements. Where, owing to existing land use, lot sizes, or configurations, topography, or circumstances peculiar to a given piece of property, the buffer area requirements of this particular section cannot reasonably be met, the developer (s) may request and the Planning Commission may approve the substitution of the appropriate screening, in the way of a fence or wall structure along the property line of the proposed use.

9. A buffer yard may be used for passive recreation; however, no plant material may be removed, and such use shall not be a nuisance to abutting properties.

10. All fences and walls used as part of the buffer yard requirements must have a finished side that faces the adjoining property. The interior side of the fence or wall may be finished as the owner deems appropriate. Where fences or walls are applicable buffer yards, they shall be established along the inside line of the buffer yard, toward the proposed use, except for ornamental fences, which may be built on the property line.

11. Where required, berms may be located anywhere within the buffer yard, provided they parallel the property line.

12. The maintenance of required buffer yards shall be the responsibility of the property owner. All such yards shall be properly maintained to assure continued buffering. Failure to do so is a violation of this ordinance and may be remedied in the manner prescribed for other violations.

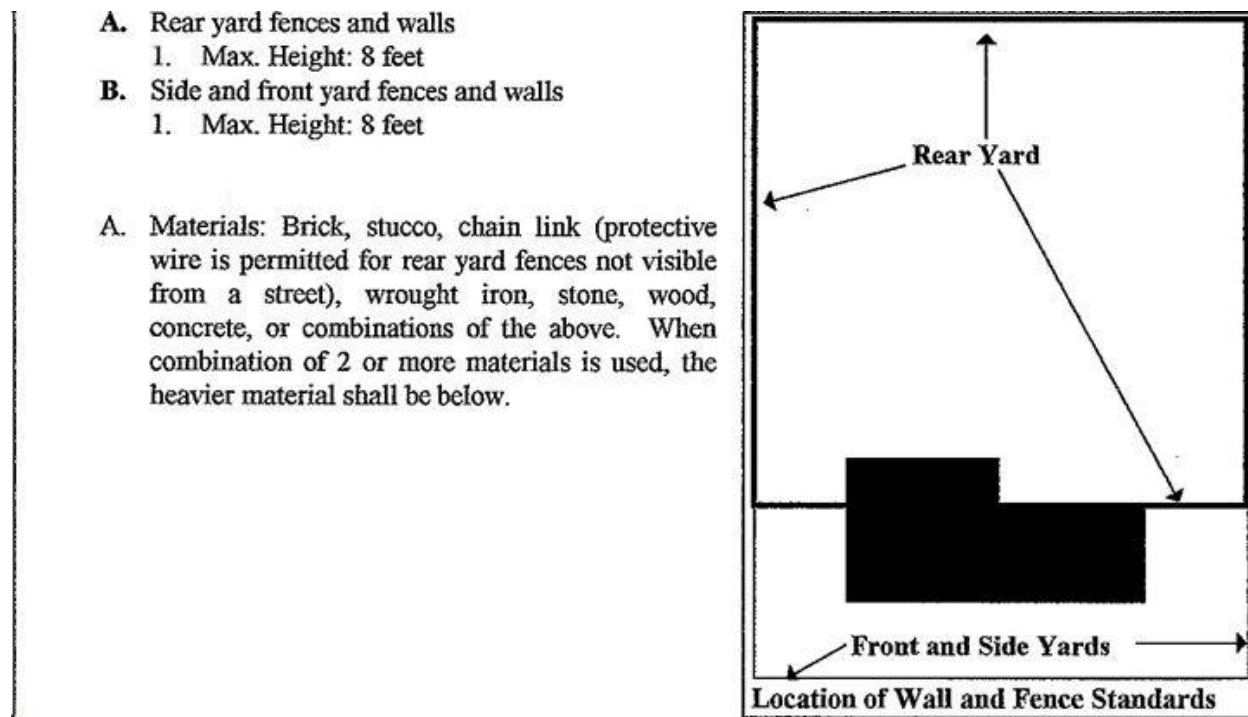
Section 707: Structures

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

707.1: FENCES AND WALLS

Fence and wall height and approved materials are represented in figure 5 and are applicable for all districts.

Figure 5: Fence and Walls Specifications:



Section 708: Landscaping Requirements

In all districts, emphasis shall be placed upon landscaping as a means of enhancing the character, value, and attractiveness of both development and surrounding properties. To this end, landscaping will be required on all new developments or buildings, and old buildings with renovation or remodeling equaling fifty percent (50%) of the building's value.

To apply in all zoning districts:

- A. **Integral Design:** Landscape design and planning shall be integrated within the overall project design and environment and shall not be considered merely as an afterthought.
- B. **Natural Landscaping:** The natural landscape character shall be preserved in every reasonable instance. In an area containing a stand of trees, the developer/owner will preserve as any of these trees as possible and further landscape in a complementary manner.

- C. **Included in Landscape:** In applying landscaping to compliment natural conditions, factors to be included in the integral design of development projects include: trees, plantings, all vegetative cover and ornamentation, paving, pedestrian benches, fountains, fences, lighting fixtures, and all items of exterior furniture. Landscape material /items shall be selected for their functional and aesthetic value as complementary to the project's total impact.
- D. **Screening and Landscaping:** Screening may include walls, fences, earthen mounds, or vegetation, when such screening is an integral part of a development design. Particular development factors, which may lend well to screening by other than fencing or walls, include parking lots, trash receptacles, air conditioning units and similar unaesthetic applications.
- E. **Landscaping Maintenance:** The owner, occupant, tenant and the respective agent of each, if any, shall be jointly and severally responsible for the maintenance of all landscaping. Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance at least equal to the original development, and shall be kept free of refuse, with dead vegetation promptly replaced.
- F. **Public Dedication:** All landscaping materials shall be either bonded or guaranteed by the owner of the premises for a prior of one (1) year after approval for acceptance thereof by the Town.
- G. **Certificate of Occupancy:** All landscaping and plating designated on all development plans reviewed for granting the Building Permit shall be installed in accordance with specified height, spread, density, and quality before a Certificate of Occupancy is granted.

ARTICLE VIII: GENERAL AND SUPPLEMENTARY PROVISIONS

Section 801: Certain Public Service Uses

Due to the unique nature of certain public service uses and the need to locate such uses in certain areas of the town irrespective of prevailing district regulations, the following list of uses may be established in any zoning district in the Town of Donalds, provided such uses meet all dimensional requirements of the district, within which they will be located:

- A. Post Office
- B. Police and Fire Stations, and other municipal buildings
- C. Radio and TV Station Masts
- D. Public Library

801.1: Buffer yards

Post offices, police, and fire stations shall observe the buffer yard requirements for office buildings; all other uses shall observe the buffer yard requirements for Research and Industrial or Institutional uses as determined by the Zoning Administrator.

801.2: Public Hearing

Prior to the granting of a building permit for any of the above-listed uses in a residential district or within two hundred feet (200) of a residential district, the Board of Zoning Appeals shall hold a public hearing on the matter. At least fifteen (15) days' notice of the time and place of which shall be published in a newspaper of general circulation in the Town of Donalds.

Based on the hearing and the expected impact of such uses on contiguous uses and conditions, the Board of Zoning Appeals may elect to deny such request in favor of a more acceptable site elsewhere.

Section 802: Water and Air Pollution

All uses must satisfactorily comply with the requirements of the State Board of Health and the Abbeville County Board of Health regarding the protection of waterways and air from pollution by dust, smoke, or other waste materials.

Section 803: Street Access

Except as herein provided, no building shall be erected, constructed, moved, or relocated on a lot not located on a publicly accepted, or publicly maintained street with a right-of-way of not less than thirty (30) feet.

Section 804: Measurement of Setbacks; Determination of Buildable Area

The required front, side, and rear setbacks for individual lots, as set forth for the particular zoning district within which a given lot is located, shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the setback areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the "buildable area."

Section 805: Location of Buildings on Lots and Residential Limitations

Every building or use hereafter erected or established shall be located on a Lot of Record and each one and two-family residential structure, except as herein provided, shall be located on an individual Lot of Record. In all cases, the principal buildings on a lot shall be located within the area formed by the building lines at outer boundaries, and in no case shall such buildings infringe beyond the building lines into the respective front, side, or rear yard setbacks or any other setback requirements for the district in which the lot is located except as provided for in Article VIII, Sections 808 and 809.

Section 806: Corner Lots

On lots having frontage on more than one street at an intersection, the minimum street side setback requirement shall be equal to the minimum front yard setback.

Section 807: Double Frontage Lots

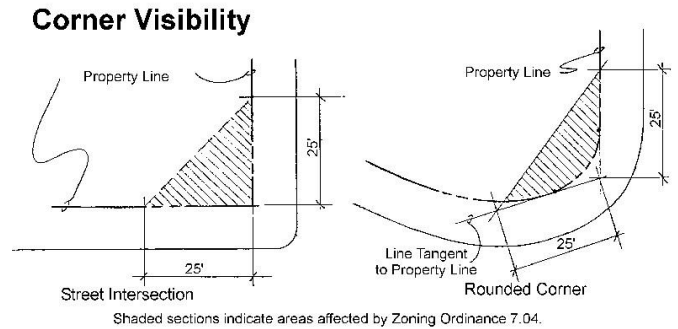
On lots having frontage on two streets, but not located on a corner, the minimum front setback shall be provided on each street in accordance with the provisions of this Ordinance. On lots having frontage on more than two streets, the minimum front setback shall be provided in accordance with the regulations set forth in this ordinance on all of the street frontages.

Section 808: Preexisting Front Setbacks

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

Section 809: Visibility at Street Intersections

In all zoning districts established by this ordinance, except the C1 district, no fence, wall terrace, sign, shrubbery, planting or other structure or object capable of obstructing driver vision between the heights of three (3) and ten (10) feet above the finished street level shall be permitted on a corner lot within twenty-five (25) feet of the point formed by the intersection of the street right-of-way lines (or such lines extended in case of a rounded corner) which bound said lot.



Section 810: Visibility at Private Drives & Entrances Intersecting with Public Streets

At the intersection of any private drive or entrance or exit with a public street, no fence, wall, hedge, or other planting or sign forming a material impediment to visibility between a height of three (3) feet and ten (10) feet shall be erected, planted, placed or maintained within fifteen (15) feet of the intersection.

Section 811: Street Planting Strips

This is only required in the C1 if there is a front yard.

Section 812: Exceptions to Height Limits

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

Section 813: Common Open Space

Common open space is land or water bodies used for recreational amenity. It shall be freely accessible to all residents of a development where required by this Ordinance. It shall not be occupied by buildings or structures, roads, parking or road right-of-way. The required open space shall not include setbacks or lots of residential units required to meet minimum lot area or parking requirements.

Section 814: Parking and Storage of Certain Vehicles

It shall be unlawful for any person, partnership, corporation, or other legal entity to permit, park or store a truck, automotive vehicle or trailer of any kind or type, on any residentially zoned property within the municipal corporate limits except within a completely enclosed building or covered with a factory-made car cover:

- A. that is not in operable;
- B. that is wrecked or not in one piece;
- C. that does not display a lawful and current license tag;
- D. that does not have current liability insurance thereon;

This ordinance excludes bona fide classic automobiles which are currently undergoing restoration, and which are covered with factory-made automobile covers, and trailers not required by law to display a license tag.

If in violation of this section, the owner or permittee of the parked or stored vehicle shall be subject to actions and penalties noted in section 713 of this Ordinance.

Section 815: Junkyards and Storage of Construction Debris

After the date of adoption of this Zoning Ordinance, automobile graveyards and junkyards are prohibited within any District in the town limits of Donalds, as they are deemed inherently dangerous and a nuisance.

Section 816: Manufactured Home Standards

After the date of adoption of this Zoning Ordinance, the installation of mobile homes, a mobile home park, or a tiny home/house in any District for use or occupancy as a residential dwelling in the town of Donalds is prohibited. A manufactured home to be located within the city limits of the town must be no older than five (5) years of age from the date of the permit.

This provision is prospective and shall not apply to any mobile homes used and occupied as residential dwellings in the town on the effective date of this article. Mobile homes used and occupied as residential dwellings on the effective date of this article shall be deemed to be a lawful nonconforming use, and such use may continue until discontinued, abandoned, or terminated as provided herein.

If the nonconforming mobile home use is abandoned or discontinued for a period of thirty (30) or more days, any future use of the structure and land or portion thereof shall conform with the provisions of this article. If a nonconforming mobile home is not occupied for a period of thirty (30) or more days, said use is deemed to be abandoned by operation of law. If a nonconforming mobile home is destroyed or damaged to an extent greater than fifty (50) percent of its fair market value by fire, explosion, act of God, or other cause, then any future use of the structure and land on which the mobile home was situated shall conform to the provisions of this article.

A mobile home that is nonconforming and has not been served with utilities (water, electric, etc.) for a period of thirty (30) days shall be deemed abandoned and a nuisance and may not be used for habitation and shall be removed from the Town of Donalds. Penalties will begin after proper notification.

Rental units that are nonconforming in a separate category and are deemed to be uninhabitable when vacancy occurs. It will be a requirement of the Town of Donalds all property owners to register their property as a rental if they do not use it as their primary residence and have it rented out to tenants.

A nonconforming mobile home in use shall not be enlarged, extended, or expanded into any other portion of the land on which the nonconforming mobile home is situated. Nothing in this section is intended to prohibit normal repairs and maintenance of a nonconforming mobile home.

If a nonconforming mobile home is removed from the parcel of land on which it is situated, any future use of the structure and land on which the mobile home was situated shall conform to the provisions of this Ordinance.

All existing mobile homes should be in compliance with each of the following requirements:

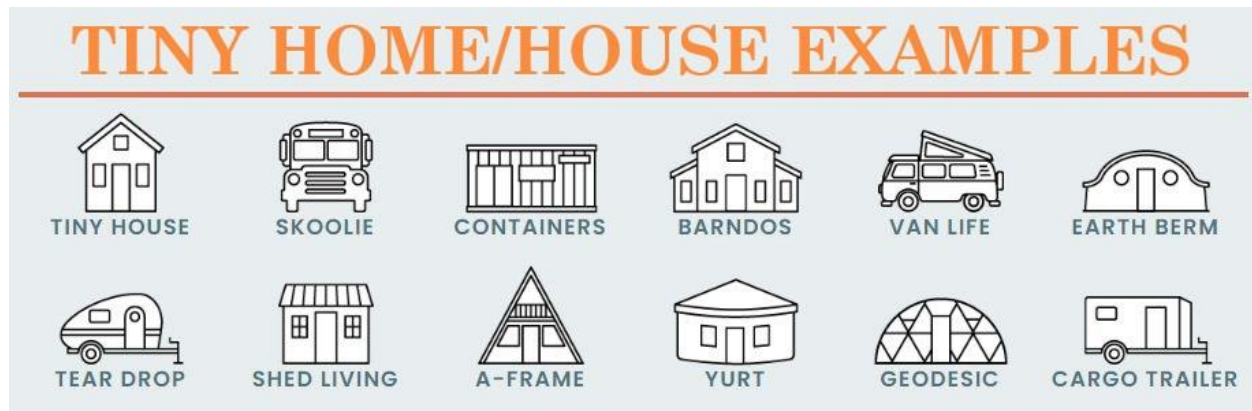
- A. A manufactured home is defined as any dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying it is built in compliance with the federal Manufactured Home Construction and Safety Standards (24 CFR 3280).
- B. No Certificate of Occupancy shall be issued for any mobile home originally brought into the Town of Donalds or relocated within the Town subsequent to the adoption of this ordinance unless a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator, to certify that the mobile home is in full compliance with this ordinance.
- C. All mobile homes subject to this ordinance shall meet or exceed the most current construction standards promulgated by the U.S. Department of Housing and Urban Development, as well as the South Carolina Manufactured Housing Board, including:

1. A permanent landing and steps with handrails are required for each outside doorway. The structure must include steps which lead to ground level. The landing, handrails, and steps must meet the requirements below:
 - 1 A minimum 4ft. by 4ft. landing shall be required outside of each exit door.
 - 2 The landing shall not be more than 8 ½ inches below the threshold.
 - 3 Steps shall be eight and one quarter (8 ¼) inches maximum in height. Treads shall be a minimum of nine (9) inches wide.
 - 4 All wood components in contact with the ground must be treated and approved for ground contact.
 - 5 If steps are thirty (30) inches or greater in height, permanent handrails are to be installed.
2. The pitch of the roof must have a minimum vertical rise of two and one half (2 ½) feet for every twelve (12) feet of horizontal run, and the roof must be finished with a type of shingle that is commonly used in conventional residential site-built dwellings.
3. The exterior siding shall consist of wood, hardboard, or vinyl comparable in composition, appearance and durability to the exterior siding commonly used in conventional residential site-built dwellings.
4. Skirting or a curtain wall, unpierced except for required ventilation and access door, must be installed and maintained so that it encloses the area under manufactured multi-section homes and modular porches, decks, or other additions to ground level. The foundation skirting or curtain wall may be of brick, masonry, or vinyl or similar materials designed and manufactured for permanent outdoor installation. Materials used for skirting should be erected so as not to create a fire hazard and shall be maintained in a state of good repair. The skirting or curtain wall must be installed before a Certificate of Occupancy may be issued.
5. The home must be placed upon footings and piers which meet the requirements of the Manufacturer's Installation Manual. Should the manufacturer's instructions not be available, this following shall apply:
 - a) Footings - The base of all piers shall be comprised of a solid masonry block at least 3,000 psi strength. Piers less than 80" in height shall use blocks 16" X 16" X 4" in size. Piers more than 80" in height shall use blocks 24" X 24" X 6" in size.
 - b) Piers - Piers less than 36" in height shall use 8" X 16" concrete block with open cells vertical.
 - c) The piers shall be covered with a 2" X 8" X 16" wood or 4" masonry cap.

- d) All piers between 36” and 80” in height and all corner piers must be double blocked (8” X 16” blocked inter-locked) and capped with a 4” X 16” X 16” pressure treated pier cap or a 4” masonry cap.
- e) Piers over 80” in height require engineering.
- 6. National Manufactured Housing Construction and Safety Standards Act or the Manufacturer’s Installation Manual. Should the manufacturer’s instructions not be available, the table below shall be used.
- 7. Multiple section manufactured homes require only the diagonal ties specified in Column C. The tongue, axles, transporting lights and towing apparatus must be removed from the manufactured home after placement on the lot and before occupancy.

(A) Length of Home (Feet)	(B) Number of Vertical Ties	(C) No. of Diagonal Ties Per Side	Minimum Number of Anchors
Up to 40	2	4	8
40 to 46	2	4	8
46 to 49	2	5	10
49 to 54	3	5	10
54 to 58	3	5	10
58 to 64	3	6	12
64 to 70	3	6	12

For further clarification, examples of tiny homes/houses prohibited within the town limits of Donalds include but not limited to the following:



Section 817: Uses Not Expressly Permitted or Conditional

Uses designated as "permitted uses" and “uses permitted with conditions” are allowed in a district as a matter of right. Uses classified as “conditional uses” are permitted upon approval

of a development plan approved by the Zoning Administrator. Unless a use is allowed as a "permitted," "conditional," "nonconforming," or "temporary" use, then such use is prohibited.

It is recognized that new types of land use will develop within the Town of Donalds that are not anticipated by this Ordinance. In order to provide for such changes and contingencies, the classification of any new or unlisted land use shall be made by the Planning Commission to determine if the use can reasonably be interpreted to fit into a similar use category described in the Ordinance. The Town Council may make a final determination after conducting a public hearing.

Section 818: Conditional Uses

Conditional uses are declared to possess characteristics which require certain controls in order to ensure compatibility with other uses in the district within which they are proposed for location. Conditional uses shall be permitted subject to a determination by the Zoning Administrator that they conform to all regulations set forth herein and elsewhere in this ordinance, with particular reference to those requirements established for those districts in which they are proposed for location.

Applications for permission to build, erect, or locate a conditional use shall be submitted and processed in accordance with the regulations set forth in this Article, prior to the issuance of any permits.

Section 819: Special Exceptions

Special exceptions are declared to possess characteristics which require certain controls in order to ensure compatibility with other uses in the district within which they are proposed for location.

Special exceptions shall be permitted only for uses specifically listed as permitted by special exception for each zoning district. Approval is subject to a public hearing and a finding by the Zoning Board of Appeals of compatibility with the character of the neighborhood or area in which the proposed use is located, and that it will not impose any undue impact on neighboring parcels.

Section 820: Non-conforming Buildings or Uses

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

- A. changed to another nonconforming use; reused or reoccupied after discontinuance of use or occupancy for a period exceeding thirty (30) days;
- B. reestablished, reoccupied, or replaced with the same or similar building, or land use after physical removal or relocation from its specific site location at the time of passage of this Ordinance;

- C. repaired, rebuilt, or altered in case of damage, to an extent less than fifty (50) percent of its assessed value, due to fire or other disaster event pursuant to the issuance of a permit by the Zoning Administrator. Reconstruction or repair, when legal, must begin within ninety (90) days after damage is incurred; or
- D. expanded, changed or enlarged, nor shall such a nonconforming use be enlarged by additions to the structure in which the nonconforming use is located (either attached or detached). However, if a nonconforming non-residential use can expand within the existing structure, it may do so as long as the Zoning Administrator determines that the interior expansion will not have a negative impact upon surrounding conforming uses.

Many non-conformities may continue, but the provisions of this Section are designed to curtail substantial investment in nonconformities and to bring about eventual elimination and/or lessen their impact upon surrounding conforming uses in order to preserve the integrity of the area in which it is located and the intent of this Ordinance. Normal structural repair and maintenance may be performed to allow the continuation of a nonconforming use. Nothing in this section shall be meant to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official lawfully charged with protecting the public safety, upon order of such official.

A nonconforming use may be changed to another equal or less intense nonconforming use. Once a nonconforming use has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.

Section 821: Non-Conforming Manufactured Homes

Where a mobile home exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance, such mobile home may be continued so long as it remains otherwise lawful, subject to the following provisions:

If the nonconforming mobile home use is abandoned or discontinued for a period of thirty (30) or more days, any future use of the structure and land or portion thereof shall conform with the provisions of this article. If a nonconforming mobile home is not occupied for a period of thirty (30) or more days, said use is deemed to be abandoned by operation of law. If a nonconforming mobile home is destroyed or damaged to an extent greater than fifty (50) percent of its fair market value by fire, explosion, act of God, or other cause, then any future use of the structure and land on which the mobile home was situated shall conform to the provisions of this article.

A mobile home that is nonconforming and has not been served with utilities (water, electric, etc.) for a period of thirty (30) days shall be deemed abandoned and a nuisance and may not be used for habitation and shall be removed from the Town of Donalds. Penalties will begin after proper notification.

Rental units that are nonconforming in a separate category and are deemed to be uninhabitable when vacancy occurs. It will be a requirement of the Town of Donalds all property owners to register their property as a rental if they do not use it was their primary

residence and have it rented out to tenants.

A nonconforming mobile home in use shall not be enlarged, extended, or expanded into any other portion of the land on which the nonconforming mobile home is situated. Nothing in this section is intended to prohibit normal repairs and maintenance of a nonconforming mobile home.

If a nonconforming mobile home is removed from the parcel of land on which it is situated, any future use of the structure and land on which the mobile home was situated shall conform to the provisions of this Ordinance.

Section 822: Non-Conforming Junkyards

Having determined that Junkyards pose a hazard to the health, safety, and general welfare of the citizens of Donalds; depreciate the value of surrounding property; are a potential breeding ground for mosquitoes or other insects, snakes, rats and other pests; and are a visual blight and patently offensive to the aesthetic quality of the environment of Donalds, the Town has determined that they are prohibited uses as of the date of enactment of this ordinance. It is anticipated that some junkyards lawfully established prior to the effective date of this ordinance may be “grandfathered” to continue as a non-conforming use. Where a junkyard exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance, such junkyard may be continued so long as it remains otherwise lawful, subject to the following provisions:

822.1: Requirements for protection as a non-conforming junkyard

- A. The junkyard must have actually been lawfully in existence on the effective date of applicable law or regulation passed and must continue to be lawfully maintained.
- B. A nonconforming junkyard shall not be enlarged, extended, or changed in use or location. Failure to comply will result in the operation being considered a new junkyard which is prohibited.
- C. A nonconforming junkyard which is abandoned, destroyed, or voluntarily discontinued shall not thereafter be continued in use.

822.2: Control Measures

- A. No junk yard may continue as a non-conforming use after the effective date of this Ordinance without submitting a plan to ensure it is completely enclosed within a building, fence, screen planting or other device that completely screens the operations of the junk yard. Upon approval of such plans, the junk yard shall be considered a legal non-conforming use and shall be subject to conditions and all procedures set forth in Section 824.
- B. Any non-conforming junkyard will be screened in accordance with the standards and criteria for effective screening set forth in these regulations. Building the fence is expected to be at the expense of the responsible person(s) who owns or operate any non-conforming junkyard. For non-conforming junkyards, the

owner/operator responsible will have one (1) year to have an approved fence in place along the property frontage(s) facing the public right-of-way. The owner/operator responsible will have two (2) years to have an approved fence in place around the remainder of the operation.

- C. Plans for the screening device shall be approved by the Zoning Administrator before it is erected or put into place.

822.3: Fencing and Screening

All junkyards shall be enclosed on all sides by one of the following that shield the junkyards from view:

- A. A chain link fence with evergreen screening of an approved type; or
- B. Where evergreen screening is not possible, a wooden or masonry privacy fence, a chain link fence with slats; or
- C. Another type of material which has been given approval by the ordinance administrator.

822.4: General Requirements

All junkyards shall be maintained to protect the public from health nuisances, aesthetic distractions, and safety hazards. The Town of Donalds may designate an official to inspect each junkyard to determine that the junkyard does not create a nuisance, aesthetic distractions, or safety hazard. Should a nuisance or safety hazard be identified, the owner, operator or maintainer shall submit satisfactory evidence to the health department and building codes department that the violation has been eliminated. Failure to comply with this provision shall result in the issuance of penalties and remedies for violation of this ordinance.

- A. Anchoring - All metal or wooden fence posts shall have at least one-fourth of their length below ground level and shall be set in hard packed clay or concrete. All metal fence posts shall be treated with an anti-corrosive coating. All wooden posts shall be pressure treated lumber.
- B. All junkyard business shall be conducted entirely within the screened/fenced area of the property.
- C. No junk shall be stacked, stored, or maintained at a height greater than the opaque screen/fence around the junkyard.
- D. Adequate off-street customer parking must be provided and must be graveled or paved in an acceptable manner.

Section 823: Uses Not Expressly Permitted or Conditional

Uses designated as "permitted uses" and "uses permitted with conditions" are allowed in a district as a matter of right. Uses classified as "conditional uses" are permitted upon approval of a development plan approved by the Town Council.

It is recognized that new types or forms of land use will develop within the Town of Donalds that are not anticipated by this Ordinance. In order to provide for such changes and contingencies, the classification of any new or unlisted land use shall be made by the Planning Board to determine if the use can reasonably be interpreted to fit into a similar use category described in the Ordinance. The Planning Commission may make such a determination after conducting a public hearing.

Unless a use is allowed as a "permitted", "use permitted with conditions", "conditional use", "nonconforming use", or "temporary use", then such use is prohibited.

Section 824 Temporary Uses and Structures

Temporary structures and uses shall be permitted in compliance with the provisions of this Ordinance and all other ordinances of the Town of Donalds. The following temporary structures and uses shall be permitted:

- A. **Construction Trailers and Mobile Sales Offices** - Construction trailers may be permitted on all non-residential construction developments and residential developments with ten (10) or more dwelling units. Construction trailers and mobile residential neighborhood sales offices shall adhere to all district setbacks and shall not be permitted on the lot more than thirty (30) days after the completion of the development or upon issuance of the final Certificate of Occupancy.
- B. **Temporary Classrooms and Offices** - Manufactured homes may be used for temporary classroom space as a temporary use granted by the Zoning Administrator, providing that the following conditions are met:
 - 1. The manufactured homes are necessary to alleviate overcrowding only.
 - 2. The petitioner of the request must be a church, school, institution of learning, or other public institution.
 - 3. The manufactured housing shall be provided with underpinning, from the bottom of the walls to the ground, made of vinyl, pre-painted aluminum material, or other material specifically manufactured for manufactured homes.
 - 4. Landscaping shall be provided to create an aesthetically pleasing appearance.
 - 5. All required setbacks for the district are adhered to.
- C. **Temporary Yard and Garage Sales** - Yard, garage, tag, patio, and apartment sales are permitted with a permit, as an accessory use on any residential or institutional property in any district. Such sales on the same lot shall be limited to no more than two (2) days per calendar month. Additional regulations can be found in Article VI, Signs.

Section 825: Home Occupation

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

- A. is conducted by no other person than members of the family residing on the premises.
- B. utilizes not more than twenty-five percent (25%) of the total floor area of the principal building.
- C. produces no alteration or change in the character or exterior appearance of the principal building from that of a dwelling.
- D. no display or products shall be visible from the street and only articles made on the premises may be sold; except that nondurable articles (consumable products) that are incidental to a service, which service shall be the principle use in the home occupation, may be sold on the premises.
- E. creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition.
- F. no mechanical equipment is installed or used except such as is normally used for domestic or office purposes.
- G. storage related to a customary home occupation business is permitted in an accessory building, but the use of an accessory building for a separate commercial use is not permitted.

In addition to other uses deemed unacceptable by the Zoning Administrator, the following uses shall not be considered home occupations:

- A. animal hospitals, kennels, or stable
- B. dancing schools
- C. funeral homes
- D. medical or dental offices or clinics hospitals
- E. restaurants
- F. tourist homes

Zoning permits shall be required for all home occupations and shall be submitted to Town Hall before a business license is issued.

Section 826: Accessory Uses

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

826.1: Uses Customarily Accessory to Dwellings

- A. Private garage

- B. Open storage space or parking area for motor vehicles provided that such space shall not be used for more than one (1) commercial vehicle licensed as one ton or less in capacity per family residing on the premises.
- C. Shed or tool room for the storage of equipment used in grounds or building maintenance.
- D. Pet House. Kennels used for commercial purposes are prohibited.
- E. Private swimming pool and bath house
- F. Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.
- G. Noncommercial flower, ornamental shrub or vegetable garden or greenhouse.

826.2: Uses Customarily Accessory Church

- A. Religious education buildings.
- B. Parsonage or parish house, together with any use accessory to a dwelling
- C. Off-street parking area for the use of members and visitors of the church.

826.3: Uses Customarily Accessory to Retail Businesses, Office Use and Commercial Recreation Facilities

- A. Off-street parking or storage areas for customer, client, or employee-owned vehicles.
- B. Completely enclosed building for the storage of supplies, stock, or merchandise.
- C. Light manufacturing and/or repair facility incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat, or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line or the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.
- D. Satellite dishes. A maximum of two (2) per lot and placed in the rear setback only. Such dish shall not be located closer than ten (10) feet from any property line.

Section 827: Setback and Other Yard Requirements for Accessory Uses

The minimum front setback of the zoning district in which the parcel is located shall serve as the minimum front setback for accessory uses. For accessory structures of not greater than six hundred (600) square feet in area, or fifteen (15) feet in height and swimming pools, the minimum rear setback shall be ten (10) feet and the minimum side setback shall be ten (10)

feet. The accessory use shall occupy not more than a total of fifty (50) percent of the required rear and side setback for that district.

The following uses may be considered to a customary accessory use, and as such, may be situated on the same lot with the principal use or to which it serves as an accessory. No accessory structures shall be constructed or installed without prior issuance of a building permit from the Abbeville County Planning and Zoning office and consultation with the Town of Donalds.

For any accessory use of greater than six hundred (600) square feet in area or fifteen (15) feet in height, except swimming pools, the minimum setbacks of the zoning district in which the use is located shall apply.

No accessory use or structure shall be placed in front of the front line of the principal use or structure. A parking structure may be placed at the front of the principal building or structure.

Zoning District Setbacks for Accessory Uses

Zoning District	Accessory Setback Requirements
R1	3 feet side and rear setbacks
H1	5 feet side and rear setbacks
C1	5 feet rear setback
HC & RA	15 feet rear setback

ARTICLE IX: ADMINISTRATION, ENFORCEMENT, APPEAL, COMPLAINTS AND REMEDIES

Section 901: Zoning Administrator

The provisions of this ordinance shall be administered and enforced by the Town of Donalds through an officially designated administrator.

Section 902: Zoning Permit

No building, sign, or other structure (except as otherwise provided for in this Ordinance) shall be erected, moved, extended, enlarged or structurally altered, nor shall the use conducted within the building change, nor shall any excavation or filling of any lot for the construction of any building be commenced, nor shall any change in the use of a property be commenced

until the Zoning Administrator has issued a zoning permit for such work in accordance with a fee schedule established by the Town Council.

902.1: Expiration of Zoning Permit

Any zoning permit issued in accordance with this Ordinance will lapse and become invalid unless the work for which it was issued is started within one hundred and eighty (180) days 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. The use, arrangement, or construction of any structure that differs from that authorized shall be deemed a violation of the Ordinance and punishable as set out in section 908.

902.2: Records

The Zoning Administrator shall maintain a record of all zoning permits on file at the Town Hall office, and copies shall be made available on request to interested parties.

902.3: Conditions for Approval

Zoning permits issued on the basis of dimensional plans approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction that differs from that authorized shall be deemed a violation of this Ordinance and shall be punishable as indicated under Section 908 of this Ordinance.

902.4: Zoning Permit Not Required

Notwithstanding any other provisions of this Ordinance, no zoning permit is necessary for the following uses:

- A. Street construction or repair.
- B. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires, or pipes, together with supporting poles or structures, located within a public right-of-way.
- C. Specific signs exempted in Article VI of this Code.
- D. Mailboxes, newspaper boxes, birdhouses, flag poles, pump covers, and doghouses.
- E. Interior alterations and renovations which do not alter the footprint or height of an otherwise conforming use and/or structure.

902.5: Temporary Uses

Notwithstanding any other provisions of this Ordinance, the Zoning Administrator is authorized to issue a Certificate of Zoning Compliance, not to exceed one year, for temporary uses. All Certificates of Zoning Compliance for temporary uses may be

renewed provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion and will not create a nuisance to surrounding uses.

Section 903: Application for Certificates of Zoning Compliance

In all cases, where a building permit is required, and in all other cases of construction or use where any provision of the Zoning Ordinance is involved, appropriate plans shall be filed subject to the provisions of the Building Code and to such other rules as the Zoning Administrator shall prescribe, sufficient in scope and character to determine that all relevant requirements of this Zoning Ordinance have been met.

All applications should include plans drawn to scale showing the actual dimensions and shape of the lot to be built upon; location and dimensions of the proposed building(s) or alterations, the setback lines of buildings on adjoining lots, off-street parking spaces, and such additional information as may be necessary to determine conformance and provide for the enforcement of this Ordinance. The sketch or diagram need not be professionally drawn. The application shall include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed buildings or alterations, existing or proposed uses of buildings and land, the number of families, housekeeping units, or rental units the building is designed to accommodate; 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.

Section 904: Certificate of Occupancy

No structure hereafter erected, moved, structurally altered, or changed in use shall be used or occupied until the Building Official, as designated by the Town of Donalds, has issued a certificate of occupancy. Any certificate of occupancy issued shall state that the structure or portion of a structure is in compliance with the information stated on the zoning permit and with all applicable provisions of this Ordinance. A record of all certificates of occupancy shall be kept on file in the office of the Building Official and copies shall be furnished, on request, to all interested parties. If a certificate of occupancy is denied, the reasons for such denial shall be specified in writing and provided to the applicant. Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance and be punishable under Section 907 of this Ordinance.

A temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding six (6) months during the alterations or partial occupancy of a building pending completion, provided that such temporary permit may require such conditions and safeguards as needed to protect the safety of the occupants and general public.

Section 905: Right of Appeal

If a request for a zoning permit is disapproved or if a ruling of the Zoning Administrator is questioned, any aggrieved party may appeal such ruling to the Zoning Board of Appeals in accordance with Article X of this Ordinance.

Section 906: Complaint Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator, who shall properly record such complaint, investigate within five (5) days, and take action as provided by this Ordinance.

If the Zoning Administrator shall find that any provision of this ordinance is being violated, they shall notify in writing the person responsible for such violations, indicate the nature of the violation, and order the action necessary to correct it. They shall order the discontinuance of any illegal use of land, buildings, or structures, illegal work being done, or take any other action authorized by this Ordinance to ensure compliance with or prevent violations of its provisions. The person responsible for such violations must comply within 30 days of such notice or be subject to the penalties detailed in Section 907.

Section 907: Penalties for Violation

In case any structure or use is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this Ordinance as herein provided, an action for injunction, or mandamus, or other appropriate action or proceeding to prevent such violation may be instituted by the Zoning Administrator, any other appropriate Town authority; or any person who may be damaged by such violation. Citations issued by the Zoning Administrator and/or the Town authority will be heard by the Abbeville County magistrate, per Abbeville Council resolution, and the monies collected for fines are collected by the county. Reimbursements for all fees and all monies spent by the Town of Donalds to enforce remedy (s) shall be payable to the Town of Donalds and subsequent property liens, if necessary, will be pursued by the Town of Donalds and its attorney.

907.1: Criminal

Any person, firm, or corporation convicted of violating the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount not to exceed five hundred dollars (\$500) and/or imprisoned for a period not to exceed thirty (30) days. Each day of violation shall be considered a separate offense, provided that the violation of this Ordinance is not corrected within thirty (30) days of receipt of the warning citation as provided in Subsection 907.6 herein.

907.2: Injunction

Enforcement of the provisions of this ordinance may also be achieved by injunction. When a violation occurs, the Zoning Administrator may, either before or after the institution of other authorized action, submit a request to the Town Attorney for institution of a civil action seeking an injunction prohibiting violation of this ordinance when appropriate for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

907.3: Order of Abatement

In addition to an injunction, the Zoning Administrator may apply for, and the court may enter into an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:

- A. Buildings or other structures on the property be closed, demolished, or removed.
- B. Fixtures, furniture or other moveable property be moved or removed entirely.
- C. Improvements, alterations, modifications or repairs be made; or
- D. Any other action be taken that is necessary to bring the property into compliance with this ordinance.

907.4: Execution of Court Decisions

If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt. The Zoning Administrator may execute the order of abatement and will have a lien on the property in the nature of a mechanic's and material man's lien for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond must be given in an amount approved by the judge before whom the matter was heard and shall be conditioned of the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

907.5: Stop Work Order Issuance and Revocation of Permits

Whenever a building, structure or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this Ordinance, the Zoning Administrator may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work. The Zoning Administrator may revoke any permit (e.g. Building Certificate of Occupancy) by written notification to the permit holder when violations of this Ordinance have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this Ordinance, or a permit has been mistakenly issued in violation of this Ordinance.

907.6: Civil Penalty

In addition to the other remedies cited in this Ordinance for the enforcement of its provisions, the regulations and standards in this Ordinance may be enforced through

the issuance of civil penalties by the Zoning Administrator. Subsequent citations for the same violation may be issued by the Zoning Administrator if the offender does not pay the citation (except as otherwise provided in a Warning Situation) after it has been issued unless the offender has sought an appeal to the actions of the Zoning Administrator through the Zoning Board of Appeals. Once the thirty-day warning period has expired, each day which the violation continues shall subject the violator to additional citations to be issued by the Zoning Administrator.

The following penalties are hereby established:

- Warning Citation Correct Violation Within 30 Days
- First Citation \$100.00
- Second Citation for Same Offense \$250.00
- Third And Subsequent Citations for Same Offense \$500.00

If the offender fails to pay the civil penalties within three (3) days after having been cited, the Town may recover the penalties in a civil action in the nature of debt.

ARTICLE X: ZONING BOARD OF APPEALS

Section 1001: Membership

The Zoning Board of Appeals shall consist of three (3) members, who shall be citizens of the Town of Donalds and shall be appointed by the Town Council for terms of four (4) years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. The appointing governing body may remove a member for cause by a majority vote of the Town Council upon written charges and after public hearing. Members cannot hold any other public office or position in the appointing local government.

Section 1002: Initial Apportionments of Board of Zoning Appeals Members

The Town Council shall make its initial appointment of Board of Zoning Appeal members upon the adoption of this ordinance. There is no limit to reappointment for members.

Section 1003: Proceedings of the Zoning Board of Appeals

The Board of Zoning Appeals shall elect a chair and a vice-chair from its members who shall serve for one (1) year until re-elected or until their successors are elected. The Board shall appoint a secretary who may be an employee of the Town or a member of the Board. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or his absence or failure to vote, indicating such fact, and also keep records of its action. Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine. All meetings of the Board shall be open to the public, and all evidence and testimony shall be presented publicly. The chair, or in his absence, the vice chair, shall preside at all meetings, may administer oaths, and compel the attendance of witnesses. A majority of the membership shall constitute a quorum.

Section 1004: Decisions of the Zoning Board of Appeals

The concurring vote of two (2) of the three (3) members of the Zoning Board of 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. Upon taking any official action, the Board shall file all of its proceedings and accompanying materials with the Town Clerk. These materials shall become public record and a copy of all materials and findings shall be sent to the Zoning Administrator. On all appeals, applications and matters brought before the Zoning Board of Appeals, the Board shall inform in writing all parties involved of their decisions and the reason(s) for their decisions.

Section 1005: Appeals, Hearings and Notice

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

thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all legal proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies that by reason of facts stated in the certificate of stay would, in their opinion, cause imminent peril to life and property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal or other matters referred to it, and give at least fifteen (15) days public notice thereof in a newspaper of general circulation, as well as due notice to the parties in interest, including all property owners within two hundred (200) feet of the affected property, and decide the same within a reasonable time. At the hearing any party may appear in person, by agent, or by attorney.

Section 1006: Powers and Duties of The Board of Zoning Appeals

1006.1: The Board of Zoning Appeals is empowered to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.

1006.2: The Board of Zoning Appeals may grant a variance only under exceptional circumstances, where practical difficulty or unnecessary hardship is so substantial, serious, and compelling that relaxation of the general restrictions should be granted as long as the applicant shall show, and the Board shall find that:

- A. The particular property, because of size, shape, topography, or other physical conditions, suffers singular disadvantage through the operation of this ordinance, which disadvantage does not apply to other properties in the vicinity; and
- B. Because of the disadvantage, the owner is unable to make reasonable use of the affected property; and
- C. This disadvantage does not exist because of conditions created by the owner or applicant; and
- D. Grant of the variance (1) will not be contrary to the public or neighborhood interest, (2) will not adversely affect other property in the vicinity, and (3) will be in harmony with the spirit, intent, and purpose of this Ordinance.
- E. The variance granted shall be the minimum variance that will make possible the legal use of the land, building, or structure.

1006.3: In passing upon an appeal or variance, the Board shall not consider prospective financial loss or gain to the owner or applicant, nor shall the Board by variance permit to be established or carried on in any district an activity, business,

operation which is not otherwise allowed in such district by a specific provision of this ordinance.

1006.4: In granting a variance, the Board of Zoning Appeals may impose such reasonable and additional stipulations, conditions, or safeguards that may or may not be elsewhere prescribed in this or any ordinance that, in its judgment, will better fulfill the purposes of this ordinance; and, to that end, shall have all the powers of the officer from whom the appeal is taken and may direct the issuance of a permit. The Board, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the circuit court in and for the County of Anderson.

1006.5: The Board of Zoning Appeals can hear and decide special exceptions according to the conditions set out in the applicable zoning district regulations.

Section 1007: Appeals from Decisions of Board of Zoning Appeals

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

Section 1008: Application Fee for Appeals of Decisions by the Zoning Administrator

An application fee in accordance with a fee schedule established by the Town Council will be levied in order to partially defray expenditures associated with application processing for each application for a variance or appeal, due upon submission of an application.

ARTICLE XI PLANNING COMMISSION

Section 1101: Establishment of a Planning Commission

The Town Council shall create a Planning Commission to advise the council on planning, land use, zoning, community development, and other matters as referred to by council, as well as to review subdivision plats, if applicable.

Section 1102: Planning Commission Membership, Terms of Office

The Planning Commission shall consist of five (5) members, to be appointed by the Town Council for terms of four (4) years. Prospective Planning Commission members shall be nominated by a Town Council member and approved by a majority vote of those Town Council members present and voting. All Planning Commission members must be legal residents of the Town of Donalds and shall not hold any other elected or appointed public office in Abbeville County. Any Planning Commission member whose term has expired shall continue to serve until the Town Council appoints a replacement.

Section 1103: Initial Appointments of Planning Commission Members

The Town Council shall make its initial appointment of Planning commission members upon or before the adoption of this ordinance.

Section 1104: Function and Powers of the Planning Commission

It shall be the function of the Planning Commission to prepare and update the town's comprehensive plan and program for the physical social, economic growth of the town in order to promote the public health, safety, morals, convenience, prosperity, or general welfare, as well as the efficiency and economy in the development of the municipality. Specifically, the Planning Commission shall have the authority and responsibility to:

- A. acquiring and maintaining in current form such basic information and materials as are necessary to an understanding of past trends, present conditions and force at work to cause changes in these conditions.
- B. establishing principles and polices for guiding action in the development of the area.
- C. preparing and recommending to the council for adoption ordinances promoting orderly development in accordance with the comprehensive plan.
- D. determining whether specific proposed development conforms to the principles and requirements of the comprehensive plan for the growth and improvement of the area.
- E. Prepare and revise periodically a comprehensive plan and program for the development of the town.
- F. Prepare and recommend for adoption to the Town Council a zoning ordinance (to include text and maps), subdivision regulations, and an official map. The Commission may also prepare a landscape ordinance and capital improvements plan.
- G. Study and report on other planning, community development, economic development, and land use matters, as assigned by Town Council.
- H. If a comprehensive plan containing at least a major street element shall have been adopted, and if subdivision regulations shall have been adopted, then the Planning Commission shall have review and approval/disapproval authority over subdivision plats.

Section 1105: Organization, Rules, Staff, and Finances of the Planning Commission

The Planning Commission shall organize itself electing one of its members as chairman, one as vice-chairman, and one as secretary, whose terms shall be for one (1) year. The Planning Commission shall appoint a secretary who may be an employee of the Town or a member of the commission. Officers may serve an unlimited number of successive terms. The Planning commission shall meet at the call of the chairman and at such times as the chairman or

commission may determine. The Planning commission shall adopt Rules of Procedure for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. A majority of the Planning Commission shall constitute a quorum.

Section 1106: Finances

The Planning Commission is authorized to spend money or to commit to financial obligations only as budgeted and appropriated by the Town Council. Upon the approval of the Town Council, staff or consultants may be employed, as it deems necessary to fulfill its responsibilities. It may also purchase equipment and supplies and expend money for conferences or other educational programs or materials. The Planning Commission shall not enter into any contractual agreement obligating the Town of Donalds to take any action, except upon the formal approval of the Town Council through the adoption of a resolution or ordinance.

ARTICLE XII: AMENDMENTS

Section 1201: Authority

This ordinance, including the official zoning map of Donalds, South Carolina, may be amended from time to time by the Town Council as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review or 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 proposed amendment.

Section 1202: Requirements for Change

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

Section 1203: Procedure for Amendments

Requests to amend the zoning ordinance shall be processed in ordinance format with the following requirements:

1203.1: Initiation of Amendments

A proposed amendment to the zoning ordinance may be initiated by the Town Council, the Planning Commission or by application filed with the Zoning Administrator by the owner(s) of the property proposed to be changed, provided, however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property, or any part thereof, and requesting the same

change in district classification by a property owner or owners more often than once every twelve (12) months.

1203.2: Application Procedure

Application forms for amendment requests shall be obtained from the Zoning Administrator. Completed forms, together with an application fee in accordance with a fee schedule established by the Town Council to cover administrative costs, plus any additional information the applicant believes to be pertinent, will be filed with the Zoning Administrator. Any communication purporting to be an application for an amendment shall be regarded as mere notice until it is made in the form required.

Application for amendments must be submitted, in proper form, at least twenty-five (25) days prior to a Planning Commission meeting in order to be heard at that meeting.

Application fees shall be forwarded by the Zoning Administrator to the Town Clerk who shall supervise the application of same to the costs of advertising and other administrative expenses.

Section 1204: Review by the Planning Commission

All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the Planning Commission.

The Planning Commission, at its regular meeting, shall review the application, take comments from any interested party and prepare a report, including its recommendation, for transmittal to the Town Council.

All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person, or by agent, or by attorney.

No member of the Planning Commission shall participate in a matter in which they have any pecuniary or special interest.

Following action by the Planning Commission, all papers and data pertinent to the application shall be transmitted along with the Planning Commission recommendation to the Town Council for final action.

Section 1205: Public Hearing by the Town Council

Before enacting an amendment to this ordinance, the Town Council shall hold a public hearing thereon. At least fifteen (15) days' public notice of the time and place of the hearing shall be published in a newspaper of general circulation for the town.

Section 1206: Changes in the Zoning Map

Following final action by the Town Council, any necessary changes shall be made to the Zoning Map. A written record of the type and date of such change shall be maintained by the Town Clerk. Until such a change is made, no action by the Town Council on map amendments to the Zoning Ordinance shall be considered official, unless the Town Clerk fails

to make the change within seven (7) days after formal action by the Town Council. In the latter event, action by the Town Council shall be considered official seven (7) days after the date of action even if the Town Clerk has failed to make the appropriate changes.

ARTICLE XIII: DEFINITIONS

Section 1301: Interpretation of Certain Terms or Words.

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purpose of this ordinance, certain words or terms used herein are defined as follows:

The word "**shall**" is mandatory.

The word "**may**" is permissive.

The word "**lot**" includes the word "**plot**" or "**parcel**".

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

The word "**person**" includes a firm, association, organization, partnership, trust company, or corporation as well as an individual.

The word "**used**" or "**occupied**" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words intended, arranged, or designed to be used or occupied.

The word "**map**" or "**zoning map**" shall mean the Official Zoning Map of the Town of Donalds, South Carolina.

The term "**Planning Commission**" refers to the Town of Donalds Planning Commission. The term "**Council**", "**Town Council**", or "**Mayor and Council**" refer to the legally constituted and elected governing body of the Town of Donalds. The term "**Building Official**" or "**Zoning Administrator**" refers to that person or persons designated by the Council for the purpose of administering the building and/or zoning codes. The term "**Board of Appeals**" refers to the Board of Zoning Appeals of the Town of Donalds.

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

Acre: A measure of land area containing 43,560 square feet.

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

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

Automobile Service Station: Buildings and premises on any parcel or lot where gasoline, oils, greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation), where no part of the premises is used for the storage of dismantled or wrecked vehicles parts, and also where the following services may be rendered, and none other: sale and service of spark plugs, batteries, and distributors; tire repair and servicing, but no recapping; replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, floor mats, seat covers, wiper blades, windshield wipers, grease retainers, and wheel bearings; washing and polishing; greasing and lubrication; exchanging fuel oil pumps and installing fuel lines; minor servicing and replacing of carburetors; emergency wiring repairs; adjusting and repair of brakes; minor adjustment of engines, not involving removal of the head and/or crank case, or racing the motor; sale of cold drinks, packaged foods and other products targeted to the traveling public, as accessory only to the principal operation.

Bed and Breakfast Inn: A use that takes place within a building that prior to such an establishment was a single family residence, that consists of renting eight (8) or less dwelling rooms on a daily basis to tourists, vacationers, and business people, where provision of meals is limited to the breakfast meal, available only to guests. The resident operator shall reside on site.

Berm: A mound of earth.

Board of Zoning Appeals: A quasi-judicial board appointed by the Abbeville County Council which hears and decides on variances to the Zoning Ordinance of Abbeville County.

Buffer yard: A buffer yard is a permanent unit of land, together with planting, fences, berms, walls, and other screening devices required thereon.

Buildable Area: That portion of any lot which may be used or built upon in accordance with the regulations governing the given zoning district, within which the particular lot is located once the various front, side, and rear setback requirements for the district have been subtracted from the total lot area.

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

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

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

Camper: A mobile home, tent, trailer, or other self-contained vehicle, designed for recreational purposes, made of metal or other materials, mounted on two or more wheels and

either self-propelled or rigged for towing, provided such vehicle creates no visibility or safety concern and is not used for residential purposes within the Town of Donalds.

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

Childcare Center: An establishment providing for the care, supervision, and protection of children.

Chronic Nuisance Property: A Chronic Nuisance Property is a property that, within any one hundred twenty (120) day period, has three (3) or more nuisance activities; or within any three hundred sixty-five (365) day period, has six (6) or more nuisance activities. These are property owners who continue to allow nuisances to persist and require action to be taken against them to hold them accountable. Multiple complaints are received by town leadership from neighbors, other residents, and visitors.

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

Day Care: A service established for the daytime care of persons not related to the operator.

Deciduous: Leaves fall off or are shed each year.

Density: The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this ordinance are expressed in dwelling units per net acre, that is per acre of land devoted to residential use exclusive of land utilized for streets, alleys, parks, playgrounds, school ground, or other public uses.

District: The term applied to various geographic areas of the Town of Donalds for the purpose of interpreting the provisions of this ordinance. The districts are designated on the Official Zoning Map. Regulations controlling land use in the various districts within the Town of Donalds are set forth in Article IV of this ordinance. The terms "district" and "zoning district" are synonymous and are used interchangeably throughout this ordinance.

Duplex: See "Dwelling, Two Family".

Dwelling: A building or portion of a building arranged or designed to provide living quarters for one or more families.

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

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

Dwelling, Multi-Family: A building or series of buildings on the same lot or portions thereof used or designed as dwelling for three (3) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. The terms "multiple family" and "multi-family" are synonymous and are used interchangeably throughout this ordinance.

Dwelling Unit: One (1) or more rooms connected together and constituting separate, independent housekeeping establishment for use on a long-term basis, with provisions for cooking, eating, and sleeping and physically separated from any other rooms or dwelling units that may be in the same structure or another structure.

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

Evergreen: A plant which has green foliage throughout the year.

External Storage: Storage of materials, inventory, parts, machinery, or equipment outside of primary building.

Family: One (1) or more persons occupying a single dwelling unit provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but further provided that domestic employees serving the residents of the premises may be housed on the premises.

Flood Hazard Area: Any area subject to flooding or in danger of flooding, based on maps provided by the National Flood Insurance Program or other historic data.

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

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

Group Housing: A building or structure used as a place of residence by several persons who share the living accommodations and do not occupy separate dwelling units. The following are considered group quarters: institutions, dormitories, rooming and boarding houses, and similar establishments.

Home Occupation: Any use conducted entirely within a dwelling and carried on by the occupants, thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof, and no person who is not a resident of the premises, is employed specifically in connection with the activity.

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

Impervious Surface: Impervious surfaces do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and/or asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Zoning Administrator to be impervious within the meaning of this definition will be considered as impervious surface.

Junk: The term "junk" shall include, but not be limited to abandoned barrels or drums, dismantled or inoperable industrial or commercial equipment or machinery being salvaged for parts, and the following old, scrap, or used items: metal; rope; rags; batteries; paper; cardboard; plastic; rubber; pallets; appliances; motors; industrial or commercial fixtures; rubbish; debris; wrecked, dismantled or disabled motor vehicles or parts thereof.

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

Kennel: A commercial operation that is engaged in the breeding of animals for sale, or that provides food, shelter, and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian).

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

Lot: An area designated as a separate and distinct parcel of land on a legally recorded deed as filed in the official records of Anderson County, as maintained in the Anderson County Court House. The terms "lot", "plot", "lot of record", "property", or "tract" whenever used in this ordinance, are interchangeable.

Lot, Corner: A lot located at the intersection of two (2) or more streets.

Lot, Double Frontage: A lot which has frontage on more than one (1) street, provided, however, that no corner lot shall qualify as a double frontage lot unless said corner lot has frontage on three (3) or more streets.

Lot, Interior: A lot, other than a corner lot, which has frontage on only one (1) street other than an alley.

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

Lot of Record: An area designed as a separate and distinct parcel of land on a legally recorded subdivision plot or in a legally recorded deed as filed in the official records of Anderson County, as maintained in the Anderson County Court House. The terms "lot", "plot", "lot of record", "property", or "tract" whenever used in this ordinance, are interchangeable.

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

Manufactured Housing: See Mobile Home

Mobile Homes: Mobile Homes are movable or portable dwellings on wheels or on a permanent foundation of masonry units cemented together and supported on concrete footings; conforming to typical construction standards for the area of location. The unit is constructed to be towed on its own chassis and designed for year-round occupancy, which includes two (2) or more units separately towable but designed to be joined into one integral unit, as well as a portable dwelling composed of a single unit. All mobile homes under the jurisdiction of this ordinance shall comply with the standards for mobile homes by the American National Standards Institute, Inc. (ANSI), A119.1-1969.

Modular Home: A dwelling Unit which is constructed in compliance with the Southern Standard Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

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

Natural Material: Wood or other organic matter.

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

Open Space: Open space is land or water bodies used for recreation amenity which is freely accessible to all residents of a development where required by this Ordinance. Open space is not occupied by buildings or structures, roads, parking or road right-of-way. Open space does not include setbacks or lots of residential units required to meet minimum lot area or parking requirements.

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.

Parcel: A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity.

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

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

Permanently Mounted: Attached securely to a building, wall, canopy, or the ground or pavement; by means such as concrete, bolts, metal braces, treated wood, or cedar.

Permitted Use: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Planning Commission: The planning commission of the unincorporated parts of Abbeville County, appointed by the Abbeville County Council.

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 and containing one or more structures with appurtenant common areas.

Plot: An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of Abbeville County, as maintained in the Abbeville County Court House. The terms "lot", "plot", "lot of record", "property", or "tract", whenever used in this ordinance, are interchangeable.

Premises: A lot or other tract of land including all buildings or structures thereon.

Public Hearing: A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

Public Building: Any building owned, leased or held by the United States, the state, the town, any special purpose district, school district, or any other agency or political subdivision of the state or the United States, which building is used for governmental or other public purposes.

Public Park or Recreation Area: Any public premises which have been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, gymnasium, recreational center, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness area, or similar public premises within the town which are under control, operation, or management of the town park and recreation authorities, or the equivalent state, county, or recreation district authorities.

Religious Institution: Any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

Residence: A building or portion of a building arranged or designated to provide living quarters for one (1) or more families. The terms "dwelling" and "residence" shall be interchangeable.

Residential District: A geographical area recognized under the Town's Zoning Ordinance as primarily occupied by dwelling units for single family, two family, multiple family, or manufactured homes. It does not include other zoned districts intended primarily for industrial, service, commercial, or office use but which permit residential use.

Residential Use: The lawful utilization of any structure as a dwelling unit for single family, two family, and/or multiple family occupation.

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.

Salvage Vehicle: Any unlicensed and/or inoperative vehicle which is unused, dismantled, wrecked, or kept for spare parts or the re-sale of parts. This does not include used cars in operable condition, vehicles awaiting repair at a licensed repair business, or operable vehicles awaiting sale at a licensed dealer.

Scale: The relationship of a particular building, in terms of building mass, to other nearby and adjacent buildings.

SCDHEC: South Carolina Department of Health and Environmental Control, a state agency.

SCDOT: South Carolina Department of Transportation, a state agency.

School: Any public or private educational facility including but not limited to child day care centers or facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, colleges, and universities. School includes the school grounds.

Services, Business: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as but not limited to: 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.

Services, Construction: 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.

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, but are not limited to the following: laundry, including cleaning and pressing service, linen supply, diaper service, beauty shops, barbershops, shoe repair, funeral services, reducing salons and health clubs, clothing rental, locker rental, porter service, and domestic services.

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

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

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

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

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

Sexually Oriented Business: An adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter center, nude model studio, escorts or escort agencies. 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 genitalia; (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 genitalia.

Shrub: A woody plant, usually multi-stemmed or well branched from the base.

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

Sign Area: The area of a sign is the area of the face of the sign formed by a perimeter consisting of a series of straight lines enclosing all parts of the sign. The area of a freestanding sign structure is the area of the face or faces on one (1) side only.

Sign, Free-standing: A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having principal function other than the support of a sign.

Sign, Illuminated: A sign in which illumination techniques are used in any fashion to project the message on a sign.

Sign, Political: A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

Sign, Portable: A mobile sign that is mounted on a trailer-type frame or a frame not permanently attached to the ground.

Sign, Real Estate: Sign advertising exclusively the sale, lease, rental, or development of the premises upon which it stands or directing attention to the opening and location of a new subdivision.

Stop Order: An order issued by the zoning administrator, county planner, or his designee that halts any work undertaken without a proper building or zoning permit, or that stops any use or activities, existing or proposed, that violates the zoning ordinance or other land use control ordinances of the Town of Donalds or Abbeville County.

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

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

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

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

Tiny Home or Tiny House: For the purpose of this Ordinance, a Tiny Home or Tiny House is defined as a stick-built structure, conversion or modified enclosure, building, storage building/unit, or similar structure under 600 square feet with the intent to be used as a dwelling. These types of dwellings can typically be seen on a foundation, pad, trailer or chassis. Examples also include but are not limited to: skoolie's, containers, barndos, van's, earth berm's, tear drops, shed's or storage shed's, A-frame's, yurt's, geodesic, and cargo trailers.

Tract: See "Lot".

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

- provide temporary or permanent quarters for the conduct of business, profession, trade, or occupation.
- serve as a carrier of new or used goods, products, or equipment.
- be used as a selling, advertising, or display device. For purposes of this ordinance, the term "trailer" shall not include the term "camper", "mobile home", or "house trailer".

Use, Accessory: See "Accessory".

Use, Principal: The primary purpose for which a lot is occupied and/or used.

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

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

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

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

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

Zoning Administrator: The person designated by the Town of Donalds to be responsible for the administration of this Ordinance, or his designee; may also be the Town Clerk.

Zoning Compliance Permit: Written permission issued by Abbeville County for permission to apply for an Abbeville County building permit 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.

Zoning District: See "District".