

**CHAPIN UNIFIED ZONING & DEVELOPMENT ORDINANCE
STEERING COMMITTEE MEETING**

Town Hall

March 16, 2023

2:00 P.M.

AGENDA

Call to order

Freedom of Information Act Compliance

Approval of Minutes

1. February 14, 2023 Meeting Minutes
2. February 16, 2023 Meeting Minutes

Old Business

3. Draft Article 4 Review

Adjourn

**TOWN OF CHAPIN
UNIFIED DEVELOPMENT ORDINANCE COMMITTEE
MEETING MINUTES**

**Thursday February 14, 2023
2:00 P.M.**

Town Hall

Members Present: Planning Commission Members Rae Davis, Caleb Pozsik, Clay Cannon (via Zoom), Laura Cannon, Yvonne Hudson (via Zoom)

Staff Present: Planning and Zoning Manager Kevin Singletary, Mayor Al Koon

Staff Absent: Town Administrator Nicholle Burroughs, Town Clerk Shannon Bowers

Guests: Riccardo Giani - MRB Group (via Zoom)

Call to Order: Chair Davis called the meeting to order at 2:06 p.m. and acknowledged the appropriate notifications in compliance with the SC Freedom of Information Act had been met.

Review of Permitted Use Tables: Mr. Singletary began the discussion by stating this session was a continuation of the discussion from the previous Unified Zoning and Development Ordinance (UDO) meeting. Discussions included permitted uses in the zoning categories and which uses would be appropriate in each zoning district and special exception uses for each zoning category. Mr. Singletary also noted the importance of having setback, buffer, and parking requirements to distinguish each zoning district. Mr. Gianni noted that those specific requirements are to be included as a part of the draft regulations to be reviewed later. Further discussions centered around RV parks/campgrounds, density requirements in each zoning district, potential conditions for uses, home occupations (major and minor), and short term rentals.

Adjournment: Member Hudson moved to adjourn the meeting. Member Pozsik seconded the motion. Meeting was adjourned at 4:20 p.m.

UDO COMMITTEE APPROVED (Date): _____

Rae Davis, PC Chair

ATTEST: _____

Shannon Bowers, Town Clerk

**TOWN OF CHAPIN
UNIFIED DEVELOPMENT ORDINANCE COMMITTEE
MEETING MINUTES**

**Thursday February 16, 2023
2:00 P.M.**

Town Hall

Members Present: Planning Commission Members Rae Davis, Caleb Pozsik, Clay Cannon, Laura Cannon, Yvonne Hudson (arrived at 2:05 p.m.)

Staff Present: Planning and Zoning Manager Kevin Singletary, Mayor Al Koon

Staff Absent: Town Administrator Nicholle Burroughs, Town Clerk Shannon Bowers

Guests: Riccardo Giani - MRB Group (via Zoom)

Call to Order: Chair Davis called the meeting to order at 2:04 p.m. and acknowledged the appropriate notifications in compliance with the SC Freedom of Information Act had been met.

Approval of Minutes: Vice Chair Pozsik moved to accept the January 26, 2023 meeting minutes as presented. Member Clay Cannon seconded the motion. No further discussion, motion passed unanimously.

Chair Rae Davis:	Yes
Vice Chair Caleb Pozsik:	Yes
Member Clay Cannon:	Yes
Member Yvonne Hudson:	Yes
Member Laura Cannon:	Yes

Old Business

Mr. Singletary stated there was nothing new to discuss in this section, but wanted to include it in case the committee had any further comments before moving to new business. There were no further comments from the committee.

New Business

Draft Article 4 Review: The committee first reviewed the conditional use standards in the use table which included any changes that were made from the February 14 meeting. The committee then reviewed the Article 4 draft and offered comments on land use provisions as they relate to setbacks, rights-of-way, buffers, conditions, and special exception uses. Some conditions discussed centered around uses for short-term rentals, RV park/campgrounds, accessory buildings, and daycare/childcare facilities.

At this point, Chair Davis moved for a short recess. Member Hudson seconded the motion. The committee recessed the meeting at 3:21 p.m.

Chair Davis called the meeting back at 3:29 p.m.

Further discussions included comments on conditions for manufactured homes, short term rentals, bed and breakfast, automobile, ATV, Motorcycle, or boat sales, service bay doors, and convenience stores.

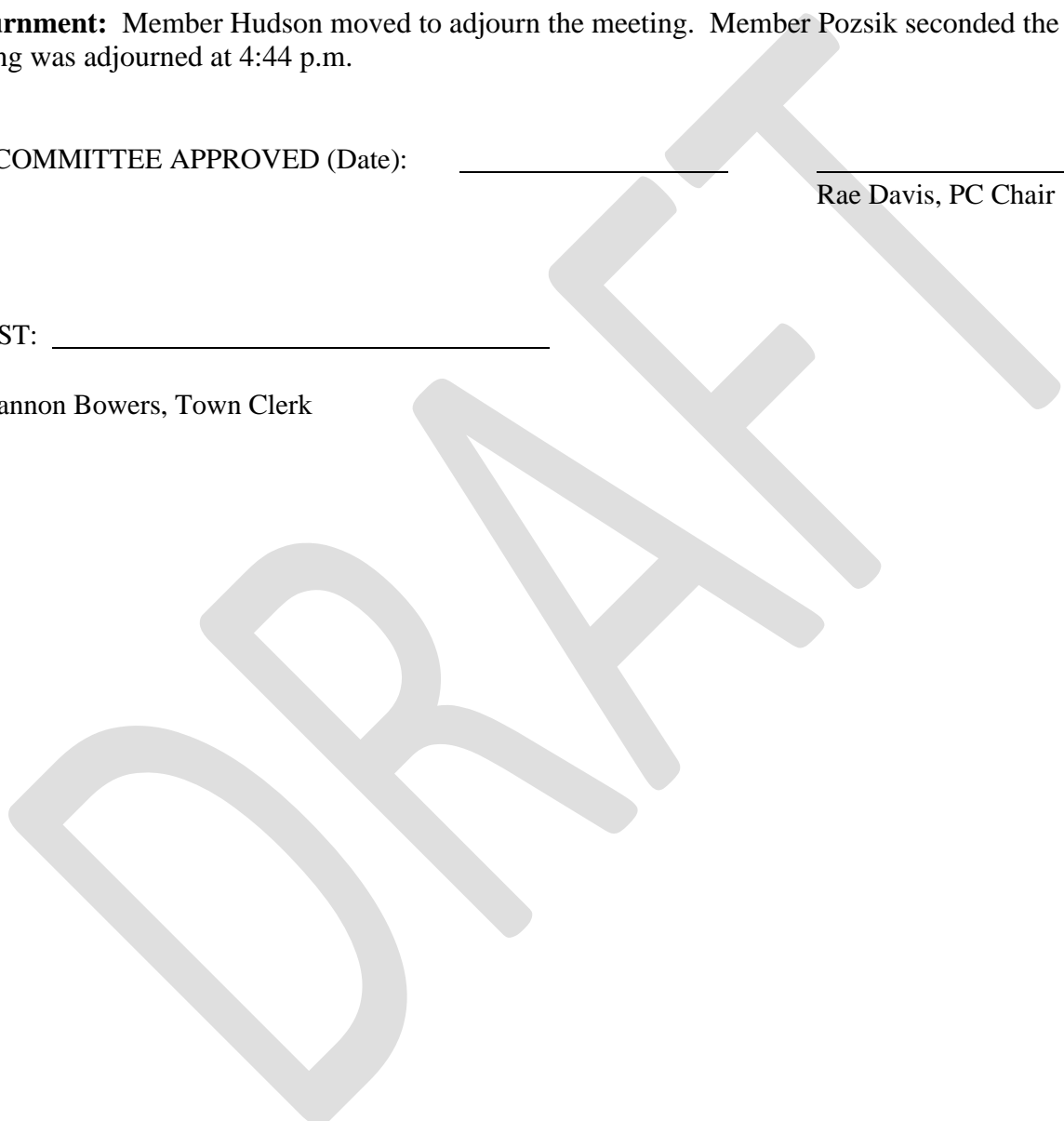
Mr. Singletary stated that items _____ will be for discussion with Mr. Gianni to set more specific conditions to be included in these provisions.

Mr. Singletary noted that review will continue at the next meeting. He hopes to have a full draft of the document by the end of the month. A tentative second UDO meeting will need to be scheduled for March, and the UDO committee will review to send on to the Planning Commission for review. He did state there would be round table discussions and public sessions to gather public input before moving on to Town Council for review.

Adjournment: Member Hudson moved to adjourn the meeting. Member Pozsik seconded the motion. Meeting was adjourned at 4:44 p.m.

UDO COMMITTEE APPROVED (Date): _____
Rae Davis, PC Chair

ATTEST: _____
Shannon Bowers, Town Clerk



Article 4 – Land Use Provisions

4.1. Purpose and Intent

The use provisions in this chapter indicate which uses and activities are permitted by right, permitted with conditions, permitted by special exception, and prohibited. The provisions are intended to produce the desired development outcomes for each district as set forth in the Comprehensive Plan and in Article 3 – Zoning Map and Districts.

4.2. Applicability

No land, building or structure, including signs, shall be used or occupied, and no building or sign shall be constructed, altered or moved, unless in conformity with the regulations herein specified for the particular zoning district.

4.3. Table of Permitted Uses

4.3.1. Use Permissions Defined

The Use Table in Section 4.3.2 assigns one of the following permissions to each use in each district:

1. Permitted Use (P)

The use is permitted by-right, with no additional conditions or requirements.

2. Existing Buildings Only (E)

The use is permitted in existing buildings only and is considered a legal nonconforming use. Any expansions over 20% to the gross floor area, or renovations exceeding parameters in Section XX shall be governed by Article 11 (nonconforming)

3. Conditional Use (C)

The use is permitted, provided that the additional use conditions set forth in this article are met.

1. The specified conditions are intended to ensure that these uses are compatible with other development permitted within the districts.

2. Approval procedures for conditional uses are in Section 9.4.2 (Zoning Permit.)

4. Special Exception (SE)

The use is permitted only when a Special Exception has been approved.

1. Special Exceptions are required for uses that may be compatible with other uses permitted in a district, but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the city as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.

2. All applications for Special Exceptions shall, at a minimum, meet the standards for the district in which they are located and the additional standards set forth in this article for that use. There may also be specific building design standards that must be met (Section 4.5).

3. Approval procedures for Special Exceptions are found in 9.13.

5. Prohibited Uses (*blank*)

The use is prohibited in the specified district

4.3.2. Table of Permitted Uses

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SECTION 4.3.2 - TABLE OF PERMITTED USES

Type of Use	RA	RR	SR1	SR2	SR3	TR1	TR2	TR3	VC	TC	PI	CC	IC	OC	LI	PO	Code Section
AGRICULTURAL																	
Horticultural nursery	C	C	C													C	
Agricultural Uses or Animal Production	C	C															
CAFO	SE																
Campground	C	C														C	
RV Park	SE	SE															
RESIDENTIAL USES																	
Accessory Dwelling Unit	C	C	C	C	C	C	C										
Bed and Breakfast Residence (5 or less)	C	C				C	C	C						C			
Bed and Breakfast Inn (6-10)	C	C				C	C	C						C			
Conservation Subdivision	C	C	C	C	C												
Day Care Home - Large (6-10)	SE	SE	SE	SE	SE	SE	SE					P	P	P			
Day Care Home - Small (5 or less)	SE	SE	P	P	P	P	P		SE	SE		C	C	C			
Dwelling, Detached Single Family	P	P	P	P	P	P	P	E	C					E			
Dwelling, Two-Family	P					P	P	E	C					E			
Dwelling, Three-Family						C	P	P	C	C							
Dwelling, Multi-Family							C	P	C	C							
Group Home - Large (8 or more)	SE			SE	SE	SE	SE	SE				SE		SE			
Group Home - Small (7 or less)	C	C	C	C	C	C	C	C									
Manufactured Home	C	C	C														
Manufactured Home Park			SE														
Nursing Homes	SE	SE			P	P	P	P				P	P				
Rowhome						P	P	P	C	C							
Short Term Rental	C	C				C	C	C	C	C							
COMMERCIAL																	
Automobile Service Station, Major												C	C				
Automobile Service Station, Minor												C	C				
Automobile, ATV, Motorcycle, or Boat Sales												C	C		P		
Automotive Parts Stores												P	P				
Bar or Night Club (need permitted districts)	SE	SE							C	C		C	C				
Car Wash												C	P				

Catering Service									C	C		P		C			
Check Cashing												SE					
Type of Use	RA	RR	SR1	SR2	SR3	TR1	TR2	TR3	VC	TC	PI	CC	IC	OC	LI	PO	Code Section
Commercial Day Care Center	C	C	SE	SE	SE				SE	SE		P		P			
Convenience Store	C								C	C		P	P				
Dry Cleaning										C		P	P				
Financial Institutions									C	P		P	P	P			
Funeral Homes	C	C							P			P					
Garden Centers									SE			P	P				
General Retail	C	C							C	C		P	P				
Hardware Stores									C			P	P				
Hotels/Motels	C								C	P		P	P				
Indoor Storage													P		P		
Liquor Stores									C	C		P	P				
Microbrewery, Micro-Distillery, Micro-Winery	C								C	C		P	P		C		
Miniature Golf												C					
Mixed-Use Building									P	P							
Office Building	C								SE	SE		C	C	P			
Office, Medical	C								P	P		P	P	P			
Office, Non-medical	C								P	P		P	P	P			
Outside Display/Sales	C	C										P	P				
Parking Lots									C	C		C	C	C			
Personal Service	C								P	P		P	P	C			
Pet Boarding	C								SE	SE		P	P				
Restaurant, Full Service	C	C							P	P		P	P				
Sexually Oriented Businesses												SE	SE				
Specialty Retail	C								P	P		P	P				
Tattoo Parlor										SE							
Tobacco Stores									C	P		C					
Vape, E-Cig, store and lounges										SE		SE	SE				
Veterinarian	C								C	C		P	P	P			
INSTITUTIONAL, CIVIC, OR PUBLIC																	
Amphitheaters									SE	C	P	C		C		C	

Cemetery and Mausoleums	P	P							C		P	SE	SE	SE		SE	
Civic and Social Organizations	C				SE	SE	SE	SE	P	P	P	P	P	P			
Colleges, Universities, and Vocational Schools	C								SE	SE	P	P		P	C		
Elementary Schools	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE			
Type of Use	RA	RR	SR1	SR2	SR3	TR1	TR2	TR3	VC	TC	PI	CC	IC	OC	LI	PO	Code Section
Farmers Market, Indoor	C	C							C	C	P	P		P	C		
Farmers Market, Outdoor	C	C			C	C	C	C	C	C	P	P	P	P	C	P	
Golf Course	P	P	SE	SE	SE						SE					SE	
Government Building or Facility	C	C	C						P	P	P	P	P	P	P		
Hospital	C									SE	P	P	P	P			
Kindergarten or Pre-school	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE			
Parks and Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public Utility Stations	P	P	P	P	SE	SE	SE	SE	SE	SE	P	P	P	P	P	SE	
Recreational Facilities	P	P							SE		P	P		P			
Religious Assembly	P	P	P	C	C	C	C		C	C	P	P	C	P			
Secondary Schools	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE			
Sports Stadium	SE								SE		P	P		P			
Theater									C	C	P	P		P			
Transportation Terminal (Bus and Rail)	SE	SE							SE	SE	P	P	SE	P	SE		
INDUSTRIAL																	
Animal Shelters	P	P							SE		SE	P	P				
Correctional Facility	SE	SE									SE		SE		SE		
Crematory	SE	SE									SE				P		
Heavy Equipment Rental	SE											C	C		P		
Indoor Shooting Range	SE	SE										SE	SE		SE		
Junk Yard or Scrap yard	SE														SE		
Manufacturing or Production Facility															P		
Outdoor Shooting Range	SE	SE													SE		
Outdoor Storage	SE											SE	SE		C		
Repossession Services												C	C		P		
Telecommunication Tower	SE	SE									SE	SE	SE		SE		
Truck Sales and Service												SE	C		P		
Warehouse	SE												C		P		

Wholesale Trade	SE													P		P		
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4.3.3. Multiple Principal Buildings or Uses Per Lot

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

4.3.4. Unlisted Uses

Where proposed development contains a use not listed within the Use Table in Section 4.3.2, the Zoning Administrator shall determine the most similar listed use and to apply the standards of such use. This determination shall be based on the definitions contained in this Ordinance, the purpose and intent of the respective zoning district, characteristics of the use including hours of operation, employees, required floor area, building or site arrangement, and any commonly accepted use-based guides (e.g., North American Industrial Classification System (NAICS), Institute of Transportation Engineers (ITS) Trip Generation Guide), and may be appealed using the process identified in Section 13.10.2.

4.4. Conditional Use and Special Exception Standards

4.4.1. Agricultural Uses

1. Horticultural Nursery

1. Lot Size: Minimum 2 acres
2. Sale of Produce: Produce stands shall be setback at least 25' from the edge of pavement or the back of curb, and shall be located entirely within private property. If the applicant is not the owner of the property in which the produce stand is located, they must have written authorization to use the site. The Administrator may request additional information to ensure health and safety measures are met.
3. Animals: Any use under this classification shall not butcher or otherwise prepare meat for individual sale on-site. All sale of livestock and agricultural products shall adhere to all applicable local, state, and federal regulations.

2. Agricultural Uses or Animal Production

1. Lot Size: Minimum 2 acres
2. Sale of Produce: Produce stands shall be setback at least 25' from the edge of pavement or the back of curb, and shall be located entirely within private property. If the applicant is not the owner of the property in which the produce stand is located, they must have written authorization to use the site. The Administrator may request additional information to ensure health and safety measures are met.
3. Animals: Any use under this classification shall not butcher or otherwise prepare meat for individual sale on-site. All sale of livestock shall adhere to all applicable local, state, and federal regulations.

3. Campground

1. Lot Size: Minimum of 5 acres

2. **Maximum Density:** For permanent, habitable, structures, 4 units are permitted per acre. Individual campsites may not exceed 8 campsites per acre. All permanent structures shall be required to have a valid certificate of occupancy.
3. **Maximum Stay:** No person or tent may occupy the campground for a period in excess of 30 calendar days in a 90-calendar day period.
4. **Operation:** A register of all occupants, the space occupied, and the time of arrival and departure shall be maintained by the on-site manager.
5. **Recreation:** All campgrounds shall have a recreational element such as access to trails, horse riding, hunting, fishing, kayaking or other similar activity commonly associated with outdoor activities. All activities shall have the proper state and federal licenses, when required.
6. **Infrastructure:** A central service building containing all necessary toilets, bathhouses and other plumbing fixtures specified in the most current edition of the Plumbing Code, as amended, shall be provided.
 - a. **Cabins:** If a campground only contains cabins, as described within this section, the requirement for a central service building may be waived by the Administrator.
7. **Buffer:** All spaces for camping and recreational vehicles shall be located at least 150 feet from any nearest property line.
8. **Dumpster:** The site shall have adequate, regular trash collection from a centrally located dumpster. The dumpster shall be enclosed (per Section 7.3.1.9) and secured to prevent windblown litter or access to animals.
4. **Recreational Vehicle (RV) Parks and/or Campground**
 1. **Lot Size:** Minimum of 5 acres
 2. **Maximum Units:** Eight (8) units per acre
 3. **Maximum Stay:** No RV may occupy the park for a period in excess of 90 calendar days in a 120 calendar day period.
 4. **Individual lots:** Each leasable lot for a RV shall be a minimum of 35' wide.
 5. **Parking:** One off-street parking space per individual leasable lot.
 6. **Accessory Buildings:** No accessory buildings used for bathrooms, utilities or other supporting infrastructure shall be permitted for occupancy.
 - a. **Bathroom:** All parks shall have adequate toilet facilities
 - b. **Recreation:** All parks shall have a recreational element with access to trail, water feature, picnic tables, playgrounds, or similar feature.
 7. **Fire Apparatus Access Road:** Shall provide fire access roads per South Carolina law.
 8. **Fire Hydrant:** Shall provide fire hydrant systems when served by a public water system. Any requirements by the Lexington County Fire Marshal shall supersede the requirements in this section.
 9. **Land Disturbance:** All land disturbance activities shall receive all applicable local, state, and federal permits prior to the work being commenced.
 10. **Buffer:** All RVs within the park shall be setback a minimum of 150 feet from property lines. A landscape buffer Type X shall be required within this setback.

11. Dumpster: The site shall have adequate, regular trash collection from a centrally located dumpster. The dumpster shall be enclosed and secured to prevent windblown litter or access to animals.
12. Condition of Vehicles: All RVs shall be operable and moveable. Non-operable or immovable vehicles shall be removed from the site within 10 days of non-operability or state of immovability. No RV is permitted to be added-on to, or, be permanently affixed to utilities.

4.4.2. Residential Uses

1. Accessory Dwelling Units

1. General Standards: Shall be subordinated in size, scale, and orientation relative to the principal use.
2. Materials: Shall be composed of the same or similar or compatible materials as the principal use. Similar or compatible materials shall be determined by the applicable review entity.

2. Bed and Breakfasts

1. Applicability: The regulations in this section apply to both Bed and Breakfast Inns and Residences.
2. Operation: The use shall be owner-occupied. No hourly rates shall be permitted. Overnight, weekly, or monthly rates are permitted.
3. Register: The owner shall maintain a register of guests, including name, address, and date of occupancy, including check-in and check-out.
4. Licenses: The resident owner shall obtain a business license with a valid Certificate of Occupancy.
5. Design: The principal structures shall retain its single family to remain compatible within the district that it is located. This condition applies when a residence is constructed or converted to become a Bed and Breakfast, and also when an existing Bed and Breakfast is expanded..
6. Accessory Structures: Short term rental units may be permitted within already approved and compliant accessory dwelling unit. Manufactured Homes may not be used for a Bed and Breakfast, Inns or Residences.
7. Meals: The owner shall provide a meal for breakfast to all guests. Meals shall only be served to registered guests.
8. Bed and Breakfasts with Commercial Meeting Privileges: Shall adhere to all regulations in Section 4.4.2.2 above. Additionally, the hosting of events such as weddings, business meetings, retreats, reunions, and other organized events shall only be permitted with the following conditions:
 - a. Location: Only permitted in Rural Agricultural (RA), Rural Residential (RR), Town Residential 1 (TR1), Town Residential 2 (TR2), and Town Residential 3 (TR3) districts.
 - b. Operation: The home's principal use is residential. The operation of the facility does not incur repeat or reoccurring violations to the Town's noise ordinance, or other Ordinances of the Town. Such repeat violations may result in suspension or revocation of the business license.

- c. Minimum lot size: .5 acre, unless the applicant demonstrates conformance with the below parking requirement and receives the applicable approval from the Fire Marshal.
 - d. Parking: The site can accommodate at least 50 on-site parking spaces. Parking surfaces may be unimproved, however a site plan showing parking spaces, circulation patterns, and means of ingress and egress shall be required and evaluated by the Administrator prior to issuances of a permit.
- 3. Conservation Subdivision
 - 1. See Article 5 for land development regulations for Conservation Subdivisions.
- 4. Day Care Homes
 - 1. Applicability: The following regulations are applicable to both Small and Large Day Care Homes:
 - a. Must have a playground or other outdoor recreational equipment
 - b. The playground or outdoor play area shall be enclosed by a fence or wall. All access shall be secured from the exterior. Similar methods for securing outdoor play areas may be considered by the Administrator if the applicant implements best practices for Crime Prevention Through Environmental Design (CPTED).
 - c. Shall receive all applicable Federal, State, and Local licenses, such as a license from the South Carolina Department of Social Services. Proof of approval from applicable agencies shall be provided to the Administrator at the time of application.
 - 2. Applicable to Large Day Care Homes:
 - a. Minimum 20,000 square foot lot
- 5. Dwelling, Detached Single-Family
 - 1. Applicable to VC: Shall have a commercial component, and fall under the live/work use definition. Commercial components include home occupations, short term rentals, day cares or Bed and Breakfast uses. The commercial space shall front the street, the residential portion shall be either in the rear or the second story of the live/work unit. Building design shall be compatible with surrounding properties in terms of scale, orientation, massing, setback, and material composition. Access from alleys or from the rear is encouraged, when alley is already present and contiguous to the lot alley access is required.
- 6. Dwelling, Multi-Family
 - 1. Building Design: Requires a Major Certificate of Appropriateness (Section 10.6.2).
 - 2. Buffers: Shall comply to standards in Article 7.
 - 3. Mixed-Use: Multi-family units above first-floor commercial uses are required within the Town Center (TC) and Village Commercial (VC) districts.
- 7. Dwelling, Three-Family
 - 1. Building Design: Requires a Major Certificate of Appropriateness (Section 10.6.2).
- 8. Group Home

1. License Required: Shall be licensed and regulated by all applicable Federal, State, and Local agencies. Proof of licensure shall be provided to the Administrator.
 2. Operation: Shall be well maintained inside and outside, be safe and sanitary, and not be occupied by a person who would constitute a direct threat to the health and safety of other persons. The minimum stay of each occupant, excluding employees, shall be no less than 30 days.
 3. Spacing: Group Homes located within Suburban Districts (SR1, SR2, and SR3) shall not be located within a radius of three thousand (3,000) feet of another Group Home, as measured from the nearest point of the existing home property line to the property line of the proposed home. Group Homes located within all other districts shall be not be located within a radius of one thousand (1,000) feet of another Group Home.
 4. Group Home Large (8 or more)
 - d. Minimum Lot: 30,000 sq. ft.
 - e. Emergency Services: Shall demonstrate that the use is serviceable by the appropriate emergency service depending on services offered by the Group Home.
9. Manufactured Homes
1. Applicability: Any manufactured home constructed before July 1, 1970, must be approved by Underwriters' Laboratories and any manufactured home constructed after that time must meet all applicable state and federal standards.
 2. As an Accessory: Manufactured Homes shall not be used as an accessory dwelling unit, unless within an Rural Residential (RR) and Rural Agricultural (RA)e
 3. Design Standards
 - a. All manufactured home shall have a permanent and continuous foundation enclosure, unpierced, except for required ventilation and access, shall be installed. The enclosure may consist of brick, or other masonry, or wood.
 - b. Any wood framing for foundation skirting shall be constructed with treated lumber. The foundation or skirt shall be in compliance with all applicable codes and regulations.
 - c. Any tongue, axles, running lights, and removable towing apparatus must be removed or screened prior to the issuance of a certificate of occupancy.
 - d. Roofs must be covered with a material that is customarily used on site-built dwellings. The pitch of the main roof shall not be less than 3:12. Minimum overhang of eaves shall be twelve (12) inches
 - e. Exterior siding shall be wood, vinyl, metal horizontal siding, brick, fiber cement board, stucco, or similar materials. Smooth, ribbed, or corrugated metal or plastic panels, exposed plywood, and materials with a high-gloss finish are not permitted.
 - f. All such units shall be required to have adequate sanitary facilities with such facilities being properly connected to the sanitary sewer system of the town

and be served by a separate electric meter. Exceptions for septic systems may be granted where no existing sanitary sewer system connections are available and approval is granted from the South Carolina Department of Health and Environmental Control (SCDHEC).

- g. Minimum width of the manufactured home as assembled on the site shall not be less than 20 feet, as measured across the narrowest portion.

10. Manufactured Home Parks

- 1. Minimum Lot Size: 2 acres
- 2. Infrastructure: The site shall be served by public water and sewer facilities.
- 3. Maximum Density: 6 manufactured home units per acre
- 4. Emergency Services: Shall be within the service area of police, fire, and ambulatory services and supply a document to the Administrator stating the availability of services
- 5. Security: On-site security operating 24 hours a day, 7 days a week is required.
- 6. Minimum Width of Leasable Lot: 40 feet
- 7. Open Space: 20% of the total land shall be devoted to open space. Types of permitted open or green spaces can be found in Article 5

11. Short Term Rental

- 1. Inspection Required: All short term rental units shall have a valid Certificate of Occupancy on file at all times.
- 2. Operation: Meals may be served only to registered guests, their visitors, and private contracted gatherings. All licenses relating to the operation of a short-term rental shall be obtained. The owner shall display the business license number on any online listing.
- 3. Record: The resident owner shall maintain a guest register to include names, addresses, and dates of occupancy of all guests
- 4. Parking: For every rentable unit, one on-site parking space must be provided unless located in the Town Center or Village Commercial zoning district. On-street parking may be allowed on a case by case basis. Short term rentals within the Town Center are exempt from this parking requirement

4.4.3. Commercial Uses

- 1. Automobile Service Stations
 - 1. Fuel Sales: Fuel pumps may be an accessory to Automobile Service Stations. Fuel sales as an accessory to Grocery Stores shall be permitted per the accessory use table in Section 4.3.2.
 - 2. Screening of Vehicles: All vehicles being stored on the property for the purposes for repair, service, or maintenance shall be located in the rear of the building and screened from the public right-of-way, and adjacent property.
 - 3. Canopy and Fuel Pumps: Shall be oriented to the side or rear of the principal structure.
- 2. Automobile, ATV, Motorcycle, or Boat Sales
 - 1. Parking of Vehicles: No vehicles shall be stored on an unimproved surface, required buffer, berm, or landscaping feature. No vehicle shall be elevated for the purposes of advertising, by any means, above the parking grade. Vehicles

for repair shall be stored in the rear or side, screened from the public right of way, and adjacent property. No vehicle undergoing repair services, under any circumstance, should be on-site for more than 90 days.

2. Service Bay Doors: Repair of vehicles or boats shall occur within an enclosed building. Service bay doors shall not be visible from the public right-of-way. If service bay doors face a residential property, they shall be opaquely screened from view.
3. Car Wash
 1. Location of Service Areas: Locations of bays for vacuums and other equipment shall be placed on the side or rear of the principal building. Drying fans shall be placed so as to reduce the impact of noise audible on adjacent property as much as possible.
4. Catering
 1. Operation: The sale of individual meals for general public shall be classified as a full-service restaurant and not a catering service.
 2. Home Occupation: If tied to a home occupation, the applicant shall adhere to all requirements of Home Occupations (Section 4.5.5.1.14)
5. Check Cashing
 1. Location: Shall not be closer than 3,000 linear feet from the nearest check cashing, title loan, pawn shop, or other similar establishment, as determined by the Zoning Administrator.
6. Commercial Day Care Center
 1. Minimum Lot Area: 20,000 square feet
 2. Indoor Area: The building shall contain a minimum of 35 square feet of floor area for each child, based on maximum enrollment.
 3. Playground: Outdoor playground equipment is required. All outdoor play areas shall be enclosed by a fence or wall no less than 4' feet in height and shall form the defined perimeter of the play area. Any access points along the fence or wall shall be locked. No play areas shall be permitted in the side or front yard.
7. Convenience Store
 1. As an Accessory Use: Shall be permitted in Automobile Service Stations.
 2. Applicable to Rural Agricultural (RA) and Rural Residential (RR):
 - d. Size: 10,000 sq. ft. maximum gross floor area.
 - e. Infrastructure: Shall be connected to public water and sewer.
 - f. Emergency Services: Shall demonstrate that the use is serviceable by emergency services to include ambulatory, fire, and police.
 - g. Operation: May include the processing of wild game, as defined by the South Carolina Department of Natural Resources (DNR) , however the area dedicated to processing shall not exceed 25% of the gross floor are of the use. This shall not be misconstrued as meat processing or food processing facility as defined by the State of South Carolina. Encouraged to sell recreational items that relate to the natural amenities of surrounding areas such as kayaks, fishing poles, camping supplies, and other similar products.
8. Dry Cleaning

1. Storage: No outdoor storage or displays are permitted
 2. Truck Loading or Delivery Areas: All areas for the purposes of loading, unloading, and deliveries shall be located in the rear of the use and be screened from adjoining properties.
9. Funeral Homes
1. Applicable to Rural Agricultural (RA) and Rural Residential (RR):
 - a. Accessory Use: May have an attached crematory, however it shall not be more than 25% of the gross floor area of the funeral home
 - b. Maximum Size: 10,000 sq. ft.
11. General Retail
1. Applicable to Rural Agricultural (RA) and Rural Residential (RR)
 - a. Size: 10,000 sq. ft. maximum gross floor area
 - b. Infrastructure: Shall be connected to public water and sewer.
12. Hardware Store
1. Applicable to Village Center (VC): No outdoor storage of materials, equipment, or vehicles permitted. Items for sale may be permitted against the exterior walls of the use, however it shall not obstruct any pedestrian sidewalks or vehicular circulation.
13. Hotels or Motels
1. Accessory Uses: Permitted to have any accessory use that is otherwise allowed in the zoning district in which the principal use is located.
 - a. Types of Accessory Uses: Uses accessory to Hotels shall be bars, restaurants, salons, gyms, and other compatible uses that retain the character of the district
 - b. Location of Accessory Uses: Shall be located on the first floor and have their own separate means of ingress, unless specifically for the utilization of hotel guests. Rooftop, waterfront, or other type of accessory uses that take advantage of scenic views or natural features shall be permitted, as long as there is no conflict with other regulations within this Ordinance.
 - c. Operation: No hourly rates shall be permitted. Overnight, weekly, or monthly rates are permitted.
 2. Applicable to Rural Agricultural (RA) and Rural Residential (RR):
 - a. Size: 10,000 sq. ft. maximum gross floor area
 - b. Infrastructure: Shall be connected to public water and sewer.
 - c. Operation: No hourly rates shall be permitted. Overnight, weekly, or monthly rates are permitted.
 - d. Emergency Services: Shall demonstrate that the use is serviceable by emergency services to include ambulatory, fire, and police.
14. Liquor Stores
1. Location: Shall not be located within 1,000 linear feet of a church or school, except when located within a Town Center (TC) and Village Center (VC). Shall not be located within 1,000 linear feet of another liquor store.
15. Microbrewery, Micro-Distillery, Micro-Winery

1. Location: Shall not be located within 1,000 linear feet of a church or school, except within a Rural Agricultural (RA) and Rural Residential (RR) Districts.
 2. Outdoor Recreation: All play areas or outdoor seating areas shall have a defined permitted. Areas adjacent to roadways or vehicular circulation shall be protected by a fence, vegetation, or combination thereof without obstructing sight triangles.
 3. Applicable to Rural Agricultural (RA) and Rural Residential (RR):
 - a. Size: 10,000 sq. ft. maximum gross floor area
 - b. Infrastructure: Shall be connected to public water and sewer.
 - c. Accessory Uses: May be permitted to have a commercial kitchen that is compliant with all food safety, building, and fire codes.
 - d. Agricultural Component: At least 5% or 150 sq. ft., whichever is greater, shall be dedicated to the growing of agricultural produce such as wheat, barley, grapes, herbs, or other produce that is non-invasive.
16. Miniature Golf Courses
1. Operation: Shall not operate between the hours of 12:01 a.m. and 6:00 a.m. of any day.
 2. Lighting and Noise: Lighting shall comply with the requirements in Article 8. The use shall comply with the noise ordinance of the Town. Lighting within the course shall be shielded and contained to the course as to not spillover to adjacent properties or become a traffic hazard. The Administrator may require a photometric plan if deemed necessary
 3. Buffer: Shall have a street buffer in accordance with Section 7.3.2.8.
 4. Course Design: Structures, characters, vegetation or other decorative elements shall reflect historical or cultural elements of the Town, Region, or State. The course shall be designed with proper safety measures to include, but not limited to, perimeter fencing, barriers around water features, and appropriate interior signage.
17. Office, Medical and Non-Medical
1. Applicable to Rural Agricultural (RA) and Rural Residential (RR):
 - a. Size: 10,000 sq. ft. maximum gross floor area
 - b. Infrastructure: Shall be connected to public water and sewer
18. Office Building
1. Minimum Lot Size: 1 acre
 2. Accessory Uses: An office building may have accessory uses, such as a salon, convenience store, electrical vehicle charging stations, restaurants and other accessory uses that serve the needs of the building's occupants.
 3. Applicable to Rural Agricultural (RA) and Rural Residential (RR):
 - a. Size: 10,000 sq. ft. maximum gross floor area
 - b. Infrastructure: Shall be connected to public water and sewer.
19. Outdoor Sales and Storage
1. Applicable to Rural Agricultural (RA) and Rural Residential (RR):
 - a. Location: Shall be setback at least 50 feet from the road, or placed behind an existing building.

- b. Design: Shall be placed on a site that is sufficiently improved to withstand the load of stored materials and vehicles.
- c. Site Plan: A site plan shall be required showing the areas of outdoor storage and sales to ensure pedestrian and vehicular circulation.
- d. Operation: Outdoor storage as a principal use is not permitted.
- e. Infrastructure: Shall be connected to public water and sewer.

20. Parking Lots

- 1. Design: Shall comply with all parking standards in Article: Parking
- 2. Applicable to Town Center (TC) and Village Commercial (VC): Shall not be located adjacent to an existing property utilized as a parking lot as its principal use.
- 3. Applicable to Rural Agricultural (RA) and Rural Residential (RR):
 - a. Size: Shall not exceed 20 spaces
 - b. Storage: Shall be kept free of storage of inoperable vehicles when a parking lot is the principal use for the property. When parking lots are associated with another primary use, it may be permitted for vehicle storage, however it shall be fully enclosed and screened from view with vegetation, fencing, or combination thereof.
 - c. Design: Shall be composed of either asphalt, concrete, or pervious materials that can withstand the load of its intended use.

21. Personal Service

- 1. Applicable to Rural Agricultural (RA) and Rural Residential (RR): Permitted as an accessory use, and shall follow the regulations for Home Occupations in Section 4.5.5.1.14.

22. Pet Boarding

- 1. Location: All cages or kennels for animals shall be located in the rear of the building.
- 2. Screening: All kennels shall be opaquely screened form the public right-of-way and adjacent properties. Areas reserved for the exercise and play of animals shall be defined by a 6' wall or fence.
- 3. Operation: Outdoor activity is permitted during daylight hours, animals must be boarded indoors at night.
- 4. Compliance with other codes and regulations: Applicant shall comply with all other Town, County, State, and Federal Regulations. (Code of Ordinances Town of Chapin, 3.102)
 - a. Applicable to Town Center (TC) and Village Commercial (VC): All animals shall be within the building. Outdoor kennels are not permitted.

23. Restaurant, Full Service

- 1. Applicable to Rural Agricultural (RA) and Rural Residential (RR):
 - a. Size: 10,000 sq. ft. maximum gross floor area
 - b. Design: No flat or parapet roofs. Minimum roof pitch shall be 4:12.
 - c. Infrastructure: Shall be connected to public water and sewer.

24. Specialty Retail

- 1. Applicable to Rural Agricultural (RA) and Rural Residential (RR):

- a. Size: 10,000 sq. ft. maximum gross floor area
 - b. Infrastructure: Shall be connected to public water and sewer.
 - c. Emergency Services: Shall demonstrate that the use is serviceable by emergency services to include ambulatory, fire, and police.
 - d. Operation: May include the processing of wild game and animals to include deer, cows, pigs, chickens, fish, and fowl, however the area dedicated to processing shall not exceed 25% of the gross floor are of the use. This shall not be misconstrued as meat processing or food processing facility as defined by the State of South Carolina. Encouraged to sell recreational items that relate to the natural amenities of surrounding areas.
25. Tattoo Parlor
- 1. Location: Shall not be located within 1,000 linear feet of a church or school, except when located within Town Center (TC) or Village Commercial (VC).
26. Tobacco Stores
- 1. Location: Shall not be closer than 3,000 linear feet from the nearest tobacco store.
27. Vape Store
- 1. Location: Shall not be located closer than 3,000 linear feet from the nearest vape store, school, or place for religious assembly.
28. Veterinarian
- 1. Animal Boarding: The keeping of any animals overnight shall be permitted if the animal is kept indoors.
 - a. Applicable to Town Center (TC) and Village Commercial (VC): Overnight animal boarding is not permitted unless completely inside a building.
 - 2. Applicable to Rural Agricultural (RA) and Rural Residential (RR): Animal Boarding shall follow all Home Occupation standards in Section 4.2.2.E
- 4.4.4. Institutional-Civic-Public Uses
- 1. Amphitheaters, Outdoor
 - 1. Operation: The use shall only operate between 8:00am and 10:00pm unless a noise ordinance waiver is granted by the Town of Chapin.
 - 2. Lighting and Noise: The operation of this use shall adhere to the noise ordinance of the Town. All lighting shall be design to be suffieciently shielded and directed as to prevent spillover to adjacent properties. The Administrator may require a photometric plan if deemed necessary.
 - 2. Cemetery and Mausoleums
 - 1. Lot Size: Minimum lot size of 1 acre
 - 3. Civic and Social Organizations
 - 1. Operation: Shall not disrupt the character of the district.
 - 2. Applicable to Suburban Residential 3 (SR3), Town Residential 1 (TR1), Town Residential 2 (TR2), and Town Residential 3 (TR3) Districts: The applicant shall demonstrate the need for the proposed use to the Administrator and Zoning Review Board with a narrative.
 - 4. Colleges, Universities, Vocational Schools, and Private Schools

1. Site Plan: A master plan for the campus is required. The use is compatible with the district, and adequate provisions for the preservation and use of open space.
 2. Need: Documentation from the local school board or other accredited educational institution or authority detailing the need for this use in its proposed location.
5. Farmers Market, Indoor and Outdoor
1. Permit Required: All vendors within an authorized farmer's market shall obtain all applicable licenses to operate within the State of South Carolina and Town of Chapin.
 2. Operation: Shall operate between 6 a.m. and 10 p.m. and shall be on Saturday and Sunday unless otherwise approved by the Town.
 3. Hours of Operation: Sales shall be conducted within the property or properties, and shall not obstruct any areas intended for the circulation of pedestrians or vehicles.
6. Government Building or Facility
1. Size: Shall be limited to a 2,500 square foot building footprint within Suburban Residential 1 (SR1) zoning district.
 2. Demonstration of Need: The applicant shall provide all necessary documentation demonstrating the need for the proposed facility as prepared by a person experienced in the same field. (Ex: Chief of Police or County Sheriff proposing new police substation)
7. Hospitals
1. Applicable to Rural Agricultural (RA) and Rural Residential (RR):
 - a. Size: 15,000 sq. ft. maximum gross floor area
 - b. Design: No flat or parapet roofs. Minimum roof pitch shall be 4:12.
 - c. Infrastructure: Shall be connected to public water and sewer.
 - d. Licensing: Shall have all Federal and State licenses.
 - e. Need: Shall provide documentation detailing demand or need of healthcare facilities.
8. Religious Assembly
1. Minimum Lot Size: 20,000 sq. ft.
 2. Setbacks: Principal building at least 25' from adjacent residentially zoned properties.
 3. Accessory Uses: Day cares and Sunday schools are allowable accessory uses.
9. Theater
1. Operation: The use shall only operate between 8:00am and 10:00pm unless a noise ordinance waiver is granted by the Town. Indoor shows or events are exempted from this requirement.
 2. Lighting and Noise: No speaker or lighting fixture shall negatively affect any adjacent residential property. The use shall comply with applicable lighting standards and noise ordinance. Theater search lights as a decoration may be used as long as the applicant demonstrates compliance with applicable Federal, State,

and Local laws. Additionally search lights shall not be directed at ground level, any buildings or structures, or any vehicles.

4.4.5. Industrial Uses

1. Heavy Equipment Rental

1. **Parking of Vehicles:** No vehicles or equipment shall be stored on an unimproved surface, required buffer, berm, or landscaping feature. No vehicle shall be elevated for the purposes of advertising, by any means, above the parking grade. Vehicles for repair shall be stored in the rear or side, screened from the public right of way, and adjacent property. No vehicle undergoing repair services, under any circumstance, should be on-site for more than 90 days.
2. **Service Bay Doors:** Repair of vehicles or boats shall occur within an enclosed building. Service bay doors shall not be visible from the public right-of-way. If service bay doors face a residential property, they shall be opaquely screened from view
3. **Screening:** All vehicles and equipment being stored overnight on-site shall be located in the rear or side and opaquely screened or located not to be visible from the public right-of-way.

2. Repossession Services

1. **Storage of Equipment and Vehicles:** No storage of vehicles or equipment shall be in the front yard, or between the buildings and a public right-of-way.
2. **Screening:** All vehicles and equipment being stored overnight on-site shall be opaquely screened or located not to be visible from the public right-of-way.
3. **Security:** The applicant shall submit a site plan that includes the location and specification of video surveillance equipment, sufficient screening, and perimeter security. Additionally, the applicant shall be required to employ or have a contract with a license security professional 24 hours a day, seven day a week.

3. Telecommunication Facility

1. Shall adhere to the standards in Section 4.7

4. Truck Sales and Service

1. **Storage of Equipment and Vehicles:** No storage of vehicles or equipment shall be in the front yard, or between the buildings and a public right-of-way.
2. **Screening:** All vehicles and equipment being stored overnight on-site shall be opaquely screened or located not to be visible from the public right-of-way.

5. Warehouse

1. **Loading Bays:** All bays used for truck delivery or loading shall be on the rear of the building. In the case where this is not possible, loading areas may be oriented toward the side, however no loading area shall be visible from the public right-of-way.
2. **Outdoor Storage:** All supplies, non-operable vehicles, and equipment shall be stored in the rear of the building. No storage is permitted between the building and the public right-of-way.

4.5. Accessory Uses and Structures

4.5.4. Accessory Use Permissions Defined

This Section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The Town's intent in adopting this section is to allow a broad range of accessory uses. Such uses shall be located on the same site as the principal use and shall comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

4.5.5. Accessory Use Table

(ACCESSORY USE TABLE ON NEXT PAGE)

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SECTION 4.5.4 - ACCESSORY USE TABLE

Type of Accessory Use	RA	RR	SR1	SR2	SR3	TR1	TR2	TR3	VC	TC	PI	CC	IC	OC	LI	PO
Accessory Dwelling Unit	P	P	P	P	P	C	C									
Automated Teller Machine (ATM)									P	P	P	P	P	P		
Beekeeping	P	P	P	P												
Boat house and/or dock	P	P	P	P	P											C
Caretaker Dwelling												SE	SE	SE	P	
Carport	P	P	P	P	P	P	P									
Chicken Coop*	P	P	P	P	P	SE	SE	SE	SE							
Co-locating for antennae (on a structure)	SE	SE							SE	SE	SE	C	C	C	P	
Deck or Patio	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Drive-Through Window									SE		C	C	C	C		
Electrical Vehicle Charging Station									SE	SE		P	P	P	P	
Fairgrounds	C	C														
Garage detached	P	P	P	P	P	P	P	P	P		P	P	P	P	P	
Garage, attached	P	P	P	P	P	P	P	P	P		P	P	P	P	P	
Gazebo	P	P	P	P	P	P	P	P	P	P	P	P				P
Greenhouse	P	P	P	P	P	P	P	SE								P
Home Occupation	P	P	C	C	C	C	C	C	C	C				C		
Outdoor Display/Sales									C	C	SE	C	C			
Outdoor Storage for Equipment or Materials													SE		P	
Parking Lots									SE	SE		P	P		P	
Porch	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Private Stable	P	P	SE													
Shed	P	P	C	C	C	C	C	C	C	SE	P	C	C		P	P
Solar Energy System	P	P	P	P	P	P	C	C	C	C	C	C	C	C	C	SE
Swimming Pool	P	P	P	P	P	P	P	P				P	P			

1. Accessory Use Standards
 1. Accessory Dwelling Unit
 - a. Location: Shall be located in the rear. May be constructed above an existing attached or detached garage, if compliant with all other regulations.
 - b. Size: Shall not be larger than 50% of the gross floor area of the principal use, or 1,500 square feet, whichever is smaller. Shall have a minimum size of 240 square feet.
 2. Automated Teller Machine (ATM)
 - a. Location: Shall be located within or on the exterior façade of the principal use. For pedestrian accessible machines, it is encouraged to place adjacent to existing sidewalk connection.
 - b. Accessory: Shall only be an accessory to a use. ATMs shall not be considered a principal use.
 - c. Design: The Administrator may request that the applicant demonstrate compliance with Crime Prevention Through Environmental Design (CPTED) best practices to ensure the health and safety of users.
 3. Beekeeping
 - a. Location: Shall be located in the rear yard, and shall not create a nuisance to adjacent uses. The owner shall live on premises where bees are kept. No colony shall be within 30 feet of adjacent buildings on adjacent lots.
 - b. Size: Shall be a maximum of five colonies, each with one queen
 - c. Design: A flyway barrier of at least 6' in height is required, composed of a fence, wall or opaque vegetations. The walls of the barrier shall be oriented towards adjacent uses and buildings. A freshwater source shall be located within 15' of the structure. Swarm management techniques shall be implemented.
 4. Boat House and Dock
 - a. Permit Required: Shall receive all relevant permits and approvals from Federal, State, or Local agencies prior to construction.
 5. Caretaker Dwelling
 - a. Location: Shall be located on the same premises with the principal use for which it is required.
 - b. Number: No more than one residence on the property, and shall be occupied by owners or employees of the use for which it is required.
 - c. Design: Shall be constructed so that the exterior of the premises provides a style consistent with the principal structure. Manufactured homes shall not be used as a Caretaker's Dwelling, unless a special exception is granted by the Board of Zoning Appeals.
 6. Carport
 - a. Location: Shall be located on the side or rear of the principal structure. No portion of the carport shall be placed in front of the principal structure.
 - b. Design: Shall be composed of materials that are found on the principal structure. If the carport is used for storage, other than an operable vehicle,

it shall be fully enclosed and not visible from the public right-of-way. No prefabricated or pre-manufactured metal structures are permitted.

- i. Exceptions: Carports in the RR, RA, and SR1 district may be prefabricated or pre-manufactured.

7. Chicken Coop

- a. Permit Required: Requires a Zoning Permit from Zoning Administrator. The owner of the chicken coop shall live on premises. No commercial off-premise activity is permitted.
- b. Maximum Allowed: No roosters shall be permitted, except in Rural Agricultural (RA) and Rural Residential (RR). A maximum of 4 female chickens, quail, peahens, or ducks, except within RA and RR. A minimum of two square feet per domesticated female chicken shall be provided for the chicken coop. Invasive species are not permitted
- c. Coop Required: Must be confined in a coop which is fully enclosed with a solid floor and made of suitable, washable material. The coop shall be cleaned regularly with all droppings and excretions placed in a flyproof container. The chicken coop and fenced enclosure must provide adequate ventilation and adequate sun, shade and must be constricted in a manner to resist access by rodents, wild birds and predators including dogs and cats. Chicken coops shall be enclosed on all sides and shall have a roof and doors. Opening windows and vents must be covered with predator- and bird-resistant wire of less than one-inch openings.
- d. No slaughtering of fowl is permitted on premises
- e. All stored food for the domesticated female chickens must be kept either indoors or in a weather-resistant container designed to prevent access by animals. Uneaten food shall be removed daily.

8. Deck or Patio

- a. Location: Shall be located in the side or rear of the principal use. Patios or Decks associate with a commercial use may be incorporated within the front entrance, but only when approved by the Architectural Review Board.
- b. Materials: Shall be composed of materials found on the principal use.

9. Drive-through Window

- a. Location: Shall be located on the side or rear of the principal use, and shall not face any public ROW

10. Electrical Vehicle Charging Station

- a. Applicability: Charging stations for private dwellings are exempt from these standards.
- b. Examples: EV Charging stations shall be an accessory for automobile service stations in combination with fuel pumps, commercial developments, parking lots, parking garages, and other uses determined by the Administrator.

11. Garages

- a. Attached

- i. Design: Shall not be composed of a prefabricated or pre-manufactured metal structure. Garages shall be composed of materials and design that complements the principal structure.
 - ii. Location: Shall be located on the side or rear of the principal structure
 - iii. Size: A maximum of two bays may face the public right-of-way, additional bays shall be perpendicular to the right-of-way. Garages shall not exceed the height of the principal structure.
 - b. Detached
 - i. Design: Shall not be composed of a prefabricated or pre-manufactured metal structure. Garages shall be composed of materials and design that complements the principal structure. Detached garages within the RR and RA zoning district are exempt from this requirement
 - ii. Location: Shall be located in the rear or side of a principal structure. Shall be setback completely behind the principal structure.
12. Gazebo
- a. Location: Shall be located in the rear or side of a principal use.
 - b. Design: Shall not be used for parking of vehicles. If used for storage, other than patio furniture or similar items, any side visible from an adjacent property shall be enclosed or opaquely screened.
13. Greenhouse
- a. Location: Shall be located in the rear or side of the principal use, and shall be located completely behind the principal use.
 - b. Storage: May not be used for storage of items or materials unrelated to the care of plants and/or flowers.
 - c. Maintenance: Shall be kept in good condition and invasive species.
14. Home Occupation
- a. The following uses are not permitted as home occupations:
 - i. Vehicle or Equipment Repair or Service
 - ii. Restaurant or Bars
 - iii. Animal Boarding facilities
 - iv. Lodging, unless an approved short-term rental or bed and breakfast
 - v. Medical offices
 - vi. Tattoo parlor or body piercing
 - b. Any other use determined by the Administrator that would negatively affect the surrounding neighborhood, such as noxious noise, smells, sights, or similar negative affect to the senses.
 - c. Operation: The following shall be requirements for all Home Occupations:
 - d. Shall be conducted inside dwelling by resident family members
 - e. Utilizes not more than 25% of total dwelling floor area
 - f. No change in exterior appearance of dwelling
 - g. No outside display of products
 - h. No sale of products conducted at the site of the home occupation
 - i. Creates no health or safety hazard, noise, offensive emission, traffic hazard, unsightly conditions or nuisance

- j. No signage is permitted.
 - k. No commercial vehicles are permitted
15. Outdoor Display or Sales
- a. Location: Shall not obstruct any sidewalk, egress, ingress, nor areas where vehicles or pedestrian circulate.
 - b. Permit Required: Shall provide information regarding to time period, location, type of products, and other information deemed necessary by Administrator prior to a Zoning Permit being issued.
16. Outdoor Storage for Equipment or Materials
- a. Location: Storage for equipment and materials shall only be permitted in the Light Industrial (LI) district. Permitted uses conducting vehicle sales are exempt from this requirement.
 - b. Design: Equipment and materials shall be stored in the rear or a non-visible side of the property. Any equipment or materials that are being stored shall not be visible from the public right-of-way.
17. Parking Lots
- a. Location: Shall not be located between the principal façade and principal street frontage within the Village Commercial and Town Center districts.
18. Porch
- a. Location: Shall be located on the front, side, or rear elevation of a principal use.
 - b. Design: Shall be composed of materials found on the principal use. Porches shall be encouraged to have equally spaced columns and openings. Additionally, porches are encouraged to center door and window openings within the column openings.
 - c. Size: The minimum width of a front porch shall not be less than 25% of the width of the front façade of the principal structure. Side and rear porch widths shall be 25% of which the porch is constructed on. Side and rear porches are exempt from this requirement if they are not visible from the public right-of-way.
19. Private Stable
- a. Location: Only permitted in the RR or RA zoning District. Can be located in front of principal building, if compliance with all other setbacks
 - b. Setback: Shall be setback at least 200' away from adjacent buildings on adjacent properties.
 - c. Operation: Shall only be used for the housing of horses owned by the person residing on the property.
20. Shed
- a. Location: Shall be located in the rear or non-visible side of the property.
 - b. Design: Shall not be a premanufactured or prefabricated metal building. Shall be composed of materials that are present on the principal use.
 - i. Exceptions: Sheds within the RR and RA zoning district are exempt from this requirement.
21. Solar Energy System

- a. Location: Shall only be installed on a roof or canopy. Shall be installed on roof slopes not visible from public right of way.

22. Swimming Pool

- a. Location: Shall be located within the rear or side yard. Shall be completely screened with a fence or wall from the public right-of-way and adjacent properties.

4.6. Sexually-Oriented Businesses

4.6.4. Purpose and Intent

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

4.6.5. Definitions

1. Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "certain sexual activities" or "specified anatomical areas".
2. Adult bookstore or adult video store means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
 2. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities." A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore or adult video store.

Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store

so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe “specified sexual activities” or “specified anatomical areas”.

3. Adult cabaret means a nightclub, bar, restaurant or similar commercial establishment which regularly features:
 1. Persons who appear in a state of nudity; or
 2. Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
 3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
4. Adult motel means a hotel, motel or similar commercial establishment:
 1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of this adult type or photographic reproductions; or
 2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.
5. Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
6. Adult theater means a theater concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.
7. Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
8. Escort Agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes for a fee, tip, or other consideration.
9. Establishment means and includes any of the following:
 1. The opening or commencement of any sexually-oriented business as a new business;
 2. The conversion of an existing business, whether or not a sexually-oriented business, to any sexually-oriented business;

3. The additions of any sexually-oriented business to any other existing sexually-oriented business; or
4. The relocation of any sexually-oriented business.
10. Permittee and/or licensee means a person in whose name a permit to operate a sexually-oriented business has been issued, as well as the individual listed as an applicant on the application for a permit.
11. Nude Model Studio means any place where a person who appears in a state of nudity or displays "specified anatomical area" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
12. Nudity or a state of nudity means the appearance of a person's genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or any simulation thereof; or any portion of a female breast below the horizontal line across the top of the areola at its highest point or any simulation thereof. The definition shall include the appearance of any portion of the entire lower portion of the female breast.
13. Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.
14. Semi-nude means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
15. Sexual encounter center means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
 1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
16. Sexually-oriented business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
17. Specified anatomical areas means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.
18. Specified sexual activities means and includes any of the following:
 1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 3. Masturbation, actual or simulated;
 4. The fondling, erotic touching, or other such contact with an animal by a human being; or
 5. Excretory functions as part of or in connection with any of the activities set forth in 1 through 4 above.
19. Substantial enlargement of a sexually-oriented business means the increase in floor areas occupied by the business by more than twenty-five (25) percent, as the floor areas exist.

20. Transfer of ownership or control of a sexually-oriented business means and includes any of the following:
 1. The sale, lease, or sublease of the business;
 2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
 3. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business.

4.6.6. Classification

Sexually-oriented businesses are classified as follows:

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

4.6.7. Permit Required

1. Operation of a sexually-oriented business requires a valid permit from the Town of Chapin for the particular classification of business.
2. An application for a permit must be made on a form provided by the Town of Chapin zoning department. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of the total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
3. The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the health department, fire department, and building official. The health department, fire department and building office shall complete their inspections and certify same to the Zoning Administrator within twenty-one (21) days of receipt of the application by said Zoning Administrator.
4. If a person who wishes to operate a sexually-oriented business is an individual, he must sign the application for a permit as applicant. If a person who wishes to operate a sexually-oriented business is other than an individual, each individual who has a ten (10) percent or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually-oriented business or as the entity which wishes to operate such a business, each individual having a (10) percent or greater interest in the corporation must sign the application for a permit as applicant.

5. The fact that a person possesses other types of state, or Town of Chapin permits and/or licenses does not exempt that person from the requirement of obtaining a sexually-oriented business permit.

4.6.8. Issuance of Permit and Fee

1. The Town Zoning Administrator shall approve the issuance of a permit to an applicant within thirty (30) days after receipt of an application unless any one or more of the following is found to be true:
 1. An applicant is under eighteen (18) years of age;
 2. An applicant is overdue payment to the Town of Chapin for taxes, fees, fines, or penalties assessed or imposed in relation to a sexually-oriented business;
 3. An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application;
 4. An applicant is residing with a person who has been denied a permit by the Town of Chapin to operate a sexually-oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually-oriented business has been revoked within the preceding twelve (12) months;
 5. The premises to be used for the sexually-oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances;
 6. The permit fee required by this Ordinance has not been paid;
 7. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this Ordinance; or
 8. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually-oriented business so that it may be easily read at any time.
2. The annual fee for a sexually-oriented business permit is five hundred dollars (\$500) dollars.

4.6.9. Inspection

1. An application of permittee shall permit representatives of the law enforcement department, health department, fire department, zoning department or any other Town of Chapin departments or agencies to inspect the premises of a sexually-oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
2. A person who operates a sexually-oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

4.6.10. Expiration of Permit

1. Each permit shall expire one year from the date of issuance and may be renewed only by making application as provided in Section 4.6.4. Application for renewal should be made at least thirty (30) days before the expiration date, and when made

less than (30) days before the expiration date, the expiration of the permit will not be affected.

2. When the Zoning Administrator denies renewal of a permit, the applicant shall not be issued a permit for one (1) year from the date of denial. If subsequent to denial, the Zoning Administrator finds that the basis for denial of the renewal permit has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date of denial became final.

4.6.11. Suspension of Permit

The Zoning Administrator may suspend a permit for a period not to exceed thirty (30) days if it is determined that a permittee and/or licensee or an employee of a permittee and/or licensee has:

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

4.6.12. Revocation of Permit

1. The Zoning Administrator shall revoke a permit if it is determined that:
 1. A permittee and/or his licensee knowingly gave false or misleading information in the material submitted to the zoning department during the application process; or
 2. A permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises; or
 3. A permittee and/or licensee or an employee has knowingly allowed prostitution on the premise; or
 4. A permittee and/or licensee or an employee knowingly operated the sexually-oriented business during a period of time when the permittee's and/or licensee's permit was suspended; or
 5. A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sexual conduct to occur in or on the permitted and/or license premises; or
 6. A permittee and/or licensee is delinquent in payments to the Town of Chapin or state for any taxes or fees past due.
2. When the Zoning Administrator revokes a permit, the revocation shall continue for one (1) year, and the permittee and/or licensee shall not be issued a sexually-oriented permit for one (1) year from the date revocation became effective. If, subsequent to revocation, the Zoning Administrator finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date the revocation became effective.

4.6.13. Transfer of Permit

A permittee and/or licensee shall not transfer his permit to another, nor shall a permittee and/or licensee operate a sexually-oriented business under the authority of a permit at any place other than the address designated in the application.

4.6.14. Location of Sexually-Oriented Businesses

1. A sexually-oriented business may be permitted by Special Exception within the Corridor Commercial (CC) and Interstate Commercial (IC) zoning districts.
2. A sexually-oriented business shall not be operated within one thousand (1,000) feet of:
 1. A church;
 2. A public or private elementary or secondary school;
 3. A boundary of any residential district;
 4. A public park adjacent of any residential use;
 5. A day care center; or
 6. The property line of a lot devoted to residential use.
3. A sexually-oriented business shall not be operated within one thousand (1,000) feet of another sexually- oriented business.
4. There shall be no more than one (1) sexually-oriented business in the same building, structure, of portion thereof, or the increase of floor areas of any sexually-oriented business in any building, structure, or portion thereof containing another sexually business.
5. For the purpose of this Ordinance, measurement shall be made in a straight line, without regard of intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, day care center, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot.
6. For purposes of Section 4.6.11.B of this section, the distance between any two (2) sexually-oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
7. A sexually-oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually-oriented business permit, of a church, public or private elementary or secondary school, public park, day care center residential district, or a residential lot with one thousand (1,000) feet of the sexually-oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

4.6.15. Additional Regulations for Adult Motels

1. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.
2. A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually-

oriented permit, he rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he rents or subrents the same sleeping room again.

3. For purposes of this section, the terms “rent” or “subrent” mean the act of permitting a room to be occupied for any form of consideration.

4.6.16. Regulations for Exhibition of Sexually Explicit Films or Videos

1. A person who operates or causes to be operated, a sexually-oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction which depicts “specified sexual activities” or specified anatomical areas, shall comply with the following requirements:
 1. Upon application for a sexually-oriented permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager’s stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager’s station may not exceed thirty two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer’s or architect’s blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The Town of Chapin Zoning Administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared;
 2. The application shall be sworn to be true and correct by the applicant;
 3. No alteration in the configuration or location of a manager’s station may be made without the prior approval of the Zoning Administrator or his designee;
 4. It is the duty of the owners and operator of the premises to ensure that at least one (1) employee is on duty and situated in each manager’s station at all times that any patron is present inside the premises;
 5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager’s station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager’s stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager’s stations. The view required in this subsection must be by direct line of sight from the manager’s station;
 6. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area

specified in subsection (5) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will to be permitted in application filed pursuant to subsection (1) of this section;

7. No viewing room may be occupied by more than one (1) person at any time;
 8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot candle as measured at the floor level; and
 9. It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
2. A person having a duty under the above regulations commits a misdemeanor if they knowingly fail to fulfill that duty.

4.6.17. Exemptions

It is a defense to prosecution that a person appearing in a state of nudity did so in a modeling class operated:

1. By a proprietary school, licensed by the state of South Carolina; a college, junior college, or university supported entirely or partly by taxation;
2. By a private college or university which maintains and operates education programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. In a structure:
 1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 2. Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 3. Where no more than one (1) nude model is on the premises at any one (1) time.

4.7. Telecommunication Tower

4.7.4. Purpose

The regulations of this section are designed to site communications towers in the Town of Chapin. The regulations in this section are not meant to conflict with any regulations from a Federal or State agency. It is the intent of this article to allow for the co-existence of communications towers and other land uses balanced with reducing the overall negative impact of communications towers by:

1. Reducing the number of towers by encouraging collocation; and
2. Encouraging the following the mitigation actions:
 1. The clustering of towers;
 2. The provision of effective screening; and
 3. The location of communications equipment on existing structures.

4.7.5. Dimensional Requirements

Districts	Height	Setback (from adjacent properties)
Rural Agricultural (RA)	400'	100'
Rural Residential (RR)	100'	100'
Public Institutional (PI)	150'	100'
Corridor Commercial (CC)	150'	100'
Interstate Commercial (IC)	200'	50'
Light Industrial (LI)	200'	50'

4.7.6. Exemptions

The following proposed uses shall require only a zoning permit:

1. Colocation. Proposed communications equipment collocating on existing towers and structures without adding to their height.
2. Roof-Mounted Telecommunication Equipment. Antennas mounted on buildings, water tanks or structures other than a free-standing or guyed communications tower and which do not extend more than 30 feet above the highest part of the structure.
3. Minor Modifications to Existing Facilities. Modifications to conforming telecommunications facilities that meet the requirements contained herein such as the addition of accessory equipment.

4.7.7. Tower abandonment and removal.

A tower that is not used for communication purposes for more than 120 days (with no new application on file for any communication user) is presumed to be out of service and the owner of such tower must notify Town staff and remove the tower within 50 days. Where an owner does not remove an abandoned tower, the Town will utilize the bond provided as part of subsection 4.7.5.L.

4.7.8. Submittal requirements.

All applications for telecommunications towers shall follow the applicable process as provided in this section. In addition to those requirements, every application must contain the following items:

1. A site plan showing the location of the tower guy anchors (if any), existing or proposed buildings and structures or improvements, including parking, driveways or access roads, signage, fences and protected trees affected by the proposed construction. Adjacent land uses shall also be noted on the site plan, with precise measurements noted between the proposed tower and any structures on surrounding properties.
2. The site plan must show a vegetated buffer, either existing or proposed, that provides an effective screen from public rights-of-way, adjacent property owners, parks, historic properties, and across view corridors.
3. The height and design of the tower, materials to be used, color, and lighting shall be shown on elevation drawings. The applicant shall submit documentation justifying the total height of any communications towers, facility and/or antenna.
4. Setback to the proposed tower including the fall zone. The fall zone shall be determined by an engineer certified by the State of South Carolina in a letter which includes the engineer's signature and seal.

5. A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIAMA 222 (latest version) standards.
6. Evidence that a valid FCC license for the proposed activity has been issued.
7. The distance between the proposed tower and all other telecommunication facilities serving any property within the Town of Chapin.
8. A copy of the tower's search ring.
9. To ensure the removal of towers which do not meet requirements for continued use or proper maintenance, a statement of financial responsibility shall be submitted for each tower and a performance bond for the amount of anticipated removal costs shall be posted. The bond must be renewed as necessary to ensure that it is maintained at all times during the existence of the tower.
10. The applicant shall furnish a visual impact assessment which shall include:
 1. A zone visibility map which shall be provided to determine locations where the tower may be seen from.
 2. Pictorial representations of before and after view from key viewpoints both inside and outside the Town including, but not limited to:
 - a. Major highways and roads;
 - b. State and local parks;
 - c. Historic districts;
 - d. Preserves and historic sites normally open to the public; and
 - e. Any other location where the site is visible to a large number of visitors, travelers or residents.
 3. An assessment of the visual impact of the tower base, guy wires and accessory buildings from abutting and adjacent properties and streets
11. Additional information required by the Zoning Administrator for determination that all applicable zoning regulations are met.
12. The applicant and the owner of record of any proposed wireless telecommunications facility shall, at its cost and expense, be required to execute and file with the Town a bond or other form of security acceptable to the Town as to type of security and the form and manner of execution, in an amount of at least seventy-five thousand dollars (\$75,000.00) for a wireless telecommunications facility and twenty-five thousand dollars (\$25,000.00) for a co-location on an existing wireless telecommunications facility or other structure and with such sureties as are deemed sufficient by the Town to assure the faithful performance of this Section.

4.7.9. Conditions

Where a project may be conditionally approved, the applicant must show that all conditions below are met:

1. The proposed communications tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements

2. The location and height of the proposed tower will not substantially impact the character of property listed in or eligible for the National Register of Historic Places, other significant environmental, cultural, or historical site, officially designated scenic roads or rivers, and that the tower is designed to blend into the environment and minimize visual impact.
3. The applicant has made every effort to build the proposed tower in such a manner as may allow other telecommunication users to collocate including designing the tower for at least two (2) additional collocations.
4. The proposed tower is located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties.
5. Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.
6. The tower must be located no closer to a structure on a separate lot than a distance equal to 1 foot for each foot in height of the proposed tower plus 50 feet as measured from the center of the proposed tower.
7. The proposed tower is illuminated as required by the Federal Communications Commission or Federal Aviation Administration.
8. Towers shall contain a sign no larger than four square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities. The sign shall contain the names of the owners and operators of the antennas, as well as emergency phone numbers. The sign shall be located to be visible from the access point of the site. No other signage, including advertising, shall be permitted on any facilities, antennas, antenna supporting structures or antenna towers, unless required by law.
9. Proposed towers may not be located within 1,000 feet of an existing tower unless the applicant certifies and submits satisfactory written evidence such as correspondence, agreements, contracts, etc., that the existing tower does not meet the applicant's structural specifications and the applicant's technical design requirements, or that a collocation agreement could not be obtained at a reasonable market rate. In the event of the situation set forth in this subsection, the clustering of new towers on the same parcel near existing towers is permitted.
10. The applicant has pursued any available publicly owned sites and privately owned sites occupied by a compatible use, and if not utilized, that these sites are unsuitable for operation of the facility under applicable communications regulations and the applicant's technical design requirements.
11. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules and must file with the Zoning Administrator a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the municipality, in form approved by the municipality attorney.
12. Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning

district regulations except setback and height, shall apply to the use. Setback and height conditions in this section apply.

4.7.10. Special Exception

A tower, pole, or antenna may be permitted by special exception granted by the Board of Zoning Appeals after public hearing and find that the special exception meets all the criteria for special exception approval per Section Special Exception Criteria

4.8. Temporary Uses

4.8.4. Permits Required

Unless otherwise provided, all permitted temporary uses listed below shall require a temporary use permit that shall be reviewed and issued by the administrator, subject to the procedures outlined in Section 9.4 (Zoning Permit). If a use is not on the list below, it is prohibited.

4.8.5. Standards for Temporary Uses

1. Permanent changes to the site are prohibited, including tree removal.
2. All other required permits must be obtained by the operator.
3. The applicant must provide a letter of consent from the owner of record of the property on which the temporary uses are to operate.
4. The applicant may be required to provide a site plan drawn to scale or showing measurements, which show the property boundaries, the location and dimensions of the proposed temporary use area, existing buildings, existing parking areas and existing driveways and roads. If there will be any temporary structures, such as a tent or stand, they also need to be shown on the site plan.
5. Setbacks: Setbacks for structures (tents, stands, etc.), items for sale, or parking areas shall be 25 feet from any adjacent property line or street right-of-way.
6. Bond: For all structures associated with a temporary use, a performance bond, surety bond, cash deposit, or letter of credit shall be posted in the amount of 125% of the cost of the structure, trailer, or building. In the event that the temporary use is not removed within the time specified on the zoning permit, this bond shall be called and the Town shall remove the temporary structure.

4.8.6. Permitted Temporary Use

1. Open lot sale of seasonal produce and plant products including Christmas trees, pumpkin patches, or similar agricultural activity in the RA and RR Districts for a period not to exceed 45 days. Applicant's shall obtain all appropriate Permits as well as all applicable licenses from the Town, County, or State.
2. Temporary real estate sales offices (e.g., construction trailer, model home), in conjunction with an approved subdivision or development project, in any district, for a period not to exceed 1 year, provided no cooking or sleeping accommodations are maintained in the structure. These may be renewed, upon written request, for periods of 6 months at a time if the subdivision has an active Project Permit.
3. For new construction, a contractor's office and equipment sheds, including steel cargo storage containers, in any district districts, for a period of 1 year, provided a Project Permit has been issued for construction on the site, and such facilities are placed on the property to which it is appurtenant

4. Temporary classroom facilities shall not be located at any school, religious institution, or other similar use, unless a plan for improvements designed to eliminate the temporary classrooms at a time certain in the future has been approved by the Zoning Administrator or appropriate zoning process. Such process shall include a review of the placement of the temporary classrooms, and may require screening and buffering for compliance. Extensions of up to 1-year may be permitted by the administrator, upon written request, if the units have not proven to be a nuisance and the plan for elimination is still active.
5. Portable steel storage containers are permitted in any district for purposes of loading or unloading, for a period not to exceed 14 days. Where a container is placed within the Right-of-Way, prior authorization from the regulating authority shall be obtained.
6. Fairgrounds shall obtain all required licenses, inspections, certifications from applicable local, state, and federal agencies. In addition, fairground shall be subject to the following:
 1. Site Plan: The applicant shall have a site plan showing the location of all amenities, aid stations, restrooms, infrastructure, parking areas, pedestrian pathways, vehicular circulations patterns, signage, lighting, and other similar features deemed necessary by the Administrator.
 2. Liability Insurance: The applicant shall have all applicable and required means of insurance deemed necessary by the Town's legal representative.
 3. Emergency Services: The applicant must proof to the applicable Police and Fire authority that all measures of health and safety are being met or exceeded.
 4. Access to Utilities: The applicant must demonstrate adequate access to all utilities.