BEAUFORT–PORT ROYAL
METROPOLITAN PLANNING COMMISSION
AGENDA

1911 Boundary Street, Beaufort, SC 29902
Phone: 843-525-7011 ~ Fax: 843-986-5606

Monday, April 20, 2020, 5:00 P.M.

~~City Hall, Planning Conference Room – 1911 Boundary Street, Beaufort, SC~~

Please note, this meeting will be conducted electronically via Zoom and broadcasted via livestream on Facebook. You can view the meeting live via Facebook at the City's website www.cityofbeaufort.org

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STATEMENT OF MEDIA NOTIFICATION: "In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media were duly notified of the time, date, place and agenda of this meeting."

In an effort to ensure that all interested persons are given the opportunity to speak on every case, a two (2) minute time limit on public comment will be in effect. Individuals wishing to speak during the hearing will be asked to sign up in advance and will be recognized by the Chairman during the public comment section of the hearing.

I. Call to Order

II. Pledge of Allegiance

III. Review Commission Meeting Minutes:

A. February 19, 2020 Regular Meeting Minutes

IV. Questions Relating to Military Operations

V. Review of Projects for the City of Beaufort:

A. None.

VI. Review of Projects for the Town of Port Royal:

A. Town of Port Royal – Text Amendment. An amendment to Article 4, Specific to Use, of The Port Royal Code.

- The amendment would change the use, Lodging: Short Term Rental from Permitted (P) to Conditional (C) in Transects T3 Edge, T3 Sub-Urban, T3 Neighborhood, T4 Neighborhood Center, T4 Neighborhood Center-Open, T4 Urban Center, T5 Main Street.
- The amendment will also amend 4.1.40 Principle Use Definitions for 7. Lodging: Short Term Rental.
- The amendment will add G. Short Term Rental to Division 4.2 Conditional Use Regulations, Section 4.2.20 Offices and Services.

B. **Town of Port Royal – Text Amendment.** An amendment to Article 6, Nonconformities, of The Port Royal Code. An amendment to Section 6.4.10 C to allow minor modifications to a sign face attachment. Applicant - Adams Outdoor.

C. **Update of Council Actions**

VII. Review of Projects for Beaufort County:

A. **None.**

VIII. Adjournment

Note: If you have special needs due to a physical challenge, please call Julie Bachety at (843) 525-7011.

Metropolitan Planning Commission
Meeting Minutes – City Hall Council Chambers, 2nd Floor

February 19, 2020

I. CALL TO ORDER 5:05 PM

A meeting of the Metropolitan Planning Commission was held at Council Chambers, Beaufort City Hall, 1911 Boundary Street, Beaufort, SC on February 19, 2020.

II. ATTENDEES

Attendees: Michael Tomy (Chairman), James Crower (Vice-Chair), Bill Bardenwerper, Jason Hincher

Absent: Judy Alling, Caroline Fermin

III. REVIEW OF MINUTES

A motion was made to approve the meeting minutes of December 16, 2019 by James Crowler and seconded by Jason Hincher. The motion passed unanimously.

IV. OLD BUSINESS

Update of Council Actions:

Heather spade updated the MPC on:

a. The passing of the annexation and zoning request for multiple parcels located at Mayfair Court and Williams Street, on Lady's Island, at the February 11, 2020 Council meeting. Applicant - Merrit Patterson
b. The City Council Retreat was taking place.

V. NEW BUSINESS

Town of Port Royal Agenda Items:

a. Town of Port Royal – Annexation. Annex 0.263 acres at 586 Robert Smalls Parkway. The property is further identified as District 100, Map 28, Parcel 120E. The applicant is Beaufort Style, LLC. James Crower made the motion to approve the annexation request as submitted, seconded by Jason Hincher – The motion passed unanimously

b. Town of Port Royal – Zoning Request. Zone 0.263 acres at 586 Robert Smalls Parkway. The property is further identified as District 100, Map 28, Parcel 120E. The applicant is Beaufort Style, LLC. The requested zoning designation is 4 Neighborhood Center - Open. James Crower made the motion to approve the annexation request as submitted, seconded by Jason Hincher – The motion passed unanimously

DRAFT

VI. ADJOURN 5:13 PM

James Crower made a motion to adjourn, seconded by Jason Hincher. The motion passed unanimously

Disclaimer: All Cultural Advisory Board Meeting minutes are recorded, which can be found on the City's website at www.cityofbeaufort.org (Agenda section). Audio recordings are available upon request by contacting the City Clerk, Ivette Burgess at 843-525-7018 or by email at iburgess@cityofbeaufort.org.

MEMORANDUM

To:	BEAUFORT–PORT ROYAL METROPOLITAN PLANNING COMMISSION
From:	Linda Bridges, Planning Administrator
Subject:	Amend Article 4, Specific to Use, of The Port Royal Code
Meeting Date:	April 20, 2020

Currently The Port Royal Code allows Short Term Rentals in all of the T3, T4 and the T5 transects. The use is allowed by right. There are further regulating conditions in the town's Business License regulations. The following amendments to The Port Royal Code are being submitted on behalf of the Town Council's Short Tern Rental Taskforce. The amendments will:

- Allow Short Term Rental as a Conditional Use in all of the T3 through T5 transects.
- Refines the definition of Short Term Rentals.
- Establish Conditions for the Use.
- This moves all of the regulation of Short Term Rental to the zoning code.

The attached document are the sections from the code that are being amended. The document was created with *Tracked Changes.* The deleted text is red text and ~~stricken through~~.
The replacement language is red.
The changes are on pages 4-4, 4-9, 4-16, 4-24, 4-25, & 4-26

Article 4: Specific to Use

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Division 4.1: Principal Uses Allowed in Each Zone

Section:		Page #
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4.1.10 Purpose

A. This Division establishes the:

1. Principal Uses permitted in each zoning district;
2. Corresponding Definitions with *Examples*, *Accessory Uses*, and *Uses Not Included*.
3. Additional regulations regarding site planning, development, and operating standards intended to ensure compatibility with neighboring uses and the surrounding community.

B. This Division continues, and expands upon the Town's commitment to establishing mixed-use neighborhoods comprised of multi-use buildings.

4.1.20 Applicability

A. Use Permission Defined. The Use Table in Section 4.1.30 affords 1 of 4 types of permission to each use in each zoning district as follows:

1. **Permitted Use (P):** The use is permitted by right without any additional requirements in this Article. Such uses are subject to all other applicable regulations of this Ordinance.
2. **Conditional Use (C):** The use is permitted by right, provided that the additional use regulations set forth in Division 4.2 (Conditional Use Regulations) are met, as well as all other applicable regulations of this Ordinance.

   Conditional Use Regulations are intended to insure that permitted uses are compatible with neighboring uses and the surrounding community.
3. **Special Exception (SE):** The use is permitted only when a Special Exception Permit has been approved. Special Exception Permits are required for uses which comply with the Purpose established for the zoning district but which, because of their unique characteristics or potential impacts on neighboring uses and/or the surrounding community, require individual consideration in their location, design, configuration, and/or operation. All applications for Special Exception Permits shall, at a minimum, meet the standards for the district in which they are located, the additional standards set forth in this Article for that use, and all other applicable regulations of this Ordinance.

   Approval procedures for Special Exception Permits are found in Division 8.2.50 (Special Exception Permit).
4. **Prohibited Uses (—):** The use is prohibited in the specified District.

B. Mixed-use development and multi-use buildings are permitted and encouraged using the individual standards for each function.

C. **Section for Additional Conditions.** The second from last column of the Use Table (Section for Additional Conditions) identifies the specific location of the additional regulations that apply to a Conditional Use.

D. **By Right Design Criteria.** The last column of the Use Table (Additional Design Criteria) identifies the location of additional design standards that frequently apply to a given use.

E. **Accessory Uses.** Accessory Uses that are regulated by zoning district are listed in the Principal Use Table, including Accessory Dwelling Units and Home Occupations. Other typical accessory uses are established and defined in Division 4.3 Accessory Uses and structures.

F. **Interpreting and Assigning the Appropriate Use.**

1. **Developments with Multiple Principal Uses:** 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.

2. **Similar Use Interpretation Criteria:** The following considerations shall be used when making similar use interpretations, including the appropriate category for a use not specifically listed in the Principal Use Table or the Examples provided with the Principal Use Definitions:

   a. The actual or projected characteristics of the activity in relationship to the stated definition for the Use.

   b. The relative amount of site area or floor space and equipment devoted to the activity;

   c. Relative amounts of sales from each activity;

   d. The customer type for each activity;

   e. The relative number of employees in each activity;

   f. Hours of operation;

   g. Building and site arrangement;

   h. Vehicles used with the activity;

   i. The relative number of vehicle trips generated by the use; and

   j. How the use advertises itself.

4.1.30 Principal Use Table

Table 4.1.30. Principal Use Table

Specific Use	T1 NP	T3 Edge	T3 SN	T3 N	T4 NC	T4 NC-O	T4 UC	T5 MS	Section For Additional Conditions	Additional Design Criteria
AGRICULTURE										
1. Agriculture & Crop Harvesting	-	P	P	P	P	P	P	P		
2. Agriculture & Crop Harvesting: >1 acre	-	-	P	-	-	-	-	-		
3. Forestry	P	P	P	P	P	P	P	P		
RESIDENTIAL										
1. Dwelling: Single-Family Detached Unit	-	P	P	P	P	P	P	P		
2. Dwelling: Two-Family Unit	-	-	P	P	P	P	P	P		
3. Dwelling: Multi-Family Unit	-	-	-	P	P	P	P	P		(Multi-bldg) 2.2.100
4. Accessory Dwelling Unit (ADU)	-	C	C	C	C	C	C	C	4.2.10.A	
5. Home Occupation		C	C	C	C	C	C	C	4.2.10.B	
6. Group Home	-	P	P	P	P	P	P	P		
7. Community Residence	-	P	-	-	-	P	P	P		(Multi-bldg) 2.2.100
8. Temporary Shelter	-	-	-	-	P	P	P	P		
OFFICES & SERVICES										
1. General Offices & Services	-	-	SE	C	P	P	P	P		
2. General Offices & Services with a Drive Through Facility	-	-	-	-	C	C	C	C	4.2.20.B	4.2.70
3. Animal Services: Clinics & Hospitals	-	-	-	-	P	P	P	P		
4. Body Branding, Piercing & Tattoo Facilities	-	-	-	-	-	C	C	C	4.2.20.C	
5. Day Care: Minor (12 or fewer patrons)	-	C	C	C	C	C	C	C	4.2.20.D	
6. Day Care: Major (> 12 patrons)	-	-	-	-	C	C	C	C	4.2.20.D	
Specific Use	T1 NP	T3 Edge	T3 SN	T3 N	T4 NC	T4 NC-O	T4 UC	T5 MS	Section For Additional Conditions	Additional Design Criteria

(P) = Permitted By Right (C) = Conditional Use (SE) = Special Exception Use (--) = Prohibited Use

Specific Use	T1 NP	T3 Edge	T3 SN	T3 N	T4 NC	T4 NC-O	T4 UC	T5 MS	Section For Additional Conditions	Additional Design Criteria
OFFICES & SERVICES *(continued)*										
7. Lodging: Short Term Rental	-	~~P~~C	~~P~~C	~~P~~C	~~P~~C	~~P~~C	~~P~~C	~~P~~C		
8. Lodging: Bed & Breakfast	-	P	P	P	P	P	P	P		
9. Lodging: Inn	-	-	-	-	P	P	P	P		
10. Lodging: Hotel	-	-	-	-	-	P	P	P		
11. Medical Services: Clinics & Offices	-	-	-	-	P	P	P	P		
12. Medical Services: Hospital	-	-	-	-	-	P	P	P		(>35,000sf) 5.2.50
13. Personal Storage Facility	-	-	-	-	-	C	-	-	4.2.20.E	
14. Vehicle Services: Minor Maintenance & Repair	-	-	-	-	P	P	P	-		
15. Vehicle Services: Major Maintenance & Repair	-	-	-	-	C	C	C	-	4.2.20.F	
RETAIL & RESTAURANTS										
1. General Retail	-	-	-	-	P	P	P	P		(>35,000sf) 5.2.50
2. Restaurant, Café, Coffee Shop	-	-	-	-	P	P	P	P		
3. General Retail or Restaurant with a Drive Through Facility	-	-	-	-	C	C	C	C	4.2.30.A	4.2.70
4. Bar, Tavern, Nightclub	-	-	-	-	-	P	P	P		
5. Gas Station or Fuel Sales	-	-	-	-	-	P	P	-		5.2.40
6. Open Air Retail	-	-	-	-	-	SE	SE	-	4.2.30.B	
7. Vehicle Sales & Rental: Alternative and Low Impact	-	-	-	-	C	C	C	C	4.2.30.C	
8. Vehicle Sales & Rental: Automobiles, Light Trucks, Boats	-	-	-	-	-	C	C	-	4.2.20.D	(>35,000sf) 5.2.50
RECREATION, EDUCATION, SAFETY, PUBLIC ASSEMBLY										
1. Community Oriented Facility	-	-	-	-	-	-	P	P		5.2.30
2. Community Recreation Facility	-	-	-	-	-	P	P	P		5.2.30
3. Community Safety Facility	-	-	-	-	P	P	P	P		5.2.30
Specific Use	T1 NP	T3 Edge	T3 SN	T3 N	T4 NC	T4 NC-O	T4 UC	T5 MS	Section For Additional Conditions	Additional Design Criteria

(P) = Permitted By Right (C) = Conditional Use (SE) = Special Exception Use (--) = Prohibited Use

Specific Use	T1 NP	T3 Edge	T3 SN	T3 N	T4 NC	T4 NC-O	T4 UC	T5 MS	Section For Additional Conditions	Additional Design Criteria
RECREATION, EDUCATION, SAFETY, PUBLIC ASSEMBLY *(continued)*										
4. Institutional Care Facility	-	-	-	-	-	P	P	-		
5. Marine Oriented Facility	-	P	P	P	P	P	P	P		(Multi-bldg) 2.2.100
6. Meeting Facility or Place of Worship: < 5,000 SF	-	P	P	P	P	P	P	P		5.2.30
7. Meeting Facility or Place of Worship: 5,000 SF - 10,000 SF	-	-	-	-	P	P	P	P		5.2.30
8. Meeting Facility or Place of Worship: > 10,000 SF	-	-	-	-	-	P	P	P		5.2.30
9. Parks & Open Areas	P	P	P	P	P	P	P	P		2.4
10. Recreation & Entertainment Facility: Indoor	-	-	-	-	P	P	P	P		(>35,000sf) 5.2.50
11. Recreation & Entertainment Facility: Outdoor	-	-	-	-	-	C	-	-	4.2.40.A	(Multi-bldg) 2.2.100
12. School: Public or Private	-	-	P	P	P	P	P	P		5.2.30
13. School: Specialized Training or Studio	-	-	-	-	P	P	P	P		
14. School: College or University	-	-	-	-	P	P	P	P		5.2.30 (Multi-bldg) 2.2.100
TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE										
1. Infrastructure & Utilities: Minor	C	C	C	C	C	C	C	C	4.2.50.A	
2. Infrastructure & Utilities: Major	SE	-	-	-	-	SE	-	-	4.2.50.A	
3. Parking Facility: Public or Commercial	-	-	-	-	C	C	C	C	4.2.50.B	(Garage) 5.2.50
4. Transportation Terminal	-	-	-	-	-	P	P	P		5.2.30 (>35,000sf) 5.2.50
5. Waste Management Facility: Community Collection & Recycling	-	-	-	-	-	-	-	-		
6. Wireless Communications Facility	-	-	-	-	-	-	-	-		
Specific Use	T1 NP	T3 Edge	T3 SN	T3 N	T4 NC	T4 NC-O	T4 UC	T5 MS	Section For Additional Conditions	Additional Design Criteria

(P) = Permitted By Right (C) = Conditional Use (SE) = Special Exception Use (--) = Prohibited Use

Specific Use	T1 NP	T3 Edge	T3 SN	T3 N	T4 NC	T4 NC-O	T4 UC	T5 MS	Section For Additional Conditions	Additional Design Criteria
INDUSTRIAL										
1. Manufacturing, Processing, & Packaging: Light (15,000 SF or less)	-	-	-	-	SE	C	C	SE	4.2.60.A	
2. Warehousing & Distribution	-	-	-	-	C	C	-	-	4.2.60.B	
Specific Use	T1 NP	T3 Edge	T3 SN	T3 N	T4 NC	T4 NC-O	T4 UC	T5 MS	Section For Additional Conditions	Additional Design Criteria

P) = Permitted By Right (C) = Conditional Use (SE) = Special Exception Use (--) = Prohibited Use

4.1.40 Principal Use Definitions

Table 4.1.40 Principal Use Definitions

AGRICULTURE	
This category is intended to encompass uses related to the production, management, and harvesting of crops and forest resources. *Does Not Include: medium to large scale animal raising, breeding, keeping or production for sale or consumption.*	
Specific Use	**Definition**
1. Agriculture & Crop Harvesting	A nursery, orchard, or farm primarily engaged in the growth and harvesting of fruits, nuts, vegetables, plants, or sod. Accessory Uses: the premises may include agricultural accessory structures, plant nurseries, and secondary retail or wholesale sales. *Does Not Include:* plant nursery as a primary use (see "General Retail").
2. Agriculture & Crop Harvesting: > 1Acre	
3. Forestry	Perpetual management, harvesting, replanting, and enhancement of forest resources for ultimate sale or use of wood products, subject to S.C. Forestry Commission BMPs. No harvesting shall occur within 20 feet of the property line of an adjoining property devoted to a residential use, nor shall any site plan be approved within 2 years of the clear cutting of timber. *Examples include, but are not limited to:* tree farms.
RESIDENTIAL	
This category is intended to encompass Household Living, in which one or more individuals or family members occupy a residential dwelling unit; as well as Group Living, in which a larger group of unrelated individuals or families occupy and share a residential structure. Accessory Dwelling Units and Home Occupations are accessory uses that are subject to additional regulations as set forth in Division 4.2. (Conditional Use Regulations).	
Specific Use	**Definition**
1. Dwelling: Single-Family Detached Unit	A structure containing one dwelling unit on a single lot. *Examples include, but are not limited to:* single-family homes, manufactured homes, etc.
2. Dwelling: Two-Family Unit	A structure containing two dwelling units on a single lot. *Examples include, but are not limited to:* duplexes.
3. Dwelling: Multi-Family Unit	A structure containing three or more dwelling units on a single lot. *Examples include, but are not limited to:* triplexes, condominiums, townhouses, apartments, etc. *Accessory Uses* may include a club house, mail room / outbuilding, pool, recreational facilities, etc.
4. Accessory Dwelling Unit (ADU)	An auxiliary dwelling unit located on the same lot as the principal building that may be attached by a backbuilding or contained within a stand-alone outbuilding. Each ADU shall provide one additional on-site, off-street parking space. *Examples include, but are not limited to:* a dwelling unit in a guest house, pool house, and above or beside a garage.
5. Home Occupation	A principal or accessory dwelling unit that contains a space devoted to a non-retail business activity belonging to the resident thereof and allowing up to 2 outside employees. Business related activity shall not alter the exterior of the property or affect the residential character of the community, and meet the legal requirements of the business.
6. Dwelling: Group Home	Residential facility for 9 or fewer mentally or physically handicapped persons providing care on a 24-hour basis and licensed by a state agency or department, or is under contract with a state agency or department, for that purpose.
7. Community Residence	a. **Dormitory:** A building, or portion thereof, which contains living quarters for five or more students, staff, or members of a college, university, primary or secondary boarding school, theological school, or comparable organization, provided that such building is either owned or managed by such organization, or is under contract with such organization for that purpose. b. **Convent or Monastery:** The living quarters or dwelling units for a religious order or for the congregation of persons under religious vows. c. **Group Home:** A state-licensed residential facility for more than 9 mentally or physically handicapped persons providing care on a 24-hour basis.

RESIDENTIAL *(continued)*	
This category is intended to encompass Household Living, in which one or more individuals or family members occupy a residential dwelling unit; as well as Group Living, in which a larger group of unrelated individuals or families occupy and share a residential structure. Accessory Dwelling Units and Home Occupations are accessory uses that are subject to additional regulations as set forth in Division 4.2. (Conditional Use Regulations).	
Specific Use	**Definition**
7. Community Residence	d. **Assisted Living Facility:** A group living facility for those requesting limited assistance with daily activities, but not in need extensive, hands-on care. Residents continue to maintain an independent lifestyle in a residential home-like setting (residents have private units with a minimum of a bedroom, bath and kitchenette). Generally, residents can get help with daily living activities such as housekeeping, dressing, and bathing. Assisted living facilities may include an accessory skilled nursing component. Amenities will vary by facility. Some assisted living facilities may be part of a larger Continuing Care Retirement Community. e. **Nursing Home:** A group living facility other than a hospital that provides 24-hour care for patients who require constant supervision and "health-oriented" care. Patients generally rely on assistance for most or all daily living activities (such as bathing, dressing and toileting). Nursing home services may include meals, skilled nursing care, rehabilitation, medical services, personal care, and recreation. Nursing homes may be stand alone facilities or they may be part of a Continuing Care Retirement Community. *Accessory Uses* may include a caretaker's quarters, a community center / club house, dining facilities, health facilities, mail room / outbuilding, maintenance facilities, pool, recreational facilities, etc.
8. Temporary Shelter	A supervised publicly or privately operated shelter and services designed to provide temporary living accommodations to individuals or families who lack a fixed, regular and adequate residence. *Does Not Include:* residential substance abuse facilities or halfway houses (see "Community Care Facility").

OFFICES AND SERVICES	
This category is intended to encompass uses that are primarily oriented towards business, financial, government, professional, medical, or lodging services.	
Specific Use	**Definition**
1. General Offices & Services	a. **Bank / Financial Services:** Financial institutions. *Examples include, but are not limited to:* banks, credit agencies, investment companies, security and commodity exchanges, ATM facilities. b. **Office: Business, Professional, and Administrative Services.** An office that provides professional services, or is engaged in the production of intellectual property that may or may not require occasional "on-premise" interactions with clients, customers, or patrons. *Examples include, but are not limited to:* accountants, architects, carpet cleaners, contractors' offices without exterior storage, copying and printing, counseling and psychologists, data processing centers, financial management and counseling, research facilities, engineers, exterminators, insurance agent offices, landscaping and tree removal companies, real estate offices, etc. *Accessory Uses* may include cafeterias, child care, health facilities, parking for vehicles less than 1.5 tons, or other amenities primarily for the use of employees in the firm or building. *Does Not Include:* Contractor's office with exterior storage (see: Warehousing and Distribution). c. **Personal Services:** A business providing professional services and products directly to an individual. *Examples include, but are not limited to:* barber and beauty shops, clothing rental, dry cleaners, electronics and appliance repair, employment agencies, framing, funeral homes, laundromats, locksmiths, mailing and mailbox services, massage therapy, pet grooming with no boarding, shoe repair shops, tailors, travel agencies, tanning salons, etc. *Does Not Include:* laundry and dry-cleaning plants (see "Manufacturing, Processing, and Packaging: Light – 15,000 SF or less).

OFFICES AND SERVICES ***(continued)***	
This category is intended to encompass uses that are primarily oriented towards business, financial, government, professional, medical, or lodging services.	
Specific Use	**Definition**
2. General Offices & Services with a Drive Through	Facilities where services may be obtained by motorists without leaving their vehicles. In **T4NC** facilities shall be limited to lots or new developments that front a Collector or Arterial thoroughfare. *Examples include, but are not limited to:* bank teller windows, drive-up ATMs, dry cleaners, etc.
3. Animal Services: Clinics & Hospitals	A completely enclosed structure in which animals are treated by a veterinarian and any associated noise is not perceptible beyond the premises. *Accessory Uses* may include boarding, grooming, and incidental retail sales. An incinerator may be included as an accessory use if it is approved as a special exception, see Section 8.2.50 (Special Exception Permit). *Does Not Include* "Kennels" which are primarily engaged in day care, boarding, training, and the outdoor breeding of animals for sale.
4. Body branding, piercing and tattoo facilities	An establishment whose principal business is one or more of the following: any invasive procedure in which a permanent mark is burned into or onto the skin using either temperature, mechanical or chemical means; creation of an opening in the body for the purpose of inserting jewelry or other decorations (not including ear piercing); and/or placing designs, letters, figures, symbols or other marks upon or under the skin of any person using ink or other permanent coloration.
5. Day Care: Minor (12 or less patrons) 6. Day Care: Major (> 12 patrons)	A state-licensed facility that provides non-medical care and supervision for adults or children, typically for periods of less than 24 hours per day for any client. *Examples include, but are not limited to:* nursery schools, preschools, after-school care facilities, daycare centers, etc.
7. Lodging: Short Term Rental	~~The use of a Single Family Home or accessory dwelling unit (ADU) for lodging purposes in which the dwelling meets all applicable building and safety codes, and occupants reside for no more than 29 consecutive nights. One additional off-street parking space may be required per dwelling if the Administrator believes parking demand will exceed that which is already required for the dwelling. The use shall not have signage, nor shall it generate noise, light, traffic or other conditions detrimental to neighboring residents.~~ A Short-Term Rental (STR) is the rental of a Single-Family Home or accessory dwelling unit (ADU) for lodging purposes in which the dwelling meets all applicable building and safety codes, and occupants reside for no less than 2 or more than 29 consecutive nights. For the purpose of this section, a single-family home is defined as a single-family detached home, duplex, condominium, or townhouses either owner or non-owner occupied; an accessory dwelling unit is defined as an auxiliary dwelling unit located on the same lot as the principal building that may be attached by a back building or contained in a stand-alone outbuilding.
8. Lodging: Bed & Breakfast (B&B)	The use of a single-family detached residence for commercial lodging of overnight guests in which a maximum of 5 guest rooms are provided in either the principal building or accessory dwelling unit (ADU). Meals may be prepared on site for guests only. Each property shall provide one space per rentable room. The owner or manager shall reside on the property as his/her primary place of residence.
9. Lodging: Inn	A building or group of buildings used as a commercial lodging establishment having up to 24 guest rooms providing lodging accommodations to the general public. *Accessory uses* may include pools and other recreational facilities, limited storage, and offices.
10. Lodging: Hotel	A lodging establishment of 25 or more rooms in a building or group of buildings offering transient lodging accommodations on a daily rate to the general public. *Accessory uses* may include pools and other recreational facilities, limited storage, and offices.
11. Medical Services: Offices & Clinics	1. **Medical Office:** A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than 4 licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. *Does Not Include:* facilities with 5 or more licensed practitioners (see "Medical Services – Clinic"); and counseling services by other than medical doctors or psychiatrists (see "General Offices & Services"). 2. **Clinic:** A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. *Examples include, but are not limited to:* Medical

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	offices with five or more licensed practitioners and/or medical specialties, outpatient care facilities, urgent care facilities, other allied health services, etc. *Accessory Uses* may include incidental medical laboratories and / or pharmacies on site. *Does Not Include:* counseling services by other than medical doctors or psychiatrists (see "General Offices & Services").
12. Medical Services: Hospital	An institution licensed by the State, where people, including inpatients, receive medical, surgical, or psychiatric treatment and nursing care. *Accessory Uses* may include out-patient clinics, offices, meeting areas, cafeterias, laundries, maintenance facilities and housing for staff or trainees.

OFFICES AND SERVICES *(continued)*

This category is intended to encompass uses that are primarily oriented towards business, financial, government, professional, medical, or lodging services.

Specific Use	Definition
13. Personal Storage Facility	Fully enclosed structures that contain individual, compartmentalized stalls or lockers for rent or lease to the general public as individual storage spaces for household goods, vehicles, and boats. Outside storage is not permitted. *Accessory Uses* may include a leasing office, and retail or wholesale sales and rental related to storage (e.g. boxes, locks, tape, protective material, etc.).Truck and trailer rental is not considered accessory to a Personal Storage Facility (see Vehicle Sales and Rental).
14. Vehicle Services: Minor Maintenance & Repair	Incidental minor repairs and service to passenger cars and light trucks in which the customer typically waits for the service on-site. Openings to repair bays and wash bays shall not face a primary or secondary street ROW. Vehicles are generally not stored on the premises overnight and there is no outside storage of materials. Such Facilities shall be limited to lots or new developments that front a Collector or Arterial thoroughfare, exclusive of East and West Paris Avenue. *Examples include, but are not limited to:* quick service oil, tune-ups, tires, brake and muffler shops, etc. *Does Not Include:* car washes / detailing, tire service, or operations defined as ("Vehicle Services - Major Maintenance and Repair").
15. Vehicle Services: Major Maintenance & Repair	A facility providing for the general repair, rebuilding, or reconditioning of boats and / or motor vehicles. Such Facilities shall be limited to lots or new developments that front a Collector or Arterial thoroughfare, exclusive of East and West Paris Avenue. *Examples include, but are not limited to:* car wash / detailing, collision service including body or frame straightening or repair, tire service, vehicle alignment shop, vehicle paint shop, vehicle transmission or muffler shop, vehicle upholstery shop, wrecker service, etc.

RETAIL AND RESTAURANTS

This category is intended to encompass uses that are primarily oriented towards the sale and lease of goods directly to a consumer, including facilities that engage in the preparation and sale of food and beverages.

Specific Use	Definition
1. General Retail	Stores and shops that sell and/or rent goods and merchandise to the general public, including the sale of materials produced on the premises. *Examples include, but are not limited to:* art galleries; auto parts; books and magazines; clothing, shoes, and accessories; drug stores and pharmacies; dry goods; electronics; fabrics and sewing supplies; furniture and appliance stores; jewelry; markets and grocery stores; movie theaters; plant nurseries with goods and inventory located behind the required parking setback; specialty shops (luggage, sporting goods, stationary, toys, etc.); variety stores; etc. *Does Not Include*: lumber yards and other building material businesses that sell primarily to contractors and do not have a retail orientation (see "Manufacturing, Processing, and Packaging: Light – 15,000 SF or Less"); ("Open Air Retail"); ("Vehicle Sales and Rental"); ("Gas Stations/Fuel Sales"); or businesses primarily engaged in the sale of adult-oriented merchandise and goods.
2. Restaurant, Café, Coffee Shop	A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption ("counter service"); and establishments where customers are served food at their tables for on-premise consumption ("table service"), that may also provide food for take-out, but does not include drive-through services, which are separately defined and regulated. This use includes all mobile kitchens. Facilities in **T4NC** that front a thoroughfare other than a Collector or Arterial shall limit their hours of operation to 7 am. to 10 pm. *Accessory Uses* may include outdoor seating areas and outdoor entertainment.
3. General Retail or Restaurant with a Drive Through Facility	Shops and restaurants where products may be purchased by motorists without leaving their vehicle. In **T4NC** facilities shall be limited to lots or new developments that front a Collector or Arterial thoroughfare. *Examples include, but are not limited to:* pharmacies, fast-food restaurants, etc.
4. Bar, Tavern, Nightclub	a. **Bar, Tavern.**

	A business where alcoholic beverages are sold for on-site consumption that is not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. *Accessory Uses* may include beer brewing as part of a micro brewery ("brew-pub"), and other beverage tasting facilities. b. **Night Club.** A facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc. *Does Not Include:* adult-oriented businesses or entertainment.

RETAIL AND RESTAURANTS *(continued)*

This category is intended to encompass uses that are primarily oriented towards the sale and lease of goods directly to a consumer, including facilities that engage in the preparation and sale of food and beverages.

Specific Use	Definition
5. Gas Station or Fuel Sales	An establishment where petroleum products are dispensed for retail sale. Gas Stations shall be limited to lots or new developments that front a Collector or Arterial thoroughfare, exclusive of East and West Paris Avenue. Such facilities shall be further limited to one per block and two per intersection, not to exceed 6 pumps per station. *Accessory Uses* may include a retail convenience store and / or a single bay carwash. *Does Not Include:* towing, vehicle body or engine repair (see "Vehicle Services"); or overnight vehicle storage.
6. Open Air Retail	A retail sales establishment operated substantially in the open air. *Examples include, but are not limited to:* beach recreation rental, flea markets, monument sales, permanent roadside stands, trading posts, etc. *Does not include:* ("Vehicle Sales and Rental"); plant nurseries (see "General Retail"); or temporary roadside stands and farmers markets (see "Temporary Uses").
7. Vehicle Sales & Rental: Alternative and Low Impact	A retail store in which "alternative" low impact motorized vehicles are displayed, sold, and rented from an indoor "showroom". These include all-terrain vehicles (ATV's), dirt-bikes, golf carts, jet skies, motorcycles, scooters, segways, and similar "on" and "off" road vehicles. Outdoor display is permitted (see conditions). Facilities in **T4NC** shall be limited to lots or new developments that front a Collector or Arterial thoroughfare. *Accessory Uses* may include repair shops and the sales of parts and accessories incidental to business. *Does Not Include:* the sale of auto parts/accessories separate from a vehicle dealership (see "General Retail"); vehicle services separate from a vehicle dealership (see "Vehicle Services: Maintenance and repair"); or ("Vehicle Sales and Rental: automobiles, light trucks, and boats).
8. Vehicle Sales & Rental: Automobiles, Light Trucks, Boats	A retail or wholesale establishment in which automobiles, light trucks (less than 2-ton load capacity), vans, trailers, boats, and/or similar motorized or non-motorized vehicles are displayed, sold, and rented from an indoor "showroom." Outdoor display is permitted (see conditions). Such Facilities shall be limited to lots or new developments that front a Collector or Arterial thoroughfare, exclusive of East and West Paris Avenue. *Accessory Uses* may include repair shops and the sales of parts and accessories incidental to vehicle dealerships. *Does Not Include:* the sale of auto parts/accessories separate from a vehicle dealership (see "General Retail"); vehicle services separate from a vehicle dealership (see "Vehicle Services: Maintenance and repair"); or ("Vehicle Sales and Rental: Alternative and Low Impact").

RECREATION, EDUCATION, SAFETY, PUBLIC ASSEMBLY

This category is intended to encompass uses of a public, nonprofit, or charitable nature that serve a recreational, educational, safety, or social function, and benefit the people of the community.

Specific Use	Definition
1. Community Oriented Facility	Public / quasi-public, or non-profit civic facilities that offer services, educational, or cultural experiences to the general public and to the benefit of the community. *Examples include, but are not limited to:* chambers of commerce, civic and community centers with multiple functions, court houses, government administrative offices, libraries, post offices, museums, theaters predominantly used for live performances, town hall, visitors' centers, etc. *Accessory Uses* may include gift shops, book stores, restaurants, etc. *Does Not Include:* outdoor gathering places such as beaches, botanical gardens, historic sites, and nature preserves (see "Parks and Open Areas); meeting halls, religious facilities, and limited use community centers (see "Community Oriented Facility: Meeting Hall / Place of Worship); and public safety facilities (see "Community Oriented Facility: Public Safety").
2. Community Recreation Facility	A community recreation center that may include one or more of the following: gymnasium; indoor / outdoor swimming pool; indoor / outdoor tennis, racquetball or handball courts, and other indoor / outdoor sports activities. This use includes all not-for-profit organizations chartered to provide community-based recreation services. *Examples include, but are not limited to:* County

	operated pools, municipal tennis facilities, YMCAs, etc. *Does Not Include:* commercial health / fitness facilities (see "General Offices and Services").
3. Community Safety Facility	A safety facility operated by a public agency for the benefit of the community. Examples include, but are not limited to: Fire stations, other fire preventive and fire fighting facilities, police and sheriff headquarters and substations, including interim holding facilities. May include ambulance dispatch on the same site. *Does Not Include* "Detention Facilities."

RECREATION, EDUCATION, SAFETY, PUBLIC ASSEMBLY *(continued)*

This category is intended to encompass uses of a public, nonprofit, or charitable nature that serve a recreational, educational, safety, or social function, and benefit the people of the community.

Specific Use	Definition
4. Institutional Care Facility	State licensed facilities that provide living, sleeping, and sanitation accommodations in coordination with the provision of social, rehabilitative and/or medical services in a protective living environment for persons residing voluntarily, by court placement, or under protective control of the government. Examples include, but are not limited to: post-correctional facilities, residential substance abuse treatment facilities, and residential treatment facilities for the mentally ill. *Accessory Uses* may include a caretaker's quarters, a club house, dining facilities, maintenance facilities, health facilities, recreational facilities, etc. *Does Not Include:* licensed nursing homes (see "Community Residence").
5. Marine Oriented Facility	A not-for-profit or for-profit marina for on-water storage, servicing, fueling, berthing, securing, loading and unloading of boats; recreational fishing; and other marine related activities that occupy and / or operate from a building. Such facilities may contain accessory Water-Oriented Facilities such as landings, docks, boat houses, etc. (see Sub-section 4.3.30.A.1). All such facilities shall be allowed to infringe upon required setback areas along shorelines for waterways. Examples include, but are not limited to: charter fishing, sightseeing tours, boat and watercraft rentals, as well as marine-related retail (bait and tackle, supplies, etc.) and services (fuel sales, pump-out facilities, and minor boat repairs). *Does Not Include:* Surface or Dry stack storage of boats (see "Personal Storage Facility").
6. Meeting Facility or Place of Worship: < 5000 SF	A facility for public or private meetings or worship. *Examples include, but are not limited to:* meeting halls for clubs and other membership organizations, religious facilities (churches, mosques, synagogues, etc.), single use community centers (primarily meeting space), etc. *Accessory Uses* for Meeting Facility / Place of Worship may include kitchens, multi-purpose rooms, and offices. *Accessory Uses Specific to Places of Worship* may include not-for-profit cemeteries; parsonage, pastorium, or parish house; day care centers; elementary, middle, and high schools; and on-site social programs such as health care clinics, food banks, etc.
7. Meeting Facility or Place of Worship: 5000 SF – 10,000 SF	
8. Meeting Facility or Place of Worship: >10,000 SF	
9. Parks & Open Areas	An outdoor civic space that provides opportunities for both passive and active assembly, recreation, sport, and ecotourism. *Examples include, but are not limited to:* conventional parks, greens, squares, plazas, and playgrounds; as well as less traditional civic spaces such as arboretums, beaches, botanical gardens, historic sites, nature preserves, trails, etc. *Accessory Uses* may include concessions, maintenance facilities, police substations, recreation facilities, etc.
10. Recreation & Entertainment Facility: Indoor	An establishment providing indoor amusement and entertainment services, often for a fee or admission charge. *Examples include, but are not limited to:* bowling alleys, coin-operated amusement arcades (video games, pinball, etc.), indoor ice skating and roller skating rinks, movie theaters, pool and billiard rooms as primary uses, etc. *Accessory Uses* may include bars, restaurants, and minor retail, etc. Facilities in **T4NC** shall be limited to lots or new developments that front a Collector or Arterial thoroughfare. *Does Not Include:* businesses providing adult-oriented entertainment. *Notes:* Any establishment with four or more electronic games or amusement devices (e.g., pool or billiard tables, pinball machines, etc.) or a premise where 50 percent or more of the floor area is occupied by electronic games or amusement devices is considered an indoor recreation facility; 3 or fewer machines or devices are not considered a use separate from the primary use of the site.
11. Recreation & Entertainment Facility: Outdoor	A facility for outdoor recreational activities where a fee is often charged for use. *Examples include, but are not limited to:* amusement and theme parks, go-cart tracks, golf driving ranges, miniature golf courses, watercraft rentals, and water parks. *Accessory Uses* may include bars, concession stands, offices and maintenance facilities, restaurants, small-scale retail, spectator seating, video game arcades, etc. *Does Not Include:* golf courses.

12. School: Public or Private	A public or private academic institution that provides the state-mandated educational curriculum. *Examples include:* elementary schools (kindergarten through 6th grade), middle and junior high schools (7th and 8th grades), secondary and high schools (9th through 12th grades), and facilities that provide any combination of those levels. This use also includes schools that provide room and board. *Accessory Uses* may include auditoriums, before or after school child care, cafeterias, recreational and sports facilities, and temporary classroom buildings.
RECREATION, EDUCATION, SAFETY, PUBLIC ASSEMBLY *(continued)*	
This category is intended to encompass uses of a public, nonprofit, or charitable nature that serve a recreational, educational, safety, or social function, and benefit the people of the community.	
Specific Use	**Definition**
13. School: Specialized Training or Studio	Small-scale facilities that provide educational and vocational instruction, training, and tutoring in limited subjects to individuals or groups. *Examples include, but are not limited to:* the arts; dance; photography; martial arts training; gymnastics instruction; production studios for individual musicians, painters, sculptors, photographers, and other artists; business and vocational schools; driver education schools; etc.
14. School: College or University	A facility for post-secondary education that grants associates, bachelors, masters, or doctoral degrees, and may include research functions. *Examples include, but are not limited to:* professional schools (law, medicine, etc.) and technical colleges in a campus-like settings, as well as extension facilities. *Accessory Uses* may include food service; health facilities, maintenance facilities, recreation and sports facilities, theaters, etc.
TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE	
This category encompasses land uses that provide the underlying infrastructure, utilities, and systems that allow a community to urbanize and function.	
Specific Use	**Definition**
1. Infrastructure & Utilities: Minor	Utility facilities that need to be located in or near the area where the service is provided. *Examples include, but are not limited to:* underground public utility lines, water and sewage pump stations, soil and water conservation, stormwater retention and detention facilities, and telephone exchanges. *Does Not Include:* administrative offices for a utility (see "General Offices & Services").
2. Infrastructure & Utilities: Major	Utility facilities that provide regional service. *Examples include, but are not limited to:* above-ground public utility lines, public utility substations, water towers, waste and water treatment plants, and electrical substations. *Does Not Include:* administrative offices (see "General Offices & Services").
3. Parking Facility: Public or Commercial	A public or commercial parking lot or structure providing parking either for free or for a fee. *Does Not Include:* towing impound and storage facilities (see "Vehicle Services: Major Maintenance and Repair).
4. Transportation Terminal	Facilities for the embarkation and departure of transit. *Examples include, but are not limited to:* bus transit stations, rail transit stations, water taxi stations, and ferry terminals. *Does Not Include:* airports or related services, and private helicopter landing facilities that are accessory to another use (e.g. hospital, government facility).
5. Waste Management Facility: Community Collection & Recycling	A state licensed facility (land and / or building) used for the purpose of collecting residential waste and recyclables that are generated "off site" in the local community. Such materials may be used to produce goods or energy; donated or sold; or transported to a larger waste recycling, transfer or disposal/recovery facility.
6. Wireless Communications Facility	Public, commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio, television, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. *Does Not Include:* telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections (see "Infrastructure & Utilities").
INDUSTRIAL	
This category encompasses uses that serve the manufacturing, processing, packaging, warehousing, and distribution needs of the community.	
Specific Use	**Definition**
1. Manufacturing, Processing, & Packaging: Light (15,000 SF or less)	A facility primarily engaged in low intensity manufacturing, processing, assembly, and packaging of goods in which the operational characteristics of the production process, and materials used, are unlikely to cause significant impacts on the surrounding community. Natural, man-made, raw,

	secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. *Examples include, but are not limited to:* artisan / craft product manufacturing; clothing and fabric product manufacturing; furniture and fixtures manufacturing, cabinet shop, media production, photo/film processing lab not accessory to a retail business, printing & publishing, food preparation and packaging, winery, micro-brewery.
INDUSTRIAL ***(continued)***	
This category encompasses uses that serve the manufacturing, processing, packaging, warehousing, and distribution needs of the community.	
Specific Use	**Definition**
2. Warehousing & Distribution	A facility primarily used for the receipt, short-term storage, and re-distribution of goods. Goods may be stored long-term, or they may be delivered to other firms or a consumer. Outdoor storage, on-site pick-up, and retail/wholesale sales are permitted, but shall clearly be subordinate to other activity. Such Facilities shall be limited to lots or new developments that front a Collector or Arterial thoroughfare, exclusive of East and West Paris Avenue. *Examples include, but are not limited to:* separate warehouses used by retail stores such as storage of materials and equipment; truck terminal; furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; contractor's office with outdoor storage; parcel services; and the stockpiling of gravel or other aggregate materials. *Accessory Uses* may include truck fleet parking and maintenance areas. *Does Not Include:* on-site production, assembly, or packaging of goods (see "Manufacturing, Processing, and Packaging: Light – 15,000 SF or less ").

Division 4.2: Conditional Use Regulations

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4.2.10 Residential Uses

A. ***Accessory Dwelling Unit.***

1. An accessory dwelling unit shall comply with the following standards:

   a. **Zones Allowed.** Accessory dwelling units shall be permitted as accessory uses to single-family and two-family residential dwellings in accordance with Table 4.1.30 (Principal Use Table) provided:

      (1) The area of the lot meets or exceeds the minimum lot size requirement for the district;

      (2) The lot is currently served with public water and sewer;

      (3) Both the principal dwelling and the accessory dwelling will be in the same ownership; and

      (4) The unit will be a minimum of 240 square feet in total area.

b. **Number of Units.** One accessory dwelling unit shall be permitted per lot and shall not count toward any applicable maximum residential density requirements.

c. **Dimensional and Development Standards.** Accessory dwelling units shall comply with all dimensional and development standards in Article 3 (Specific to Zones).

(1) **ADU in an Existing Structure.** If the accessory dwelling unit is to be located in an existing accessory structure, the accessory structure shall meet all setback requirements for the district in which the lot is located.

(2) **ADU in a New Structure.** Accessory dwelling units shall use the Carriage House building type in Section 5.1.40 (Carriage House).

d. **Design.**

(1) **Architecture.** Accessory dwelling units shall comply with the architectural standards and guidelines in Division 5.4 (Architectural Standards and Guidelines).

(2) **Residential Form and Character.** The unit shall appear to be a single family residential dwelling.

(3) **Compatible with Principal Building.** To the maximum extent practicable the exterior color, siding, roof pitch, window detailing, roofing materials, and foundation of the accessory dwelling unit shall be compatible to that which is found on the principal building.

(4) **Outside Entrance:** For an attached accessory dwelling unit, any additional entrances will be located in the side or the rear of the accessory dwelling unit.

e. **Parking.** There will be one on-site, off-street parking space for each accessory dwelling unit in addition to the spaces required for the primary dwelling.

f. **Resale.** Accessory dwelling units shall not be sold apart from the principal dwelling upon the same lot where they are located.

g. **Rental.** An accessory dwelling unit may be used as a Short Term Rental or guest room for a Bed and Breakfast.

B. ***Home Occupation.***

1. A home occupation occurring as an accessory use to any principal dwelling unit shall comply with the following standards:

a. **Exclusions to Home Occupations.** No home occupation shall be permitted that does any of the following:

(1) Internal or external alterations inconsistent with the residential use of the building;

(2) Is visible from the street;

(3) Generates traffic, parking, sewerage, or water use in excess of what is normal in the neighborhood;

(4) Creates a hazard to persons or property;

(5) Results in electrical interference;

(6) Is a nuisance; or

(7) Results in the outside storage or display of anything.

b. **Employees.** A maximum of 2 employees who are not residents of the household may work on-site.

c. **ADUs.** Such use shall not operate from an accessory dwelling unit if it involves visitation by customers or salespeople.

d. **Building Codes.** Building must meet all applicable codes for electrical wiring, plumbing, etc., before such use begins.

e. **Outside Storage.** Outside storage related to such use is prohibited.

f. **Signs:** Signage shall comply with the standards of Sub-section 5.9.50.B.1 (Home Occupation).

g. **Display and Sales.** The sale of products grown, made or repaired on site is permitted. In addition, incidental retail sales are allowed in connection with a permitted home occupation (for example, a hair stylist may sell hair products to customers). No outdoor display of products for sale is permitted.

h. **Maximum Size.** Such use shall occupy a maximum of 25% of the floor area of the principal dwelling.

i. **Vehicles.** Only passenger vehicles shall be permitted in connection with the conduct of such use.

j. **Hours.** Deliveries and activities involving visitors/clients shall occur only between 8 A.M. and 8 P.M.

k. **Parking.** Such use shall not result in off-street parking of more than 3 vehicles at any one time not owned by members of the occupant household.

(1) One off -street parking space shall be provided per outside employee.

(2) The off-street parking spaces required for the home business shall be maintained in addition to the space or spaces required for the residence itself.

(3) No parking spaces, other than driveways, may be located in the required front yard setback.

l. **Trailers.** One vehicle trailer no more than 12feet in length may be permitted as part of such use. Such trailer shall not be parked in the street right-of-way or in the front yard unless it is parked in a driveway.

m. **Barber Shop/Beauty Parlor.** Such use shall be licensed and operated according to the standards set by the South Carolina Department of Labor, Licensing, and Regulation and shall be limited to 2 chairs. The applicant shall certify that the proposed use is not prohibited by any covenant or deed restriction on the property.

n. **Prohibited Home Occupations.** The following are prohibited as home occupations:

(1) Adult entertainment;

(2) Animal boarding facilities (such as kennels, animal hospitals, etc.);

(3) Body piercing facilities and Tattoo facilities.

(4) The repair, rental, sales or assembly of vehicles or equipment with internal combustion engines (such as outboard marine engines, lawnmowers, etc.) or any other work related to automobiles and their parts;

(5) Commercial lodging;

(6) Food handling, processing or packing, other than catering services that utilize standard home kitchen equipment;

(7) Medical offices and clinics; and

(8) Repair, rental or sales of large appliances (such as washing machines, dryers and refrigerators, etc.);

(9) Restaurants and bars.

2. Reserved.

4.2.20 Offices and Services

A. ***General Offices and Services***.

1. Specific to the T3SN and T3N Districts.

a. **Permitted Location:** The lot or new development shall front an arterial, collector, or one of the following thoroughfares: Midtown Drive, Edinburgh Avenue, Columbia Avenue, Madrid Avenue, Old Shell Road, Waddell Road, or Southside Boulevard. Businesses wishing to locate on lots that do not comply with this standard may apply for and receive approval of a Special Exception Permit, see Section 8.2.50 (Special Exception Permit).

b. **Hours of Operation.** Hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Businesses seeking to remain open after this time must apply for and receive approval of a Special Exception Permit , see Section 8.2.50 (Special Exception Permit).

2. Reserved.

B. ***General Offices and Services with a Drive Through Facility***.

1. Service uses with a drive through facility shall comply with the following standards:

a. **General to All Zones.**

(1) **Building Location and Circulation.** To the maximum extent practicable, all dimensional and design standards of this code shall apply. In no case shall a vehicular accessway / driveway or off-street parking area be permitted between the principal façade of the building and the primary street.

(2) **Drive-through Configuration.** Drive-throughs shall be located to the side or at the rear of the building and shall be designed so that pedestrian safety is ensured.

(3) **Location on Corner Lot.** Drive-throughs serving a building located on a corner lot shall be located to the rear or interior side. In no instance shall the drive-through be located on the side of a building facing a street.

(4) **Roof.** If covered, the roof over the drive-through shall be of a complementary architectural design as the design covering the primary portion of the structure.

(5) **Talk Boxes.** Talk boxes at drive-through facilities shall be screened by a sound barrier such as landscaping, a fence or a masonry wall.

b. **Specific to T4UC and T5MS.** Per the Vehicle Access and Parking Standards for building types permitted in T4UC and T5MS (Division 5.1. Traditional Building Types), drive-through access in these districts shall occur from an adjacent side street or central alley. See Section 4.2.70 (Diagrams Specific to Use).

(1) Drive-through establishments are allowed only on the corners of the block in order to be visually tied to the entries that serve them.

(2) The shop fronts of the Main Street shall not be punctured by a drive-through exit.

(3) Drive-through traffic should exit the site where it enters the site, rather than being routed to another side of the block, so customers are not disoriented.

(4) Remote drive-through technology (in which objects are placed in a capsule and delivered to the drive-through via a tube) shall be encouraged.

c. **Specific to T4NC and T4NC-O.** Per the Vehicle Access and Parking Standards for building types permitted in T4NC and T4NC-O (Division 5.1. Traditional Building Types), drive-through access in these districts may occur from the front if there is no adjacent side street or alley, as depicted in the diagrams in Section 4.2.70 (Diagrams Specific to Use).

(1) Drive-through establishments are allowed on corners and mid-block.

(2) Drive-through traffic should enter and exit the site at different locations.

(3) Both remote drive-through technology and attached drive-throughs are permitted. The roof on a multi-lane attached drive-through that is visible from the street may be designed as a porte corchere.

2. Reserved.

C. ***Body Branding, Piercing, and Tattoo Facilities***.

1. Tattoo or body piercing facilities shall comply with the following standards:

a. **Separation.** A tattoo or body piercing facility shall be a minimum of 300 feet from property line to property line of any place of worship, school, public park or recreation area, youth activity center, child day care, or lot devoted to a residential use.

b. **Spacing.** The minimum spacing between another tattoo or body piercing facility shall be 500 feet from property line to property line.

c. **Parking.** Provide the required minimum of 2.5 off-street parking spaces per 1000 sf.

d. **Signage.** No neon signage will be allowed at a tattoo facility.

e. **Screening.** When providing branding, piercing, or tattooing services that involve a state of semi-nudity, such services shall be screened and shall not be visible through any external window, door, or other aperture of the building.

f. **Hours.** The facility is limited to business hours of 8:00 a.m. to 10:00 p.m.

g. **State Permits Required.** All tattoo facilities must be licensed by the State Department of Health and Environmental Control (SC-DHEC).

2. Reserved.

D. ***Day Care***.

1. **General to All Day Care.**

a. **State Requirements.** Facilities shall comply with all relevant state requirements.

b. **Parking.** Provide the required minimum of 2.5 off-street parking spaces per 1000 sf, as well as one off-street passenger drop off / pick-up space per 10 clients / students.

2. **Specific to Child Day Care.**

Child day care facilities shall also comply with the following:

a. **Outdoor Play Areas.** Outdoor play areas shall be provided, and shall be safely segregated from parking, loading, or service areas.

b. **Screening.** A landscaped hedge or solid fence shall be provided along any rear or side property line adjoining a residential lot. The hedge or fence shall be designed and/or planted to be at least four feet in height at maturity.

c. **Parking Area, Vehicular Circulation, and Drop-Off and Pick-Up.** The parking areas and vehicular circulation for the child day care shall be designed to:

(1) Ensure the safety of children as they arrive at and leave the facility; and

(2) Provide a designated pickup and delivery area that is located in such a way that children do not have to cross vehicular travel ways to enter or exit the center and traffic congestion is minimized.

E. ***Personal Storage Facilities***.

1. Personal storage facilities shall comply with the following:

a. **Blocks and Streets.** Larger facilities shall integrate blocks and streets into the site, allowing for future mixed-use infill and the eventual transformation of the site. See Division 2.2 (General to All Development).

b. **Wrap or Line the Facility.** Whenever possible, storage areas should be:

(1) Sited internal to the lot / block, and "wrapped" by detached perimeter buildings. Perimeter buildings may be constructed separately and at a later date.

i. Perimeter and outparcel buildings shall be oriented so that the principal facade faces a public street or public space; and

ii. Perimeter or outparcel buildings shall "wrap" the overall site such that their principal and /or secondary façade occupies a minimum of 70% of the perimeter street frontage (primary and secondary).

iii. The principal façade of the main building (leasing office, security or caretakers quarters, etc.) shall occupy and address the perimeter street frontage, or the primary "internal" street.

(2) Sited internal to the lot / block and designed to include additional commercial, office, or residential "liner" space along every facade that fronts a public street or public space. Liner space, of a minimum 15 ft. in depth, may be attached or detached, and constructed separately or at a later date.

c. **Building Standards.**

(1) The leasing office, or security / caretakers quarters shall conform to the building type standards of Division 5.1 (Traditional Building Types), and contain an associated private frontage as conveyed in Division 5.3 (Private Frontage Standards). The building shall be sited per the dimensional and development standards of Article 3 (Specific to Zones) and conform to the architectural provisions of Division 5.4 (Architectural Standards and Guidelines).

(2) To the maximum extent practicable, structures used for storage shall be designed to the architectural provisions of Division 5.4 (Architectural Standards and Guidelines). See Photographic Examples on the following page. Perimeter or exterior walls visible from a public street should not include metal as a primary material.

(3) Garage doors serving individual storage units shall be perpendicular to a public or private street so as to not be visible from adjacent streets.

(4) With the exception of a structure used as a leasing office or caretaker quarters, the maximum height of a personal storage facility shall be 20 feet and the maximum height of a dry stack boat storage facility shall be 35 feet (measured to the eave).

d. **Operation.**

(1) The only uses allowed on-site shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage, and limited incidental sales of storage materials (e.g., boxes, tape). Storage bays shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.

(2) Individual storage bays or private postal boxes within a personal storage facility shall not be considered premises for the purpose of assigning a legal address.

(3) No more than one security or caretaker quarters may be developed on the site.

(4) All property stored on the site shall be located entirely within an enclosed building, except in the case of dry stack storage structures that demonstrate significant architectural merit. Such facilities may be partially enclosed, as depicted below. Energy efficient features such as solar panels and green roofs shall be encouraged, especially on facilities not visible from the street.

d. There shall be no storage of toxic, hazardous, flammable, explosive or noxious materials.

e. **Parking and Circulation.**

(1) **Parking.** The minimum of 2.5 off-street parking spaces per 1000 sf. shall apply to the Main Building only.

(2) Interior circulation shall be provided in the form of aisleways adjacent to the storage bays. These aisleways shall be used both for circulation and temporary customer parking while using storage bays. The one- or two-way traffic flow patterns in aisleways shall be clearly marked with, at a minimum, directional signage or painted lane markings with arrows.

(3) All aisleways shall be paved with asphalt, concrete, or comparable materials.

f. **Fences and Walls.**

(1) Fences and Walls shall be no shorter than 6 feet or taller than 8 feet and meet the standards of Division 5.5 (Fences and Walls).

(2) Fences and Walls shall tie into, and complement all buildings.

(4) Wooden or chain link entry gates into the use are prohibited.

Photographic Example 4.2.20.E: Personal Storage Facilities

All buildings designed to the Architectural Standards and Guidelines of this code.

F. ***Vehicle Services: Maintenance and Repair: Major***.

1. Applicable to All Major Vehicle Maintenance and Repair Facilities.

a. **Site Planning, Building Type, and Architecture.** To the maximum extent practicable:

(1) The site plan shall maintain the street edge so as not to create a void in the built environment. Vehicular accessways / driveways and off-street parking areas shall not be permitted between the principal façade of the building and the primary street.

(2) The site shall comply with all dimensional and development standards in Article 3 (Specific to Zones).

(3) Repair of all vehicles shall occur within an enclosed building that conforms to the building type standards of Division 5.1 (Traditional Building Types), contain an associated private frontage as conveyed in Division 5.3 (Private Frontage Standards), and comply with the architectural provisions of Division 5.4 (Architectural Standards and Guidelines).

(4) Openings to repair bays and wash bays shall not face a primary or secondary street ROW. They shall be designed to minimize visual intrusion onto adjoining properties.

b. **Operations.**

(1) Temporary outdoor vehicle storage shall be allowed on-site in the designated parking area (see Article 3 Specific to Zones) provided the area is completely screened (100 percent opacity to a minimum 6 feet in height) from adjoining properties and ROWs using vegetative plantings, fences and walls, buildings, or a combination thereof.

(2) All automobile parts and similar materials shall be stored within an enclosed building or an outside storage area that is completely screened (100 percent opacity to a minimum 6 feet in height) from adjacent properties and ROW's using vegetative plantings, fences or walls, buildings, or a combination thereof.

(3) Except where permitted below, these uses shall not include outdoor storage lots or impound yards for towed vehicles.

2. ***Auto Painting and Body Shops*.** In addition to the standards listed above in 4.2.20.F.1 (Applicable to All Major Vehicle Maintenance and Repair Facilities), the following standards shall apply to these facilities:

a. The use shall be located at least 250 feet from any existing residential development.

b. Vehicles shall not be parked or stored as a source of parts or for the purpose of sale or lease / rent.

c. Vehicles that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days unless the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle from the premises using the appropriate legal means.

3. ***Auto Wrecker Service*.** In addition to the standards listed above in 4.2.20.F.1 (Applicable to All Major Vehicle Maintenance and Repair Facilities), the following standards shall apply to these facilities:

a. Outdoor storage lots or impound yards for towed vehicles are permitted, provided:

(1) The number of vehicles stored on-site shall be limited to 15 vehicles.

(2) Vehicles shall not be stored for more than 90 days.

b. Reserved.

4. ***Car Wash and Auto Detailing.*** In addition to the standards listed above in 4.2.20.F.1 (Applicable to All Major Vehicle Maintenance and Repair Facilities), the following standards shall apply to these facilities:
   a. Large clear windows on car wash façades can animate the public street, provide interest for pedestrians, and inadvertently advertise the facility. They shall be permitted.
   b. Vacuuming equipment shall be set back at least 50 feet from any adjacent residential development.
   c. Car wash and auto detailing uses shall provide adequate, enclosed trash storage facilities on the site.

G. *Short Term Rental*

1. **Purpose** It is the purpose of this section to protect the public health, safety, and general welfare of individuals and the community at large; to ensure that neighborhoods are not adversely affected or disrupted by short-term rentals.

2. **Definition**

a. A Short-Term Rental (STR) is the rental of a Single-Family Home or accessory dwelling unit (ADU) for lodging purposes in which the dwelling meets all applicable building and safety codes, and occupants reside for no less than 2 or more than 29 consecutive nights.

b. For the purpose of this section, a single-family home is defined as a single-family detached home, duplex, condominium, or townhouses either owner or non-owner occupied. An accessory dwelling unit is defined as an auxiliary dwelling unit located on the same lot as the principal building that may be attached by a back building or contained in a stand-alone outbuilding.

3. **Applicability**

a. Short Term Rentals are permitted in all transect zones except (T1NP).

b. Short Term Rentals are allowed on all boats

c. Only one dwelling unit (structure) per lot may be used for a Short Term Rental

d. Short term rental units not occupied by the owner of the property shall be limited to a total of 8% of the lots in each district as shown on the official map of the Town of Port Royal.

(1) Exceptions to 8% Limit:

i. In commercial zones (T5 AND T4URBAN CENTER)

ii. Property with 4% assessment ratio (Primary Residence)

iii. Units already operating prior to the enactment of this ordinance will be allowed even if the 8% cap has been reached.

e. If a district reaches the 8% limit, a task force from should be formed from residents or property owners within that district to evaluate the limit and make an action or no action recommendation to the town council.

4. **Occupational license and Zoning Permit required.** Any property owner engaged in the activity of short term rental within the limits of the town will obtain an occupational license as provided for by article II, occupational license, of this chapter. Additionally, any property

owner wishing to operate a short term rental must apply for a zoning permit to operate a short term rental in any of the permitted transect zones.

5. **Application Requirements:** An application must be submitted on the approved form to the town manager or other designated individual at the Town of Port Royal. The Short Term Rental Application shall contain the following information:

a. The address of the rental unit

b. The total number of individual rental units at the address

c. The number of bedrooms in each rental unit

d. The number of parking spaces provided on-site for each rental unit

e. The maximum overnight occupancy of each rental unit, which shall not exceed two people per bedroom, plus two additional people per rental unit

f. The names, mailing addresses, business phone numbers, personal phone numbers, and business addresses of the owner and local agent, if handled through an outside agency

g. A non-refundable application rental fee of $100.00 shall be paid at the time of application.

h. Certify annually that the application on file is accurate.

i. The applicant shall provide with the application a copy of the rental agreement that will be used. The rental agreement shall specify the following:

(1) The minimum stay

(2) The maximum number of guests--which shall be based on the number of beds in the unit and shall not exceed two people per bedroom, plus two additional people per rental unit

(3) The maximum number of vehicles permitted at the unit--which shall be based on the number of bedrooms and the design of the driveway.

(4) Where guests are to park. Parking shall be provided on-site if possible, with the preferred location to the side or rear of the rental unit. On-site parking shall be delineated with an improved surface such as pavement, gravel, or another method approved by the Town administrator. On the street or off premises parking can be used as overflow parking

(5) That the Town's noise ordinance applies.(Section 15-18)

(6) Prohibit large gatherings such as weddings and reunions unless specifically approved by the Town Manager

(7) Pets, if permitted, are not to be left outside unattended. Pets and owners must comply with the Town of Port Royal and Beaufort County animal control ordinances.

6. **Accommodation fee required**. Any property owner engaged in the activity of short term rental within the limits of the town will collect and remit to the town the local accommodation tax as provided for in chapter 18, article III, local accommodation tax.
7. **Parking:** Parking shall be provided on-site if possible, with the preferred location to the side or rear of the rental unit. On-site parking shall be delineated with an improved surface such as pavement, gravel, or another method approved by the Town administrator. On the street or off premises parking can be used as overflow parking
8. **Marketing Requirements and Restrictions**
   a. **Rental Unit Number:** A unique number will be assigned to each rental unit by the Town. This number must be used in any marketing platform (online or otherwise)
   b. **Signs:** No on-site advertising signs shall be permitted.
9. **Other Rental Information**. Other Rental Information including the proper use of the sanitation and recycling roll-carts, and emergency contact information including the police non-emergency number, shall be posted in a conspicuous location in the unit.
10. **Property Management Plan:** A property management plan shall be developed by the property owner and approved by the town manager or another designated by the town manager at the Town of Port Royal. The property management plan shall identify a local property manager if the owner does not occupy the premises or the owner lives more than 2 hours away from the STR. Where the property owner lives on the premises, a back-up property manager must be identified unless the owner certifies the unit will not be rented when the owner is out of town. The town manager or designated individual at the town shall be notified when management of the unit changes. Failure to comply with the approved property management plan shall result in the revocation of the short term rental permit.
11. **Monitored Fire Alarm:** A monitored fire alarm is required for all units except boats. Boats are required to provide documentation that a Coast Guard Auxiliary Safety Vessel Check has been performed is required. The Vessel Safety Check can be arranged through this link: http://www.cgaux.org/vsc. Existing facilities not meeting this requirement shall be brought into conformance within 6 months of the date of adoption of this code.
12. **Outside Approvals Required:** For properties located in a neighborhood or multifamily structures with a property owners' association, the applicant shall certify STRs are permitted. For boats in an approved marina, written permission from the marina manager is required. STR operators are responsible for complying with the property owner's association requirements.
13. **Safety Inspection and Licensing:** A Safety Inspection shall be conducted before the Business License for the facility is issued. The facility shall comply with all business license, revenue collection, and health laws of the Town of Port Royal, Beaufort County and the state of South Carolina.
14. **Unlicensed Units:** For units that are found to be operating without approval of the City, the short term rental application fee shall be $1,000. If the property owner chooses not to submit a short term rental application within 60 days of being notified by the City of being in violation of the ordinance, a short term rental application shall not be approved for a period of 2 years.
15. **Transfer of Permit:** A permit can be transferred to another property owned by the permit holder in the same district if transferred in 60 days from the date of the sale of the existing unit. It is the obligation of the transferee and transferor to provide the Town with any information relevant to the transfer.

4.2.30 Retail and Restaurants

A. ***General Retail or Restaurant with a Drive Through Facility.***

1. Retail and Restaurant establishments with a drive through facility shall comply with the following standards:

a. **General to All.**

(1) **Building Location and Circulation.** To the maximum extent practicable, all dimensional and design standards of this code shall apply. In no case shall a vehicular accessway / driveway or off-street parking area be permitted between the principal façade of the building and the primary street.

(2) **Drive-through Configuration.** Drive-throughs shall be located to the side or at the rear of the building and shall be designed so that pedestrian safety is ensured.

(3) **Location on Corner Lot.** Drive-throughs serving a building located on a corner lot shall be located to the rear or interior side. In no instance shall the drive-through be located on the side of a building facing a street.

(4) **Roof.** If covered, the roof over the drive-through shall be of a complementary architectural design as the design covering the primary portion of the structure.

(5) **Talk Boxes.** Talk boxes at drive-through facilities shall be screened by a sound barrier such as landscaping, a fence or a masonry wall.

b. **Specific to T4UC and T5MS.** Per the Vehicle Access and Parking Standards for building types permitted in T4UC and T5MS (Division 5.1. Building Types), drive-through access in these districts shall occur from an adjacent side street or central alley, as depicted in the diagrams in Section 4.2.70 (Diagrams Specific to Use).

(1) Drive-through establishments are allowed only on the corners of the block in order to be visually tied to the entries that serve them.

(2) The shop fronts of the Main Street shall not be punctured by a drive-through entryway or exitway.

(3) Drive-through traffic should exit the site where it enters the site, rather than being routed to another side of the block, so customers are not disoriented.

(4) Remote drive-through technology (in which objects are placed in a capsule and delivered to the drive-through via a tube) shall be encouraged.

c. **Specific to T4NC and T4NC-O.** Per the Vehicle Access and Parking Standards for building types permitted in T4NC and T4NC-O (Division 5.1. Building Types), drive-through access in these districts may occur from the front if there is no adjacent side street or alley, as depicted in the diagrams in Section 4.2.70 (Diagrams Specific to Use).

(1) Drive-through establishments are allowed on corners and mid-block.

(2) Drive-through traffic should enter and exit the site at different locations.

(3) Both remote drive-through technology and attached drive-throughs are permitted.

(4) The roof on a multi-lane attached drive-through that is visible from the street may be designed as a porte corchere.

2. **Reserved.**

B. ***Open Air Retail***.

1. Open Air Retail facilities shall comply with the following standards:

   a. To the maximum extent practicable, the primary structure contributing to this use shall conform to the dimensional and development standards of Article 3 (Specific to Zones); and if applicable, the building type standards of Division 5.1 (Traditional Building Types), private frontage standards of Division 5.3 (Private Frontage Standards), and architectural provisions of Division 5.4 (Architectural Standards and Guidelines).

   b. **Items Permitted for Sale.** The following merchandise can be sold:

      (1) Agricultural goods; and

      (2) Artisan and craft goods; and

      (3) Cultural items; and

      (4) Seafood; or

      (5) Seasonal sales, such as Christmas trees or pumpkins.

   c. **Operation.**

      (1) Sales displays shall be arranged to leave at least five (5) feet of clear walkway for pedestrian circulation and shall not adversely impact vehicular access or circulation or unreasonably reduce parking.

      (2) Displays shall only be permitted during daylight hours.

      (3) Lighting of merchandise, signage, or any other element of the outdoor sales area shall not be permitted.

      (4) No permanent improvements shall be made for the sole purpose of outdoor sales.

      (5) Tents shall not be used on Paris Avenue.

      (6) All merchandise and sales displays shall be located on private property.

2. **Reserved.**

C. ***Vehicle Sales and Rental: Alternative and Low Impact.***

1. Facilities engaged in the sale or rental of alternative and low impact vehicles shall function like a general retail store and comply with the following standards:

   a. **Site Design.** To the maximum extent practicable, all dimensional and design standards of this code shall apply. In no case shall a vehicular accessway / driveway or off-street parking area be permitted between the principal façade of the building and the primary street.

   b. **Outdoor Display.**

      (1) Up to 5 vehicles (not more than 1 row deep) may be displayed directly in front of, or along the side of the building for every 50 feet of building frontage that faces a primary or secondary street. The display area is limited to private property and may include the private frontage (porch, gallery, arcade, etc.)

      (2) Display items shall not impede pedestrian circulation in any way.

      (3) Outdoor display may occur from dawn to dusk only. At all other times display items shall be stored within a fully enclosed building.

c. **Merchandise.** Aside from those items on outdoor display, all other items (including all merchandise) shall be stored, maintained, and sold from inside the building.

2. Reserved.

D. ***Vehicle Sales and Rental: Automobiles, Light Trucks, Boats.***

1. Facilities engaged in the sale or rental of automobiles, light trucks, or boats shall comply with the following standards:

a. **Site Design.**

(1) To the maximum extent practicable, all dimensional and design standards of this code shall apply. In no case shall a vehicular accessway / driveway or off-street parking area be permitted between the principal façade of the building and the primary street.

(2) **Large Facilities.**

i. Larger facilities shall integrate blocks and streets into the site, allowing for future infill and transformation.

ii. Buildings in excess of 35,000 sf. shall comply with the standards of Section 5.2.50 (Large Footprint Building).

iii. Vehicle sales and rental facilities with front-loaded parking or display lots shall be prohibited except in the case of facilities with a Main Building that meets or exceeds 35,000 SF. Such facilities shall comply with the standards of Section 5.2.50. (Large Footprint Building).

b. **Outdoor Display.** Vehicle and boat display shall only be permitted as follows:

(1) Display is permitted in the designated parking area (see Article 3 Specific to Zones). Large Footprint Buildings with "front loaded parking" may display in this area.

(2) Up to 3 vehicles or boats (not more than 1 row deep) may be displayed along one side of the building for every 50 feet of side building frontage. The display area shall be located behind the front plane of the principal façade of the building, and shall not impede upon are the private frontage / encroachment area.

(3) On corner lots outdoor display shall not be permitted along the side of the building that abuts the corner.

(4) Display items shall not impede pedestrian or vehicular circulation in any way.

(5) No vehicles shall be displayed with their hoods open, except in a display building, which shall be an enclosed structure.

c. **Vehicles and Boats for Sale and Rent.** Aside from those vehicles and boats on outdoor display, all other items shall be stored, maintained, and sold from inside the building, or within the designated parking area (see Article 3 Specific to Zones). These provisions apply to a Large Footprint Buildings with "front loaded parking."

d. **Location of Service Bay Doors.** Repair of all vehicles and boats shall occur within an enclosed building. Service bay doors shall be located perpendicular to the road fronting the site and shall be screened from all other streets and adjacent residential property.

e. **Outdoor Intercoms.** Outdoor intercoms located on vehicular sales and rental sites shall comply with the following:

(1) Be located a minimum of 150 feet from the property line of any existing residential use; and

(2) If the facility is located adjacent to an existing residential use, be located on a side of the building that does not front the residential use.

2. Reserved.

4.2.40 Recreation, Education, Safety, Public Assembly

A. ***Recreation & Entertainment Facility: Outdoor.***

1. Outdoor amusement and entertainment facilities shall comply with the following standards:

a. **Site Design.** To the maximum extent practicable, all buildings on the site shall conform to the building type standards of Division 5.1 (Traditional Building Types), and contain an associated private frontage as conveyed in Division 5.3 (Private Frontage Standards). The building shall be sited per the dimensional and development standards of Article 3 (Specific to Zones) and conform to the architectural provisions of Division 5.4 (Architectural Standards and Guidelines).

b. **Screening.** Any portion of the site or function requiring (or resulting in) additional external lighting, noise, or odors shall be located 50 feet from the lot line and shall be completely screened using vegetative plantings, fencing, buildings, or a combination thereof.

c. **Hours of Operation.** Outdoor operations shall be closed and exterior lighting turned off by 11:00 p.m. Facilities seeking to remain open after this time must apply for and receive approval of a Special Exception Permit , see Section 8.2.50 (Special Exception Permit).

2. **Reserved.**

B. **Reserved.**

4.2.50 Transportation, Communications, Infrastructure

A. ***Infrastructure and Utility: Minor and Major***

1. Specific to Infrastructure and Utility: Minor.

a. **Site and Building.** To the maximum extent practicable:

(1) The site shall conform to the standards of this Code.

(2) Facilities shall be fully enclosed within a building that conforms to the building type standards of Division 5.1 (Building Types). This includes the Carriage House Building Type (see Section 5.1.40 Carriage House) which may be sited as a Main Building per the dimensional and development standards of Article 3 (Specific to Zones).

(3) Buildings shall contain an associated private frontage as conveyed in Division 5.3 (Private Frontage Standards).

(4) Landscaping shall conform to the standards of Division 5.7 (Landscaping).

b. **Architecture.** The Administrator shall have discretion regarding the level of architectural detail required. See Division 5.4 (Architectural Standards and Guidelines).

c. **Screening.** Minor Utilities not encased in a building shall be completely screened (100 percent opacity to a minimum of 6 feet in height) from adjoining properties and ROWs using vegetative plantings, fences and walls, buildings, or a combination thereof.

2. **Specific to Infrastructure and Utility: Major.**

a. **Environmental Impact.** The use shall not cause an adverse impact on the state's waters.

b. **Additional Setback.** The site shall be located 100 feet from all lot lines.

c. **Structure Over 150 feet in Height.**

(1) Within a regional utility corridor, all structures 150 feet or taller located in a regional utility corridor shall be fitted with orange aviation marker balls installed along the static wire located between the structures, in accordance with applicable industry standards.

(2) Outside a regional utility corridor, all structures 150 feet or taller shall have lighting in accordance with Federal Aviation Administration (FAA) Advisory Circular AC 70/7460-1K, as amended, and FAA Advisory Circular AC 150/5345-43E, as amended, and shall be red flashing strobe lights (L-864) at night and medium intensity flashing white lights (L-865) during daylight and twilight use unless otherwise required by the FAA.

B. ***Parking Facility: Public or Commercial.***

1. Specific to Surface Parking.

a. **Site and Building.** To the maximum extent practicable:

(1) The site shall conform to the standards of this Code, including Article 5.5 (Fences and Walls), Article 5.6 (Off-Street Parking), and Article 5.7 (Landscaping and Screening).

(2) Where surface parking lots are located adjacent to a:

i. Street – A "picket" or "dog ear" fence with corner posts, garden wall, or garden wall with wrought iron fence shall be provided along the length of the property line. The structure shall be a minimum of 4 feet in height and a maximum of 6 feet in height.

ii. Alley – A hedge wall, "picket" or "dog ear" fence with corner posts, garden wall, or garden wall with wrought iron fence shall be provided along the length of the property line. The structure shall be a minimum of 4 feet in height and a maximum of 6 feet in height.

iii. Residential property – A hedge wall, garden wall, or garden wall with wrought iron fence shall be provided along the length of the property line. The structure shall be 6 feet in height.

Fences and Walls are described in detail in Division 5.5 (Fences and Walls).

2. **Specific to Parking Decks / Garages.**

   a. **Location and Frontage.** Parking garages should be located on the interior of a block, with little or no street exposure. If the parking garage cannot be sited on the interior of a block, the garage should be placed mid-block (with limited street exposure) as opposed to a corner (with significant street exposure). All parking garages, regardless of size, that are not located in the interior of the block shall:

      (1) Comply with the standards of Section 5.2.50 (Large Footprint Building).

      (2) Reserved.

   b. **Garage Height.** The height of the garage should be equal to or lower than surrounding buildings.

   c. **Materials.** Building materials should be similar in color and texture to those of nearby structures.

   d. **Wall Enclosures.** Wall enclosures on street elevations should be designed to be compatible with other buildings in the area and reflect similar proportions of solid to void.

   e. **Level Floor Plates.** Garages should have Level floor plates on all façades.

   f. **Stairs and Elevators.** Stairs and elevators shall be designed to fit within the boundaries of the garage, rather than on the exterior as an attached stair and/or elevator tower.

   g. **First Floor Commercial.** First floor commercial storefronts should be heavily glazed, allowing for visual interaction with pedestrians and vehicular traffic.

4.2.60 Industrial

A. *Manufacturing, Processing, and Packaging – Light: 15,000 SF or Less.*

1. Facilities engaged in low intensity manufacturing, processing, assembly, and packaging shall comply with the following:

   a. **Site and Building.** To the maximum extent practicable:

      (1) The site shall conform to the dimensional and development standards of Article 3 (Specific to Zones); and

      (2) Buildings on the site shall comply with the building type standards of Division 5.1 (Traditional Building Types), utilize an associated private frontage, as conveyed in Division 5.3 (Private Frontage Standards), and abide by the architectural provisions of Division 5.4 (Architectural Standards and Guidelines).

   a. **Operations.**

      (1) All operations related to this use shall be conducted completely within a building, except for limited daily outdoor operations and storage which may occur behind the building and at least 50 feet from any property line.

      (2) No impacts or byproducts of the use, including noise, dust, or odor shall be discernible from the property line.

2. **Reserved.**

B. *Warehousing and Distribution.*

1. Facilities engaged in the receipt, short term storage, and re-distribution of goods shall comply with the following:

a. **Site and Building.** To the maximum extent practicable:

(1) The site shall conform to the dimensional and development standards of Article 3 (Specific to Zones); and

(2) Buildings on the site shall comply with the building type standards of Division 5.1 (Traditional Building Types), utilize an associated private frontage, as conveyed in Division 5.3 (Private Frontage Standards), and abide by the architectural provisions of Division 5.4 (Architectural Standards and Guidelines).

(3) The site shall be designed to prevent vehicle stacking.

b. **Outdoor Storage.**

(1) No open storage of junk or salvage materials of any type shall occur in conjunction with the operation.

(2) The use shall locate outdoor storage areas to the rear of the principal structure, to the maximum extent practicable, and screen them with an opaque fence or wall of no less than 8 feet in height in accordance with Division 5.5 (Fences and Walls).

d. **Yard Requirements.** Open yard use for the sale, rental and/or storage of materials or equipment, excluding junk or other salvage shall be located to the rear of the principal structure, and completely screened (100 percent opacity) from adjacent properties and ROW's using vegetative plantings, fences or walls, buildings, or a combination thereof. Materials may not exceed the height of the screening.

2. **Reserved.**

4.2.70 Diagrams Specific to Use

A. **Drive-Through Facilities.** The following Diagrams depict potential and desired configurations for drive-through facilities.

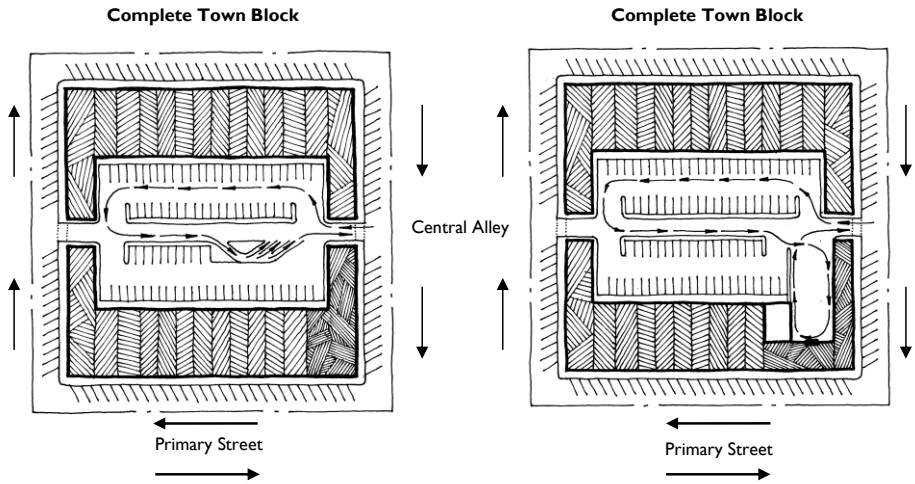

Diagram 4.2.70.A (T4UC and T5MS):
Drive-through remote multi-lane (bank or pharmacy).
Same entrance and exit (central alley).
(Credit: Steve Mouzon)

Diagram 4.2.70.B (T4UC and T5MS):
Drive-through attached single-lane (restaurant).
Same entrance and exit (central alley).
(Credit: Steve Mouzon)

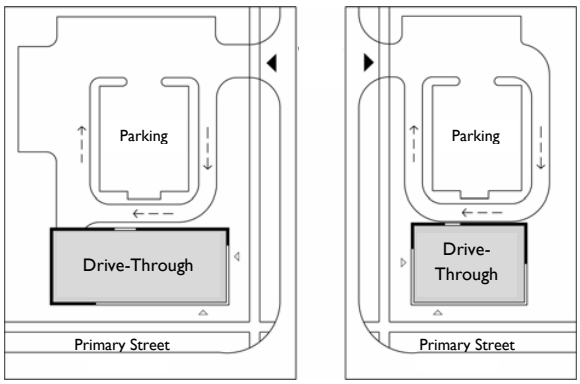

Diagram 4.2.70 C (T4 and T5):
Drive-through attached single or multi-lane (bank, restaurant, pharmacy, or dry-cleaner).
Same entrance and exit (side street).

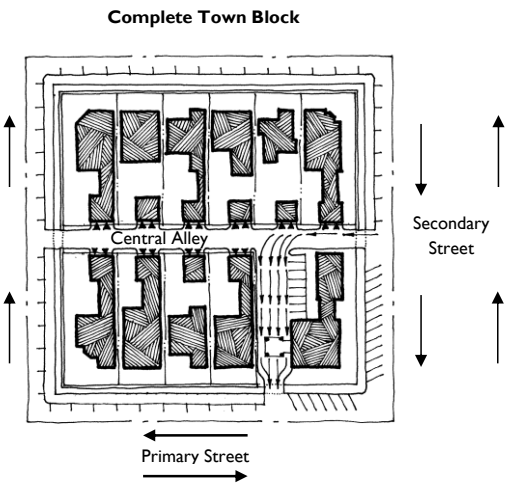

Diagram 4.2.70.D (T4NC and T4NC-O):
Drive-through attached multi-lane (bank or pharmacy).
Different entrance (central alley) and exit (primary street).
(Credit: Steve Mouzon)

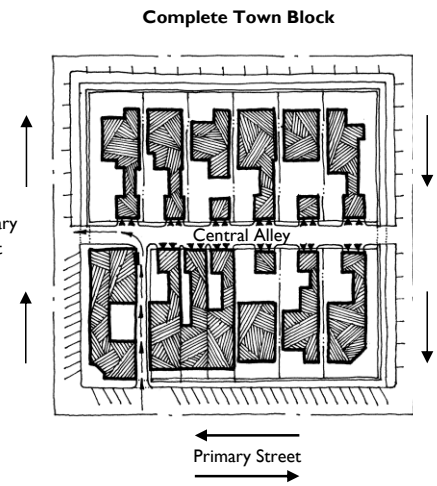

Diagram 4.2.70.E (T4NC and T4NC-O):
Drive-through attached single-lane (restaurant or dry cleaner).
Different entrance (primary street) and exit (central alley).
(Credit: Steve Mouzon)

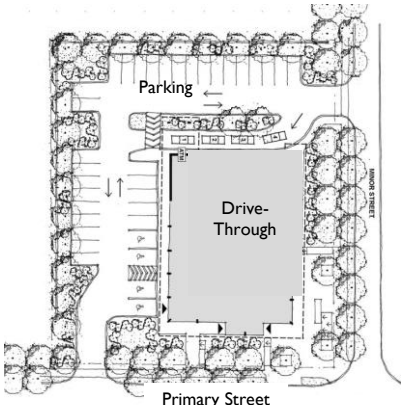

Diagram 4.2.70.F (T4NC and T4NC-O):
Drive-through attached single-lane
(restaurant, pharmacy, or dry cleaner).
Same entrance and exit (primary street or side street).
Different entrance and exit (primary street and side street).

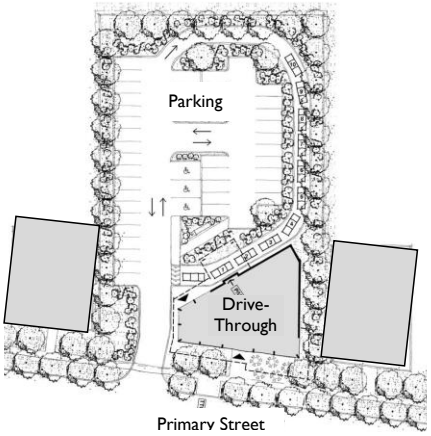

Diagram 4.2.70.G (T4NC and T4NC-O):
Drive-through attached single-lane
(restaurant, pharmacy, or dry cleaner).
Same entrance and exit (primary street).

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Division 4.3: Accessory Uses and Structures

Section:		Page #
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4.3.30	Conditions Applicable to All Accessory Uses and Structures	4-34
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4.3.60	Uses Customarily Accessory to Residential Dwellings and Non-Residential Facilities	4-38
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4.3.10 Purpose

This Division authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The Town's intent in adopting this Division is to allow a broad range of accessory uses and structures, so long as they are located on the same lot as the principal use, and so long as they comply with the standards set forth in this Division in order to reduce potentially adverse impacts on surrounding lands.

4.3.20 General Standards and Limitations

A. **Compliance with Development Code Requirements.** All accessory uses and accessory structures shall comply with the standards and requirements of this Division, as well as all applicable provisions in this Development Code.

B. **General Standards.** All accessory uses and accessory structures shall meet the following standards:

1. Be customarily accessory and clearly incidental and subordinate to the principal use or structure;
2. Be subordinate in area, extent, and purpose to the principal use or structure;
3. Be owned or operated by the same person as the principal use or structure;
4. Be located on the same lot as the principal use or structure unless otherwise specified in this section;
5. Together with the principal use or structure, not violate the standards of this Ordinance; and
6. Not constitute a combination use, which is the combination of two principal uses (combination uses will not meet the above standards in terms of being subordinate or providing service to the principal use).

C. **Listed Accessory Uses and Structures.** Activities and structures accessory to the principal uses identified in Table 4.1.30 (Principal Use Table) are addressed in:

1. **Table 4.1.40 (Principal Use Definitions).** A limited number of examples are provided with each principal use.

2. **Division 4.2 (Conditional Use Regulations).** On occasion a specific condition associated with a principal use applies to an accessory activity or structure.
3. **This Division (Division 4.3 Accessory Uses and Structures).** All other Activities and structures associated with a principal use or structure are identified in this Division, as are their associated provisions.

D. **Approval.** All "Listed Accessory Uses and Structures" (see 4.3.20.C. above) shall be treated as permitted uses, provided the provisions of this Division are met. Any person desiring to participate in a "listed" accessory activity, or site a "listed" accessory use should confer with the Administrator prior to do so.

E. **Interpretation of Unidentified Accessory Uses.** The Administrator shall evaluate potential accessory uses that are not identified in this Section on a case-by-case basis, as an interpretation, see Section 8.1.140 (Interpretations). In making the interpretation, the Administrator shall apply the following standards.

1. **Purpose and Intent of Zones.** The purpose and intent of the zone in which the accessory use is located, see Article 3 (Specific to Zones).
2. **Potential Adverse Impacts.** Any potential adverse impacts the accessory use may have on other lands in the area, compared with other accessory uses permitted in the zone.
3. **Compatibility.** The compatibility of the accessory use, including the structure in which it is housed, with other principal and accessory uses permitted in the zone.

4.3.30 Conditions Applicable to All Accessory Uses and Structures

A. **Setbacks, Yards, and Height.** All accessory uses and structures, including in-ground or above-ground pools, shall comply with all setbacks, yard, and building height requirements for the applicable zoning district (Article 3 Specific to Zones), and shall be located behind the front plane of the principal façade of the main building such that they do not impede upon the private frontage / encroachment area, except:

1. **Water-Oriented Facilities.** Accessory water-oriented facilities such as docks, landings, boat houses, etc., shall be allowed to infringe into required setback areas along shorelines and into rivers, lakes, streams and other waterways.
2. **Fences and Walls.** Fences and walls shall meet the standards in Division 5.5 (Fences and Walls).

B. **Location.** Accessory structures shall not be located within any platted or recorded easement or over any known utility.

C. **Accessory Storage Buildings.** Except where addressed in this ordinance, accessory buildings used for storage shall be completely enclosed structures.

D. **Air Conditioning Compressor Units.** Air conditioning compressor units shall be located within five feet of a principal structure or any other accessory structure.

4.3.40 Uses Customarily Accessory to Residential Dwellings

A. Uses customarily accessory to residential dwellings shall comply with Section 4.3.30 (General to All Accessory Uses and Structures), as well as the following conditions:

1. ***Accessory Dwelling Units (ADUs)*.** Conditions specific to this use are located in Section 4.2.10.A (Accessory Dwelling Units).
2. ***Home Occupation*.** Conditions specific to this use are located in Section 4.2.10.B (Home Occupation).

3. ***Private Garage.*** A private garage shall comply with the following standards:

   a. **Attached.** Attached garages shall conform to the dimensional and development standards of the building type for which they are associated (Division 5.1 Building Types), as well as the zone in which the building is located (Article 3 Specific to Zones).

   b. **Detached.**

      (1) Detached garages shall comply with the dimensional and development standards for the Carriage House building type (see Section 5.1.40 Carriage House) and the underlying zoning district (see Article 3 Specific to Zones).

      (2) Aggregate footprint shall not exceed 50% of the footprint of the Main Building.

   c. **Services.** A private garage may be provided with electricity, a sink, and a commode.

4. ***Garden Shed or Storage Building.*** Multiple garden sheds and / or one storage building shall be permitted per lot provided:

   a. **Scale.**

      (1) **Garden sheds.** Garden sheds shall be limited to 120 square feet each.

      (2) **Storage Buildings.** Storage Buildings shall be limited to 320 square feet and one story (12 feet measured to the eave).

   b. **Water and Electricity.** Garden sheds and storage buildings may be provided with electricity and a sink.

   c. **Steel Cargo Containers.** Steel cargo storage containers or modified versions thereof are not permitted.

5. ***Children's playhouse.*** One Children's playhouse up to 150 square feet in size and related play equipment may occupy the side or rear yard of the lot.

6. ***Private Swimming Pool and Pool House.*** One private swimming pool is permitted as per the adopted Building Code; and one pool house or pool cabana may occupy the lot.

   a. The pool house / cabana shall comply with the dimensional and design standards for the Carriage House building type (see Section 5.1.40 Carriage House); and

   b. Shall not exceed 200 square feet in size and 1 story (max. 12 ft. measured to the eave).

7. ***Private Dock.*** One private dock and associated boat house may occupy the lot. The boat house shall comply with the dimensional and design standards for:

   a. The boat house shall comply with the dimensional and design standards for the Carriage House building type (see Section 5.1.40 Carriage House); and

   b. Shall not exceed 200 square feet in size and 1 story (max. 12 ft. measured to the eave).

8. ***Ornamental Structures***. Gazebos, trellises, picnic tables, and furniture designed specifically for outdoor use.

B. **Reserved.**

4.3.50 Uses Customarily Accessory to Retail and Service Functions, Offices, Recreational Entertainment Facilities, and Industry

A. Uses customarily accessory to retail and service functions, offices, recreational entertainment facilities, and industry shall comply with Section 4.3.30 (Conditions Applicable to All Accessory Uses and Structures), as well as the following conditions:

1. ***Accessory Structures*.**

   a. **Garden or Tool Shed.** One garden or tool shed – for the storage of equipment used in operations and / or maintenance – is permitted per lot, provided the shed does not exceed 120 square feet in size.

   b. **Storage Building.** One building – for the storage of supplies, stock or merchandise – is permitted per lot, provided the building:

      (1) Exceeds 120 square feet, and

      (2) Complies with the dimensional and development standards for the Carriage House building type (see Section 5.1.40 Carriage House), and

      (3) Complies with the dimensional and development standards of Article 3 (Specific to Zones), and

      (4) Does not exceed 50 percent of the floor area of the principal structure.

   c. **Not Permitted.** Steel cargo storage containers or modified versions thereof are not permitted.

2. ***Light manufacturing and/or repair facility*.**

   a. An accessory light manufacturing and/or repair facility in which dust, odor, smoke, noise, vibration, heat or glare is not perceptible from any boundary line of the lot shall be permitted.

   b. Reserved.

3. ***Outdoor Display*.**

   a. Except where specifically addressed elsewhere in this Code, outdoor display of merchandise may be allowed as an accessory use provided the activity complies with the following standards:

      (1) **Merchandise for Display.** For the purposes of this section, merchandise is defined as any item that is for sale on the premises or is representative of an item that is for sale on the premises, regardless of whether or not that particular item is available for purchase. The following types of merchandise shall be permitted for display outside as an accessory use:

         i. **Outdoor Merchandise.** Merchandise typically used outdoors, including but not limited to: Landscape structures (garden sheds, arbors, gazebos, etc.), play sets (swings, slides, forts, etc.), plants and related materials (garden pots, plant holders, etc.), agricultural products, lawn maintenance equipment (lawn mowers, spreaders, wheelbarrows, etc.), outdoor furniture.

         ii. **Indoor Merchandise.** Merchandise typically used or displayed indoors, including but not limited to: clothing, furniture, household goods, recreation items.

      (2) **General Display Area.** Except where noted in this Sub-section, **t**he outdoor display area may occupy the private frontage (porch, gallery, arcade, etc.) along the primary and / or secondary street (if applicable).

The display area may abut, and slightly infringe upon the public sidewalk, so long as the activity does not disrupt or impede the normal flow of pedestrian traffic (minimum 42 inch clear area measured from the curb).

Outdoor display of goods shall not occur anywhere else on the property, including the interior or rear side of the building, drive aisles and accessways, loading zones, fire lanes, or parking lots.

Exception. Landscape structures and play sets may only be displayed in the designated rear or side parking area. Items shall be displayed in a row, located as close to the building as is practicable. The display area shall be no more than one row in depth, and shall comply with the standards in (3) below.

(3) **Display Area Parameters.**

i. The outdoor display area may occupy no more than one-half of the length of the principal building's façade.

ii. **Multi-Tenant Building.** In the case of a multi-tenant building, the outdoor display area shall include the entire private frontage along the primary and/ or secondary street (if applicable). The total amount of display area for all in-line tenants combined shall not exceed 50 percent of the aggregate private frontage for the building.

iii. **Pedestrian Entrance.** The area of outdoor display shall not occupy the space directly in front of the primary and / or secondary entrance to the building.

iv. **No Goods Attached to Wall Surface.** No goods shall be attached to a building's wall surface.

v. **Height.** The height of the outdoor display shall not exceed 10 feet. If a single item on display exceeds 10 feet, that item may encroach upon this limit.

vi. **Hours.** Merchandise typically used indoors (as defined above) may only be displayed outdoors during business hours.

b. **Reserved.**

5. ***Outdoor Storage as an Accessory Use*.**

a. Except where specifically addressed elsewhere in this Code, outdoor storage may be allowed as an accessory use provided the activity complies with the following standards:

(1) **Location and Design.** Each outdoor storage area shall be:

i. Incorporated into the overall design of the principal structure on the site; and

ii. Located such that the storage area complies with the required parking setbacks for the site; and

iii. Located to the rear of the principal structure.

(2) **Goods Stored Must be Sold on Premises.** Goods stored in an outdoor storage area that are intended for re-sale shall be limited to those sold on the premises as part of an associated, principal use.

(3) **Screening.**

i. Each outdoor storage area shall be completely screened (100 percent opacity) from adjacent properties and ROW's using vegetative plantings,

fences or walls, buildings, or a combination thereof. Materials may not exceed the height of the screening.

ii. When fences and walls are used to screen the storage area, they shall incorporate at least one of the predominant materials and one of the predominant colors used in the primary structure.

(4) **Storage Area Covering.** If the outdoor storage area is covered, then the covering shall include at least one of the predominant exposed roofing colors on the primary structure.

(5) **Flammable Liquid or Gas.** Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.

(6) **Storage.** No materials may be stored in areas intended for vehicular or pedestrian circulation.

b. Reserved.

B. **Reserved.**

4.3.60 Uses Customarily Accessory to Both Residential and Non-Residential Facilities.

A. Uses customarily accessory to both residential and non-residential facilities shall comply with Section 4.3.30 (Conditions Applicable to All Accessory Uses and Structures), as well as the following conditions:

1. ***Satellite Dish Antenna*.**

a. All satellite dishes, regardless of size shall comply with the following standards:

(1) General Requirements. No form of advertising shall be allowed on the dish or framework other than the manufacturer's small identification plate.

(2) Satellite dishes should be placed in the side or rear yard or on the roof. Dishes shall not be allowed in any front yard unless a company licensed to install satellite dishes in the Town certifies that the front yard is the only place where the dish will be operational. Satellite dishes should be screened from the street and to the degree feasible, from adjoining properties. Such screening can be accomplished through fencing, landscaping, or placement of the dish between/behind architectural features of the building.

b. Reserved.

2. ***Security or Caretaker Quarters*.**

a. A dwelling unit for security or caretaker quarters shall comply with the following standards:

(1) **One Unit per Principal Use.** Only one such dwelling unit per principal use shall be allowed.

(2) **Location.** The dwelling unit for security or caretaker quarters shall be located within a principal building or accessory dwelling unit. Such quarters are not permitted in a mobile home.

(3) **Design.** Security or caretakers quarters in a freestanding accessory structure shall:

i. Comply with the dimensional and development standards for the Carriage House building type (see Section 5.1.40 Carriage House), and

ii. Comply with the building height standards for ancillary buildings in Article 3 (Specific to Zones), and

iii. Not exceed 30 percent of the floor area of the principal structure.

(4) **Off-street Parking.** A minimum of two off-street parking spaces shall be provided, in addition to the required parking for the principal use or business.

(5) **Occupant.** Only the owner, operator, caretaker, or an employee of the principal building, plus that person's immediate family, may occupy the dwelling unit.

b. **Reserved.**

3. ***Small Wind Energy System.***

a. A small wind energy facility shall comply with the following standards:

(1) **Amount.** Towers and turbines associated with a small wind energy facility shall be limited to a maximum of one per principal use.

(2) **Capacity.** Small wind energy facilities shall be:

i. Limited to 10kw of wind power generation or less on blocks that are primarily residential in nature.

ii. Limited to less than 100kw of wind power generation on blocks that are primarily mixed-use or commercial in nature.

(3) **Location and Setback.**

i. Small wind energy facilities shall not be located between a principal building and any streets fronting the lot.

ii. A small wind energy facility shall be set back a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus 10 feet from all lot lines and overhead utilities. Guy wires and other support devices shall be set back at least 10 feet from all lot lines.

(4) **Height.** The maximum height of a small wind energy system (including the tower and extended blades) shall be 90 feet.

(5) **Sound.** Sound produced by the wind turbine under normal operating conditions, as measured at a lot line, shall not exceed 55 dBA. The 55 dBA sound level, however, may be exceeded during short-term events that occur beyond the property owner's control, such as utility outages and/or severe wind storms.

(6) **Appearance.** The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white, or galvanized steel).

(7) **Blade Clearance.** The blade tip or vane of any small wind energy facility shall have a minimum ground clearance of 15 feet above grade, as measured at the lowest point of the arc of the blades. No blades shall extend over public rights-of-way, parking, or driveway areas.

(8) **Lighting.** No illumination of the turbine or tower shall be allowed, unless required by the FAA.

(9) **Access to Tower.** Any climbing rungs shall be removed to a height of 12 feet above grade.

(10) **Signage Prohibited.** Signage visible from any public street shall be limited to the manufacturer's or installer's identification, appropriate warning signs, or owner identification.

(11) **Abandonment.** On determining that a small wind energy facility has been inoperable for 180 days or more, the Director shall send the property owner notice requiring restoration of the system to operating order within 180 days after receiving the notice. If the owner fails to restore the system to operating condition within the authorized time frame, the owner shall be required, at the owner's expense, to remove the wind turbine from the tower for safety reasons. If the owner fails to remove the wind turbine from the tower, the County may pursue legal action to have the wind turbine removed at the owner's expense.

b. **Reserved.**

4. ***Solar Energy Equipment*.**

a. Solar energy equipment shall comply with the following standards:

(1) **Location.** The system may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground.

(2) **Height.** The system shall comply with the maximum height standards for the zone in which it is located, provided that a roof-mounted system shall not extend more than 15 feet above the roofline of the structure on which it is mounted.

(3) **Nonconforming Structure-Height.** Where an existing structure exceeds the applicable height limit, a solar energy collection system may be located on its roof irrespective of applicable height standards, provided the system extends no more than five feet above the roof surface.

(4) **Area.** The area of the system shall not exceed one-half the footprint of the principal structure or 600 square feet, whichever is greater.

(5) The property owner shall be responsible for negotiating with other landowners in the vicinity to establish any solar easement designed to protect solar access for the solar energy collection system.

b. Reserved.

5. *Swimming Pools, Hot Tubs, and Ornamental Ponds*.

a. Swimming pools, hot tubs, and ornamental ponds are permitted as per the adopted building code.

b. **Reserved.**

6. ***Waste receptacles and refuse collection areas*.**

a. Waste receptacles and refuse collection areas Except for facilities serving individual single-family detached dwellings, two-family dwellings, and temporary waste receptacles on construction sites, all waste receptacles and refuse collection areas shall comply with the following standards:

(1) **Setbacks**. Waste receptacles and refuse collection areas shall be set back at least five feet from a side or rear lot line, and shall not be located within the front or street side setback area.

(2) **Surfacing Requirements.** Areas intended for large waste receptacles and refuse collection shall be surfaced with concrete or other material approved by the Town Engineer.

(3) **Drainage.** Eating establishments and other uses that produce significant amounts of liquid waste shall configure areas intended for large waste receptacles and refuse collection to drain to an approved stormwater management system through grease traps or similar devices.

(4) **In A Parking Area.** Waste receptacles and refuse collection areas shall meet the requirements in Section 5.6.60 (Loading and Service Areas).

(5) **Screening.** Waste receptacles and refuse collection areas shall meet the screening requirements in Section 5.7.60 (Screening).

b. **Reserved.**

B. **Reserved.**

4.3.70 Uses Customarily Accessory to Public Buildings and Public Functions.

A. Uses customarily accessory to public functions and public buildings shall comply with Section 4.3.30 (Conditions Applicable to All Accessory Uses and Structures), as well as the following conditions:

1. ***Public Buildings and Public Functions.*** There shall be no limitations regarding accessory uses to any function or building operated within the public domain except that such functions and buildings must be directly related and subordinate to the principal Public Use.

2. ***Reserved.***

B. **Reserved.**

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Division 4.4: Temporary Uses and Structures

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4.4.40	Temporary Use Permit	4-44
4.4.50	General Standards for all Temporary Uses, Structures, or Special Events	4-44
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4.4.10 Purpose

This Division allows for the establishment of certain temporary uses of limited duration and special events provided that such uses do not negatively affect adjacent properties, and provided that such uses are discontinued upon the expiration of a set time period. Temporary uses and special events do not involve the construction or alteration of any permanent building or structure.

4.4.20 Table of Allowed Temporary Uses and Structures

Table 4.4.20.A summarizes the temporary uses and structures that are allowed within the Town and any general or specific standards that apply. Temporary uses or structures not listed in Table 4.4.20.A, are not allowed by this Development Code.

Table 4.4.20.A: Temporary Uses and Structures		
Temporary Use or Structure	**Allowable Time Frame**	**Specific Regulations**
Temporary Structures		
Temporary Offices / Classrooms	In place for no more than one to three years.[1]	Permit Required; see Section 4.4.60
Real Estate Sales Office / Model Sales Home	In place for no more than 3 years. No limit on model sales units.	Permit Required; see Section 4.4.70
Temporary Storage in a Portable Shipping Container	In place for no more than 45 days per calendar year, and no more than 3 occurrences per lot, per year	Permit Required; see Section 4.4.80
Temporary Sales		
Seasonal Sales	Limited to a maximum of 120 days per calendar year, and no more than 3 occurrences per lot, per year.	Permit Required; see Section 4.4.90
Sidewalk and Parking Lot Sales	Limited to a maximum of 60 days per calendar year, and no more than 3 occurrences per lot, per year.	Permit Required; see Section 4.4.100
Roadside Stands and Farmers' Markets	Limited to one year, per location; permit may be renewed on an annual basis.	Permit Required; see Section 4.4.110
Garage and / or Yard Sales	Limited to 14 total days per calendar year, per lot.	No Permit Required
Notes:		

[1] Temporary classrooms for use as part of an existing school, college, or university may be allowed to remain on the site for longer than three years.

4.4.30 Prohibited Temporary Uses

Without limiting the standards of this Development Code, the following activities are prohibited in all zones:

A. **Retail or Display of Goods, Products, or Services in Public Rights-of-Way.** Retail sales or display of goods, products, or services within the public right-of-way except as part of an authorized not-for-profit, Town-recognized event.

B. **Retail Sales or Display of Goods from Vehicles.** Except as part of a permitted seasonal sale or a roadside stand, retail sales or display of goods, products, or services from a motor vehicle, trailer, or shipping container.

4.4.40 Temporary Use Permit

All temporary uses and structures required to obtain a temporary use permit in accordance with Table 4.4.20.A (Temporary Uses and Structures), shall be reviewed, approved, or revoked only in accordance with the standards of this Division.

4.4.50 General Standards for all Temporary Uses, Structures, or Special Events

All temporary uses, structures, or special events shall meet the following general standards, unless otherwise specified in this Development Code:

A. **General.** The temporary use, structure, or special event shall not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.

B. **Compliance with Town Code of Ordinances.** All temporary uses, even those requiring no temporary use permit shall be subject to the requirements in the Town's Code of Ordinances or other provisions related to business licenses, vendor permits, or other Town requirements.

C. **No Adverse Effects.** The temporary use, structure, or special event shall not have substantial adverse effects or noise impacts on nearby residential neighborhoods.

D. **Permanent Alterations Prohibited.** Permanent alterations to the site to accommodate a temporary use, structure, or special event are prohibited.

E. **Temporary Signs.** Temporary signs associated with the temporary use or structure shall meet the standards of Section 5.9.170 (Temporary Signs) and shall be removed when the activity ends.

F. **Conditions of Approval.** The temporary use or structure shall not violate any applicable conditions of approval that applies to a principal use on the site.

G. **Location.** Tents and other temporary structures will be located so as to not interfere with the normal operations of any permanent use located on the property.

H. **Off-Street Parking.** Adequate off-street parking shall be provided to accommodate the proposed temporary use.

I. **Inspections.** All inspections and permits required by applicable Town, County, and State departments shall be approved by the appropriate person and/or agencies.

4.4.60 Temporary Offices and Classrooms

A. **Purpose and Scope.** Factory-fabricated, transportable buildings that are designed to arrive at the site ready for occupancy (except for minor unpacking and connection to utilities), and designed for relocation to other sites, may be placed on land to serve as the following:

1. **Temporary Expansion Space for Places of Worship, Heath Care Facilities, and Government Offices.** Expansion space for existing places of worship, health care facilities, and government offices, provided plans for the permanent expansion of the existing facilities have been approved by the Town.

2. **Temporary Classroom Space.** Temporary classroom space to augment existing schools, colleges, and universities.

3. **Temporary Office.** One temporary office per site to include but not be limited to, the following uses:

   a. Quarters for recreational facilities that are being provided in conjunction with a new residential development.

   b. Quarters for construction and security personnel during construction of a development.

   c. Hiring.

   d. Membership solicitation.

   e. Multiple family development office/leasing.

   f. Other general office uses.

   The number of modular buildings housing such uses shall be limited to one, in addition to those already allowed by this Section. Such modular buildings shall not be placed on the property prior to the issuance of a Building Permit.

B. **Standards.** In addition to meeting the general standards of Section 4.4.50 (General Standards for All Temporary Uses and Structures), all temporary structures approved in accordance with this Section shall meet the following standards:

1. **Location.** Temporary structures allowed under this Section may be located anywhere on site, except within the following areas:

   a. Building setbacks; and

   b. Existing required landscaping or an area designated as a future required landscaping area (whether or not vegetation currently exists); and

   c. Other areas designated on the site for open space, natural resource protection, and vehicular use, or ingress/egress.

2. **Other Standards.**

   a. The temporary structure shall be factory-fabricated and transportable;

   b. In addition to any other off-street parking required on the site in accordance with Division 5.6 (Off-Street Parking), adequate off-street parking shall be provided for the temporary use;

   c. All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained prior to installation of the temporary structure;

   d. The temporary structure shall be compatible with the existing buildings on the site in terms of exterior color; and

   e. A sketch plan containing sufficient information to show compliance with the above standards shall be approved as part of the Temporary Use Permit by the Administrator in accordance with Section 4.4.40 (Temporary Use Permit).

C. **Duration.**

1. **General.** Except for temporary classrooms, temporary structures under this Subsection may remain on the site for no more than 12 months. This period may be renewed for two additional 12 month periods, for good cause shown, upon approval of a written request for such extension, submitted to the Administrator 30 days prior to the expiration of the Temporary Use Permit. Except for temporary classrooms, in no event shall the extension allow the temporary structure to remain on the site for more than three years.

2. **Temporary Classrooms.** Temporary classrooms for use as part of an existing school, college, or university may be allowed to remain on the site for longer than three years.

4.4.70 Real Estate Sales Office

A. **General Standards.** One temporary real estate sales office may be allowed as incidental to a new residential, non-residential, or mixed use development, provided that:

1. **Yard and Setbacks.** The temporary use complies with the development standards of the zone in which it is located.

2. **Off-street Parking.** Off-street parking provided for the temporary use complies with the standards of Division 5.6 (Off-Street Parking).

3. **Sketch Plan.** A sketch plan, containing sufficient information to show compliance with the above standards is approved by the Administrator in accordance with Section 4.4.40 (Temporary Use Permit).

4. **Termination.** Upon termination of use as a temporary real estate sales office the structure shall be removed from the site.
5. **Temporary Trailers.** All temporary trailers shall be removed from the site prior to the issuance of the last certificate of occupancy for the site.

B. **Duration.**

1. **Temporary Real Estate Sales Office.** Temporary real estate sales offices may be approved for a period of up to one year. This period may be renewed for two additional 12 month periods, for good cause shown, upon approval of a written request for such an extension, submitted to the Administrator, 30 days prior to the expiration of the permit. In no event shall the extension allow the temporary structure to remain on the site for more than three years.
2. **Reserved.**

4.4.80 Temporary Storage in a Portable Shipping Container

A. One or more portable shipping containers may be sited on a lot provided:

1. **Location.** The unit(s) are sited in a designated parking area for the lot (see Article 3 Specific to Zone).
2. **Height.** No unit(s) shall exceed 8.5 feet in height.
3. **Footprint.** The aggregate footprint of the storage unit(s) shall not exceed 130 square feet.
4. **Duration.** The unit(s) may occupy the lot for a period not to exceed 45 consecutive days per calendar year, after which they shall be removed. Such units shall not occupy the same lot more than three times in one calendar year.

B. **Reserved.**

4.4.90 Seasonal Sales

A. **General.** Seasonal sales, including the sale of such items as Christmas trees and pumpkins, seasonal produce, and other similar agricultural products, may take place on a vacant or developed lot, and may be permitted for a maximum of 120 total days per calendar year, or no more than three such sales per site, per calendar year.

B. **Standards.** Seasonal sales shall comply with the standards in Section 4.4.50 (General Standards for All Temporary Uses and Structures).

4.4.100 Sidewalk and Parking Lot Sales

A. **General.** Sidewalk and parking lot sales, located on the same site as the merchant's permanent place of business, may be permitted in accordance with the standards in Section 4.4.50 (General Standards for All Temporary Uses and Structures), for a period not to exceed 60 days per calendar year. There shall be no more than three temporary sidewalk or parking lot sales of goods per site, per calendar year.

B. **Display Areas.** Sales displays shall not interfere with pedestrian circulation or traffic safety.

4.4.110 Roadside Stands and Farmers' Markets

A. **Standards for Roadside Stands and Farmers' Markets.** In addition to the standards in Section 4.4.50 (General Standards for All Temporary Uses and Structures), roadside stands and farmers' markets located on private property shall comply with the following:

1. Roadside stands shall be located on private property. The written permission of the property owner shall be required prior to issuance of a permit for a roadside stand.
2. Minimum setbacks shall be 15 feet from any property line.
3. Signage shall comply with the standards of Section 5.9.170 (Temporary Signs). No off-premise signs shall be permitted. Signs shall be removed when the stand / market is removed.
4. A driveway encroachment permit shall be required from the appropriate agency / government. Vehicle parking shall be accommodated without interfering with the safe flow of traffic on adjacent roads.
5. All display stands, shelters, etc. associated with a roadside stand shall be temporary and moveable. No permanent structures shall be permitted.
6. Roadside stands and farmers' markets typically sell items such as produce, seafood, crafts, artwork, flowers, firewood and other goods.

B. **Duration.** Permits for roadside stands and farmers' markets shall be valid for one year. Permits may be re-issued for the same location on an annual basis.

MEMORANDUM

To:	BEAUFORT–PORT ROYAL METROPOLITAN PLANNING COMMISSION
From:	Linda Bridges, Planning Administrator
Subject:	Amend Article 6, Nonconformities, of The Port Royal Code
Meeting Date:	April 20, 2020

The Town has received an application for a Text Amendment from Adams Outdoor to amend the Nonconforming Sign language of The Port Royal Code. The amendment will allow billboard companies, like Adams Outdoor, to retrofit their signs with “Hurricane Frames”.

The attached document is the application and the section from the code that is being amended. I have also included the code language without the amendment.

PROPOSED ZONING AMENDMENT
Town of Port Royal South Carolina

Fee: $250.00
PUD: $500.00 plus $5.00 per acre

To The Honorable Mayor and Town Council:

The undersigned hereby respectfully request that the Town of Port Royal Ordinance be amended as described below:

(1) This is a request for a change in the: (Check one)
( ) Zoning Map (fill in items #2, 3, 4, 5, 6, and 8 only)
(X) Zoning Text (fill in items #7 and 8 only)

(2) Give exact address and plat map reference for property you propose a zoning change;

District No.____ Map ____ Parcel (s) _____

Address _____

(3) Area of subject property _____ Sq. Ft. or acres.

(4) Current Zoning (remember to list any overlays)

(5) Proposed Zoning (remember to list any overlays)

* Under item #8 explain why this area should be zoned as you proposed.

(6) Does the applicant own all of the property proposed for this zoning change?
( ) YES ( ) NO If NO, give the address of the property involved which he does not own and the owner's name and contact information: _____

(7) Proposed language for TEXT change * See attached page

(8) Explanation: * see attached page

(If more space is needed, continue on back)

Pursuant to Section 6-29-1145 of the South Carolina Code of Laws, is this tract or parcel restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity described in this application? ____ Yes X No

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant.

Date: 3/5/20

Owners Name: Adams Outdoor / Bo Hodges

Signed: Bo Hodges

Phone #: 843-645-4200
Email: bhodges@adamsoutdoor.com

Address: 174 Boardwalk Dr Suite K
Ridgeland, SC 29936

#7. Section 6.4.10 Nonconforming Signs

C. An existing nonconforming sign cannot be modified in any way aside from routine maintenance and minor modifications to sign face attachment without bringing the sign into conformity with this section subject to the provisions outlined in subsection D.

#8. Currently under Section 6.4.10 Nonconforming Signs, the language is just vague enough that allowing the sign owner to make a minor modification to the sign face which will reduce the threat to public safety during high winds and hurricanes could be viewed as a violation of the current sign code. By amending the above text to allow for minor modifications to the sign face attachment, we would be able to update the existing sign face with a safer “Hurricane Frame” reduce the risk to personal property and the community during storms.

Division 6.4: Nonconforming Signs

Section:		Page #
6.4.10	Nonconforming Signs	6-7

6.4.10 Nonconforming Signs

A. Any sign constructed after the adoption date of this article and which is found to exist in violation of this article shall be declared to be illegally nonconforming and shall be removed after 30 days' notice. If the owner or lessee fails to remove the sign during the permitted time, then the Town Manager or his/her designate, or an independent contractor secured by the Town shall remove the sign and the ensuing charges shall be assessed to the owner or lessee.

B. A nonconforming sign shall not be changed or replaced with another nonconforming sign, including changing the sign face, except for changeable copy signs.

C. An existing nonconforming sign cannot be modified in any way aside from routine maintenance without bringing the sign into conformity with this section subject to the provisions outlined in subsection D.

D. Any existing sign not meeting the requirements of this Development Code shall be brought into compliance with this Development Code before a business license will be issued for a new resident business. Any existing sign not meeting the requirements of this Development Code shall be brought into compliance with this section before a business name can be changed.

E. Temporary nonconforming signs having obtained a sign permit before the adoption date of this Development Code, shall be permitted to remain for the life of the permit.

F. Signs on awnings or canopies shall be removed when the tenant vacates the building.

G. Nonconforming supports and brackets and unused signs must be completely removed before a new sign is installed. Any holes in the building must be appropriately patched.