Town of Winnsboro Unified Development Ordinance

ADOPTED: 9/25/2025

Prepared by Vance Consulting 08/03/2025

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Article 1: PURPOSE AND APPLICABILITY

1.1: Authority

Statutory Authority. The Town Council is authorized to adopt this Ordinance in accordance with the enabling authority in Sec. 6-29-310 et. seq S.C. Code of Laws, 1976, as amended, and including all provisions located elsewhere in the Code citing any applicable authority. Whenever any provision of this Ordinance refers to or cites a section of the Code of Laws of South Carolina and that section is later amended, this Ordinance shall be deemed amended to refer to the amended section

1.2: Purpose

This Ordinance is enacted for the purpose of guiding development in accordance with existing and future needs in order to protect, promote and improve public health, safety, morale, convenience, order, appearance, prosperity and general welfare. The purpose of this Ordinance is not merely to provide the minimum regulations necessary to facilitate safe and orderly growth, but it should also: (1) ensure that growth becomes an integral part of the community and existing developments; (2) increase the collective security and community identity to promote civic awareness and responsibility and (3) enhance the quality of life for the entire Town. This Ordinance is also meant to preserve the small-town characteristics of the Town by upholding the ideals and goals set forth in the Town of Winnsboro Comprehensive Plan.

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

1. to provide for adequate light, air, and open space;
2. to prevent the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets;
3. to facilitate the creation of a convenient, attractive, and harmonious community that includes businesses and services that provide for the needs of its citizens;
4. to protect and preserve scenic, historic, or ecologically sensitive areas;
5. Regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, water supply, sanitation, protection against floods, public activities, and other purposes in a way that maintains strong neighborhoods and protects their character, provides for a broad range of housing choices, and supports greater intensity of development at strategic locations;
6. to facilitate the adequate provision or availability of all modes of transportation, police and fire protection, water, sewer, parks, and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements;
7. to protect from fire, flood, and other damages; and
8. Facilitate the harmonious, orderly, and progressive development of land within the Town that maintains strong neighborhoods and protects their character;
9. Encourage development of land within the Town that renders it economically sound;
10. to further the public welfare in any other regard specified by a local governing body.

Assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes

1.3: Title

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

1.4: Jurisdiction

The regulations set forth herein shall apply to all land and improvements thereon within The Town Limits of the Town of Winnsboro, South Carolina, areas annexed thereto, and such adjacent unincorporated areas of Fairfield County as the Town may assume planning and zoning responsibilities for under right of extraterritoriality.

1.5: Applicability

The provisions of this Ordinance apply to the development of any land within the Town, unless expressly exempted by a specific section, subsection, or paragraph of this Ordinance. Development shall not occur except in accordance with the requirements of this Ordinance and all other applicable Town, state, and federal ordinances, laws, statutes, and regulations. No development shall occur until the required development approvals and permits are obtained in accordance with the requirements of this Ordinance. Zoning permits are good for six months from the date of issuance and may be renewed on a case-by-case basis for good cause. Occupancy permits shall be issued upon approval of the Zoning Administrator and Building Official. Development undertaken without required development approvals and permits is a violation of this Ordinance.

1.6: Repeal of Previous Zoning Ordinance

The Zoning Ordinance of the Town of Winnsboro, South Carolina adopted November 6th, 2012 together with all subsequent amendments thereto, is hereby repealed as of the effective date of this Ordinance.

ARTICLE 2: ADMINISTRATION

2.1: Responsibility For Administration

A Zoning Administrator designated by the Town Manager shall administer and enforce this Ordinance. The Zoning Administrator may be provided with the assistance of such other persons as the Town Manager may direct. It is the intent of this Ordinance that all questions of administration and enforcement shall first be presented to the Zoning Administrator and that such questions shall be presented to the Board of Zoning Appeals only upon reference by, or appeal from, the Zoning Administrator, and that resource from the decisions of the Board of Appeals shall be to the courts as provided by law.

It is further the intent of this Ordinance that the function of the Town Council under this Ordinance shall not include hearing and deciding questions of interpretation and enforcement which may arise, but that the Town Council shall have only the responsibility for acting on proposals for amendment or repeal of this Ordinance, proposals for amendment to the Town of Winnsboro Official Zoning Map and for establishing a schedule of fees and charges as herein provided.

2.2: Town Council

(A) Powers and Duties. To exercise its authority in accordance with state law, the Town Council shall have the following powers and duties under this Ordinance:

1. To review and decide text amendments, zoning map amendments, planned developments, and development agreements, and to accept or deny acceptance of rights-of-way, when required or voluntarily dedicated on plats or through written documents, prior to recording with the Clerk of Court.
2. To establish a schedule of fees and a collection procedure for applications for development approvals and permits reviewed under this Ordinance. The schedule of fees shall be available in the office of the Zoning Administrator and may be altered or amended only by the Town Council.
3. To appoint and remove in accordance with state law and this section members of the Planning Commission and Board of Zoning Appeals. In the appointment of members, Council shall consider their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens. Members shall represent a broad cross section of the interests and concerns within the Town.
4. To carry out any other powers and duties delegated to it in accordance with state law.

2.3: Planning Commission

(A) Establishment. The Planning Commission is hereby established in accordance with state law under this Ordinance.

(B) Powers and Duties. The Planning Commission shall have the following powers and duties under this Ordinance:

1. To entrust the review of minor/major subdivisions, land development and items outlined in S.C. Code §6-29-540 to the Town Planner for approval or denial.
2. To review and make recommendations to the Town Council on text amendments, zoning map amendments, Comprehensive Plan elements, planned developments, and development agreements.
3. To review and decide applications for street or road names and appeals of land development (subdivision) decisions/regulations.
4. To carry out any other powers and duties delegated to it in accordance with state law.

(C) Membership and Terms. The Planning Commission shall consist of five (5) qualified electors appointed by the Town Council. No member of the Planning Commission shall hold an elected public office in the Town or in the County. Members shall be appointed for three-year terms. Members may continue to serve until their successors are appointed. Members of the Planning Commission on the date this Ordinance is adopted shall continue to serve until their respective terms expire according to the rules in place when they were appointed unless they are removed for cause. The Town Council may remove a member of the Planning Commission for cause. Cause may include, but is not limited to, nonattendance at meetings, not maintaining required qualifications, or deemed to adversely affect the public interest. The determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause, after discussion in executive session determining the existence of cause. Vacancies, for whatever reason, shall be filled by the Town Council for the balance of an unexpired term.

(D) Officers, Rules of Proceeding, and Meetings. The Planning Commission shall elect one (1) of its members Chair and another Vice-Chair, each for a term of one year. The Planning Commission shall adopt rules for the conduct of business. The Planning Commission shall meet at the call of the Chair and at such regular times as the Commission may determine. Public notice of meetings of the Planning Commission shall be provided in accordance with state law and this Ordinance. A majority of the Planning Commission shall constitute a quorum for the conduct of business. The Chair shall preside over all Commission meetings. The Vice-Chair shall serve as acting chair and preside over Commission meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the Planning Commission shall vote to determine who shall serve as acting Chair for the meeting. The Chair, or, in the Chair's absence, the acting Chair, may administer oaths and compel the attendance of witnesses by subpoena. The Planning Commission shall keep minutes of its proceedings in accordance with state law, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep a record of its resolutions, findings, and determinations, which shall be a public record.

2.4: Board of Zoning Appeals

(A) Establishment. The Board of Zoning Appeals is hereby established in accordance with state law under this Ordinance.

(B) Powers and Duties. The Board of Zoning Appeals shall have the following powers and duties under this Ordinance.

1. **Administrative Appeal.** To hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance;
2. **Variance.** To hear and decide appeals for variance from the requirements of this Ordinance when strict application of the provisions of this Ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:
    - **a.** There are extraordinary and exceptional conditions pertaining to the particular piece of property;
    - **b.** These conditions do not generally apply to other property in the vicinity;
    - **c.** Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
    - **d.** The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
        - **i.** The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by this Ordinance.
        - **ii.** In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

3. **Special Exception.** To permit uses by special exception subject to the terms and conditions for the uses set forth for such uses in this Ordinance; and upon a finding that the following standards are met:
    - **a.** The proposed special exception will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety.
    - **b.** The proposed special exception will not have a substantial adverse impact on adjoining properties in terms of environmental factors such as noise, lights, glare, vibration, fumes, odors, obstruction of air or light, and litter.
    - **c.** The proposed special exception will not have a substantial adverse impact on the aesthetic character of the area, to include a review of the orientation and spacing of buildings.
    - **d.** The proposed special exception will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the public interest or conditions likely to result in increased law enforcement response.
    - **e.** The establishment of the proposed special exception does not create a concentration or proliferation of the same or similar types of special exception use, which concentration may be detrimental to the development or

redevelopment of the area in which the special exception use is proposed to be developed.

f. The proposed special exception is compatible with the general character and purpose of the district and location in which it is proposed.

g. The proposed special exception use will comply with all applicable standards for development (municipal, state, federal) as applicable.

4. To remand a matter to an administrative official, upon motion by a party or the Board's own motion, if the board determines the record is insufficient for review. A party's motion for remand may be denied if the Board determines that the record is sufficient for review. The board must set a rehearing on the remanded matter without further public notice for a time certain within sixty (60) days unless otherwise agreed to by the parties. The board must maintain a list of persons who express an interest in being informed when the remanded matter is set for rehearing and notice of the rehearing must be mailed to these persons prior to the rehearing.

5. To carry out any other powers and duties delegated to it by the Town Council, in accordance with state law.

6. Appeals to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality. The appeal must be taken within thirty (30) days from the date the appealing party has received actual notice of the action from which the appeal is taken by filing with the officer from whom the appeal is taken and with the Board of Appeals notice of appeal specifying the grounds for the appeal. The officer from whom the appeal is taken must immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

7. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed other than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

8. The Board must fix a reasonable time for the hearing of the appeal or other matter referred to the Board and give at least fifteen (15) days public notice of the hearing in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the appeal or matter within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.

9. At least fifteen (15) days prior to the public hearing, the Zoning Administrator shall cause at least one sign to be posted on, or adjacent to, the property in question (if the application is a proposed variance or special exception). This sign shall contain the nature of the request and the time, date, and place of the public hearing, and shall be located so that it is visible from each public thoroughfare that abuts the property.

10. In exercising the above power, the Board of Appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end, has all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in the execution of the duties specified in this chapter, may subpoena

witnesses and in case of contempt may certify this fact to the Circuit Court having jurisdiction.

11. All final decisions and orders of the Board must be in writing and be permanently filed in the office of the Board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board which must be delivered to parties of interest by certified mail.

12. A person who may have a substantial interest in any decision of the Board of Appeals or an officer or agent of the appropriate governing authority may appeal from a decision of the Board to the Circuit Court in and for the County, by filing with the Clerk of the Court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty days after the decision of the Board is mailed.

13. A request that has been denied cannot be resubmitted within 12 months after denial for the same request unless substantial changes or new information is submitted.

14. Exhaustion of Administrative Remedies: The courts ordinarily dismiss suits challenging zoning actions as premature if the party fails to exhaust the provided administrative remedies. A party may not go directly to court when the administrative procedures and remedies are available.

a. Constitutional "taking" claims frequently arise when application of the zoning regulations result in the denial of use of property. The Supreme Court has ruled that a taking claim is premature when there was not an application for a variance or exception pursuant to administrative procedures provided by the zoning ordinance.

b. Until there has been a final decision regarding the application of the zoning ordinance and subdivision regulations to property, the United States Supreme Court has held that it is impossible to determine whether the land retains any reasonable beneficial use, or whether expected property interests have been taken.

(C) Membership and Terms. The Board of Zoning Appeals shall consist of five (5) qualified electors appointed by the Town Council. No member shall hold any other public office or position in the Town or County. Members shall be appointed for three-year terms. Members may continue to serve until their successors are appointed. Members of the Board of Zoning Appeals on the date this Ordinance is adopted shall continue to serve until their respective terms expire according to the rules in place when they were appointed unless they are removed for cause. The Town Council may remove a member of the Board of Zoning Appeals for cause, after written notice and a public hearing. Cause may include, but is not limited to, nonattendance at meetings. Vacancies, for whatever reason, shall be filled by the Town Council for the balance of an unexpired term.

(D) Officers, Rules of Proceeding, and Meetings. The Board of Zoning Appeals shall elect one (1) of its members Chair and another Vice-Chair, each for a term of one year. The Board of Zoning Appeals shall adopt rules for the conduct of business. The Board of Zoning Appeals shall meet at the call of the Chair and at such regular times as the Commission may determine.

Public notice of meetings of the Board of Zoning Appeals shall be provided in accordance with state law and this Ordinance. A majority of the Board of Zoning Appeals shall constitute a quorum for the conduct of business. The Chair shall preside over all Board meetings. The Vice-Chair shall serve as acting chair and preside over Board meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the Board of Zoning Appeals shall vote to determine who shall serve as acting Chair for the meeting. The Chair, or, in the Chair's absence, the acting Chair, may administer oaths and compel the attendance of witnesses by subpoena. Public notice of all meetings shall be provided by publication in a newspaper of general circulation, and in cases involving variances or special exceptions, conspicuous notice shall be posted on or adjacent to the property affected. The Board of Zoning Appeals shall keep minutes of its proceedings in accordance with state law, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep a record of its official actions, findings, and determinations, which shall be a public record.

2.5: Board of Architectural Review

(A) Establishment. A "Board of Architectural Review" is hereby established to oversee development and redevelopment of the below described Design Overlay District. The purpose of the body is:

1. Preservation and protection of historic and architecturally valuable districts and neighborhoods;
2. Preservation and protection of significant or natural scenic areas; and
3. Protection or provision for the unique, special or desired character of the below defined design overlay district.

(B) Membership. The body will be composed of 5 members appointed by Town Council. Membership shall consist of the following: one South Carolina licensed architect or one registered landscape architect, a representative of the Fairfield County Chamber of Commerce, a representative of the Winnsboro real estate or development community, a member of the Fairfield County Historical Society, a resident of the Town who has demonstrated a knowledge, interest, and involvement in history, archaeology, genealogy, or a similar discipline or field.

(C) Officers, Rules of Proceedings and Meetings

Chairperson. The Board must elect one of its members as chairperson. The chairperson serves for one year or until a successor is elected and qualified. The chairperson may be reelected.

Secretary. The board must appoint a secretary. This person may be an officer of the governing authority or the Board of Architectural Review.

Minutes. The Board must provide for minutes of its proceedings to be taken. Minutes must record the vote of each member on each question.

Rules. The Board must adopt rules of procedure.

(D) Freedom of Information Act. The Freedom of Information Act (*S.C. Code 30-4-10, et seq.,*) requires all public bodies to conduct their meetings in public. Public bodies

may go into executive session only for matters such as receipt of legal advice, employment matters and contract negotiations. *S.C. Code 30-4-70*. The Board must give a written public notice of regular meetings at the beginning of each calendar year. It must post regular meeting agenda at the meeting place 24 hours before a meeting. Notices and agenda for called, special or rescheduled meetings must be posted at least 24 hours before meetings. The Board must notify persons, organizations and news media that request meeting notifications. *S.C. Code 30-4-80*.

(E) Appeals

1. **Appeal to Board.** A party may appeal from the Zoning Administrator or other administrative official actions for matters under the jurisdiction of the Board of Architectural Review. The following are the appeal steps:
    - **a.** The party must file notice of appeal with the officer from whom the appeal is taken and with the Board within the time provided by the Zoning Ordinance or rules of the Board.
    - **b.** The officer appealed from must send the Board all documents in the record upon which the action appealed was taken.
    - **c.** An appeal stays all proceedings to enforce the action, unless the officer certifies that a stay would cause imminent peril to life and property. The Board or circuit court may grant a restraining order.
    - **d.** The Board sets a reasonable time for hearing the appeal and giving public notice to parties in interest. This notice must be published and distributed to concerned parties not less than seven (7) days prior to the hearing, and not longer than thirty (30) days between notice and hearing.
    - **e.** A party may appear in person or be represented at the hearing by an agent or attorney.

      Although the statutes do not specifically require the following steps, they follow the Board of Appeals procedures. The Board of Architectural Review should use these procedures also.

    - **f.** The Board will conduct the hearing following its adopted procedural rules. The written decision will include findings of fact and conclusions.

    - **g.** The Board will serve a copy of its decisions on parties in interest by certified mail and keep a copy as a permanent public record.

2. Appeal of Council. There is no provision for an appeal from any administrative officer or the Board of Architectural Review action to the Town Council.

3. Appeal to Circuit Court

a. Petition. A person having substantial interest may make an appeal from a Board decision to circuit court. The person must file a written petition with the clerk of court stating why the decision is contrary to law. Although not required, the party should serve the petition on the Board. The clerk of

court is required to give immediate notice of the appeal to the Board secretary. The filing of an appeal does not act as supersedes, but the circuit judge may grant a supersedes upon reasonable terms. *S.C. Code 6-29-900*.

b. Transcript. Within 30 days after notice from the clerk of court, the Board must file with the clerk of court a certified copy of the Board proceedings, a transcript of testimony, evidence, and the Board decision including findings of fact and conclusions. *S.C. Code 6-29-920*. There is no requirement for the Board to serve the certified record on parties in interest; however, the attorney should file a return to the petition and send it with a certified record to the counsel for appealing party.

c. Standard of Review. The Board's findings of fact are final and conclusive on review. The court may not take additional evidence. The court must determine only whether the Board decision is correct as a matter of law. The court must allow the Board decision to stand if there is any evidence in the record to support it. If the record is insufficient for review, the circuit court judge must send it back to the Board for rehearing. *S.C. Code 6-29-930*. See *Wells v. Finley*, 260 S.C. 291, 195 S.E. 2d 623 (1973).

3. Appeal to Supreme Court

A party may appeal a circuit court decision to the Supreme Court in the same manner as other circuit court judgments. *S.C. Code 6- 29-940*. A party must serve a notice of appeal to the Supreme Court within 30 days after receiving written notice of entry of the order of the circuit court.

2.6: Staff

(A) Planning and Zoning Authority. The Planning and Zoning Department under the direction of Planning & Zoning Director (Zoning Administrator) is designated to administer, interpret, and enforce all provisions of this Ordinance. The Zoning Administrator may delegate any administrative, decision, or review authority under this Ordinance to any professional-level Town Staff member. This Ordinance refers to the person or persons to whom these functions are assigned as the "Zoning Administrator" or "Town Planner". The terms "Staff", "Administrator", "Planning Official", and "Planner" may be used interchangeably with the positions "Zoning Administrator" and "Town Planner" for the purposes of this Ordinance. The Town Administrator shall determine the departmental assignments of these positions.

(B) Powers and Duties. The Zoning Administrator shall have the jurisdiction, authority, and duties described below, including, but not limited to:

1. Any powers and duties delegated to Staff by the Planning Commission per State Law.
2. To enforce, interpret, and administer this Ordinance, receive and review all applications required by this Ordinance, and issue applicable permits.
3. To keep the records of the planning department, including, without limitation, records of: applications; and, reports rendered. The Zoning Administrator shall maintain

records of all final determinations, decisions, and recommendations of boards and commission.

4. To maintain the Official Zoning Maps and designate on the Official Zoning Maps all map amendments granted under the terms of this Ordinance.
5. To designate Staff to assist in the daily administration of the duties and responsibilities set forth in this Ordinance.
6. When the interests of the Town so require, make investigations in connection with matters referred to in this Ordinance and render action on the same.
7. To conduct preliminary consultations with potential applicants regarding development proposals regulated by this Ordinance.
8. To issue permits upon a determination that such permit application is in full compliance with all terms and provisions of this Ordinance.
9. To serve as Staff and render technical advice on all such matters requiring action by Town Council and all boards and commission.
10. To review/approve for recording plats and subdivisions of land, and all commercial site plans, which meet all zoning requirements.
11. To perform such other duties as may be directed in accordance with the provisions of this Ordinance or the Town Administrator.

(C) Powers and Duties of the Zoning Administrator. The duties of the Zoning Administrator shall include:

1. Interpretation of the terms and provisions of this Ordinance.
2. Administration of the provisions of this Ordinance relating to Zoning Permits, Certificates of Zoning Compliance and fee collection.
3. Administration of the provisions of this Ordinance relating to applications for variances, appeals from administrative decision and other actions before the Board of Zoning Appeals.
4. Administration of the provisions of this Ordinance relating to applications for zoning amendments, the presentation of same to the Planning Commission and Town Council, and giving notice of hearings on such amendment requests as specified herein.
5. The receipt of complaints from persons who allege that violations of this Ordinance have occurred, to properly investigate or cause to be investigated such complaints, and to initiate or cause to be initiated action to prevent, enjoin, abate, or remove such violations.
6. The maintenance of complete and accurate records relating to adoption, amendment, interpretation, enforcement and administration of the terms and provisions of this Ordinance. Such official materials shall be a public record and shall include but not be limited to:

    a. The maintenance of the official copy of the text of the Zoning Ordinance and Zoning Map and other such records and official materials as may relate to the adoption, amendment, enforcement or administration of this Ordinance;

    b. The retention of records relating to application and disposition of applications for variances, interpretations, appeals from an administrative decision and other actions before the Board of Zoning

Appeals;

c. The retention of records of complaints and disposition of complaints from persons who allege that violations of this Ordinance have occurred; and

d. The retention of application records for zoning permits, plats, and plans in connection with said permits, occupancy certificates, denials of permits and reasons for denying such permits.

7. Other such duties as may properly relate to the accomplishment of the spirit and intent of this Ordinance.

(D) Applicability. A Zoning permit shall be required prior to any change in use, land disturbance, building permit, construction, or expansion of any building, parking lot, or other facility for which a building permit is required, or placement of any signage.

1. **Zoning Permits required:** No building or other structure shall be erected, moved, added to or structurally altered without a zoning permit therefore issued by the Zoning Administrator. A zoning permit shall not be issued by the Zoning Administrator except in conformity with the provisions of this Ordinance, unless he receives a written order from the Board of Zoning Appeals in the form of an interpretation involving error or a special exception or variance as provided in Article 11. If the permit is denied, reasons shall be stated for the denial.
2. **Applications for Zoning Permits:** All applications for zoning permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of all buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application or plans shall include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot and on nearby lots; and such other matters as may be
3. **Zoning Permits to be Posted:** The zoning permit shall be posted in a conspicuous place upon the premises to which the permit applies within five days of the date of issuance of the permit, and shall remain posted until completion of the action for which the permit was issued.
4. **Expiration of Zoning Permit:** If the work described in any zoning permit has not begun within six months from the date of issuance thereof, or in the case of a special exception, within the time limit established therefor, the permit shall expire and be cancelled by the Zoning Administrator. Written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within one year of the date of issuance thereof, said permit shall expire and be cancelled by the Zoning Administrator, except as follows:

a. In the case of a special exception, work shall be

substantially completed within the time limit established therefor by the Board of Zoning Appeals, or

b. In the case of work which may reasonably be expected to require more than one year for completion, the Zoning Administrator may specify a time limit in excess of one year at the time of original issuance of the zoning permit

Written notice of the expiration of any zoning permit shall be given to the persons affected, including notice that further work as described in the cancelled permit shall not proceed unless and until a special zoning permit has been obtained.

2.8: Site Development Plan

The applicant shall demonstrate upon application for a zoning permit the ability and intent to meet all zonings standards and documentation requirements via submittal of a site development plan.

2.9: Certificate of Occupancy

(A) Applicability. A developer or other applicant in receipt of a building permit and/or zoning permit shall obtain a certificate of occupancy prior to taking residence or commencing business in the structure for which the permit is received.

(B) Purpose. Application for a certificate of occupancy signals to the Building Official and the Zoning Administrator that construction and site improvements specified in applications for a building permit and a zoning permit are complete or, where allowed, are financially guaranteed.

2.10: Certificate of Zoning Compliance

(A) Certificates of Zoning Compliance to be issued. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the Zoning Administrator stating that the building or proposed use of the building or land conforms to the requirements of this Ordinance.

(B) Certificates May be Issued for Nonconforming Uses. Upon enactment or amendment of this Ordinance, owners or occupants of uses made nonconforming shall apply for Certificates of Zoning Compliance for the purpose of establishment of vested interest in such nonconforming uses, and the Zoning Administrator may issue such certificates upon acceptance of reasonable proof that the nonconformity was in existence at the time of such enactment or amendment,

provided however, that owners or occupants must make application within six months of the time of enactment or amendment, and Certificates of Zoning Compliance issued upon such application shall state specifically wherein the nonconforming use differs from the requirements of this Ordinance.

(C) Temporary Certificates of Zoning Compliance: A temporary certificate of zoning compliance may be issued by the Zoning Administrator for a period not exceeding six months during alterations or partial occupancy of a building pending completion, provided that such temporary certificates may include such conditions and safeguards as will protect the safety of occupants and the public.

2.11: Construction and Use to be Approved

Zoning permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Zoning Administrator and other officials or agencies where additional approval is required authorize only the use, arrangement, location set forth in such approved plans and applications, and no other use, arrangement, location or construction.

Use, arrangement, location or construction at variance with that authorized shall be deemed violations of this Ordinance, punishable as provided herein.

2.12: Transitional Provisions

(A) Transitional Provisions.

1. **Effective Date of this Ordinance.** This Ordinance was adopted on February 13, 2024, and repeals and replaces Chapter 151 of the Code of Ordinances. This Ordinance became effective on March 18, 2024.
2. **Violations Continue.** Any violation of a provision of the Code of Ordinances replaced by this Ordinance shall continue to be a violation under this Ordinance unless the development complies with the express terms of this Ordinance.
3. **Application upon which no final Action Taken.**
   - **a.** Any development application submitted and accepted as complete before March 18, 2024, but still pending final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted. To the extent such an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Section 7: Nonconformities & Enforcement.
   - **b.** Completed applications shall be processed in good faith and shall comply with any time frames for review, approval, and completion as established in the regulations in effect at the time of application acceptance. If the application fails to comply with the required time frames, it shall expire, and future development shall be subject to the requirements of this Ordinance.

c. An applicant with a pending application accepted before_____, may opt to have the proposed development reviewed and decided under the standards of this Ordinance by withdrawing the pending application and submitting a new application in accordance with the standards of this Ordinance.

4. Approved Applications.

a. Any development approvals granted before _____, shall remain valid until their expiration date. Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired. If the prior approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall not occur until all required development approvals and permits are obtained in accordance with the procedures and standards of this Ordinance.

b. To the extent a prior-approved application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Section 7: Nonconformities & Enforcement.

2.13: Zoning Violation

(A) If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he shall in writing notify the owner or tenant of the property, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of any illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of, its provisions.

(B) Complaint Regarding Violations. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof, shall be filed with the Zoning Administrator. He shall record the compliant properly, investigate promptly, and take action thereon as provided by the Ordinance.

(C) Remedies. In case any building or structure is erected, constructed, reconstructed, altered, maintained or used in violation of this Ordinance, or regulations in furtherance hereof, the Town Council, Town Attorney, Zoning Administrator, or any person aggrieved may, in addition to other remedies provided by law, institute injunction, abatement, or any other appropriate action or proceeding to prevent enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

(D) Penalties. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any structure or land is used in violation of

this Ordinance; or there is violation of any condition or requirement in connection with special exceptions, variances, or rezoning under the terms of this Ordinance, such violations shall constitute a misdemeanor. Violations of this Ordinance or failure to comply with any of the requirements hereof shall be a misdemeanor. Each day such violation continues after due notice to discontinue such violation shall be considered a separate offense. The owner or tenant of any building, structure, premise, or part thereof, and any architect, surveyor, builder, engineer, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

2.14: Zoning Map

(A) Establishment & Maintenance.

1. Land subject to this Ordinance is divided into the various base and overlay zoning districts. The location and boundaries of the zoning districts are shown on the Official Zoning Map. The Official Zoning Map, including all its notations, is incorporated herein by reference and made part of this Ordinance. The Official Zoning Map shall be the final authority as to the status of the zoning district classification of land in the Town.
2. The original and all revised versions of the Official Zoning Map shall be kept on file, in either hardcopy or digital form, in the office of the Zoning Administrator. The Official Zoning Map shall be made available for public inspection at the office of the Zoning Administrator during normal business hours.
3. The Zoning Administrator shall enter changes onto the Official Zoning Map within a reasonable period of time after a map amendment is adopted by the Town Council. Where the ordinance enacting a zoning district boundary change contains wording explaining or clarifying the location of the new boundary, the Zoning Administrator may enter on the Official Zoning Map notations reflecting the ordinance wording.

(B) Official Zoning Map. In order to carry out the purpose of this Ordinance and to allow a variety of uses in different districts which are appropriate in location, arrangement, and density to the character of the individual districts and the establishment of a well-considered pattern of development for the Town of Winnsboro, all real property located within the corporate boundaries of the Town of Winnsboro are hereby divided into districts as shown on the Official Zoning Map which, together with all explanatory matter, is incorporated by reference and declared to be a part of this Ordinance.

(C) Interpretation of the Official Zoning Map. The Zoning Administrator is authorized to determine the location of zoning district boundaries. Where uncertainty exists with respect to the boundaries of districts shown on the Official Zoning Map, the following rules shall apply to the interpretation of those boundaries:

1. District boundaries indicated as approximately following the centerlines of streets, highways, alleys, or other public access ways shall be construed to follow those centerlines.
2. District boundaries indicated as approximately following property lines shall be construed as following those property lines. If a subsequent minor adjustment (such as from a court ordered settlement of a boundary dispute or overlap) results in a property line moving ten feet or less, the zoning district boundary shall be interpreted as moving with the property line.
3. District boundaries indicated as approximately following Town limits shall be construed as following Town limits.
4. District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. District boundaries indicated as following centerlines of rivers, streams, or other watercourses shall be construed to follow those centerlines.
6. District boundaries indicated as approximately parallel to, or extensions of features identified in subsections above shall be construed to be parallel to or extensions of such features.
7. Insofar as some or all of the various districts may be indicated on the zoning map by patterns that, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of the rights-of-way.
8. Where a discrepancy exists between the depictions on the Official Zoning Map and the text of a legal description accompanying an ordinance for zoning map change duly adopted by the Town Council, the text of the legal description shall control.

(D) Newly Annexed Land. Any new land annexed into the Town of Winnsboro shall be in accordance with a zoning map amendment and shall be a Town zoning district classification that the Planning Commission recommends is consistent with the proposed and existing land uses in the area, relevant Comprehensive Plan policies, and is in the best interest of the Town of Winnsboro. The zoning district classification shall be specified in the annexation ordinance considered by the Town Council and shall become effective on the effective date of the annexation.

2.15: Amendments

Map or text amendments may be proposed by the Town Council, Planning Commission, Town Administrator, or Zoning Administrator. Property owners may request map amendments. If another person or entity is representing the property owner(s) in the amendment request, a notarized letter or affidavit of agency or Power of Attorney, must be submitted with the application.

(A) Application. An application for an amendment shall be filed with the Zoning Administrator, who shall transmit copies thereof to the Planning Commission and to the Town Council. A fee established by the Town Council shall accompany every application for an amendment. An application deadline shall be established by the Zoning Administrator, giving adequate time for public notice and case summary to be prepared.

(B) Review. Staff shall review the application for completeness, compose a Staff Report, and include a recommendation. The Planning Commission shall review and make recommendations to the Town Council on proposed amendments to this Ordinance. The Commission shall make such a recommendation within thirty (30) days of the receipt of the application. Upon the expiration of the 30-day time limit, if the Planning Commission has not made a recommendation, the Town Council may proceed to act as it deems proper. The approval of an application or an amendment by Council shall be based on two readings via ordinance at least six (6) days apart.

(C) Public Hearing. A public hearing shall be held by the Town Council before enacting or amending any zoning regulations or maps. Notices of such shall be handled as follows:

1. The Zoning Administrator shall give notice in a newspaper of general circulation in the Town of Winnsboro at least fifteen (15) days before the public hearing. If the proposed amendment is to the Zoning Maps, the notice shall specify the location, current zoning, and proposed zoning of the property involved.
2. At least fifteen (15) days prior to the public hearing, the Zoning Administrator shall cause at least one sign to be posted on, or adjacent to, the property in question (if the application is a proposed map amendment). This sign shall contain the nature of the requested change and time, date, and place of the public hearing, and shall be located so that it is visible from each public thoroughfare that abuts the property. For proposed amendments that involve large areas (ex. corridors, overlay districts, mass re-zoning), the Zoning Administrator shall install multiple signs at strategic locations throughout the proposed amendment area; however, signs will not be placed on each property affected.
3. If there is a list of groups that have expressed an interest in being informed of zoning proceedings, notice of such meetings must be mailed to these groups. Use of email, group postings, webpage may be utilized.

(D) Resubmittal. A map amendment request, which has been denied for the same property or substantially the same property, shall not be resubmitted within twelve months from the date of denial in the same form as previously submitted. This shall not prohibit resubmittal if new facts are uncovered, or a different zoning district requested.

2.16: Comprehensive Plan

This Ordinance is intended to ensure that all development within the Town's jurisdiction is in substantial accordance with the Comprehensive Plan and implements the planning policies adopted as part of the Comprehensive Plan in furtherance of the general health, safety, and welfare of the Town's citizens, pursuant to Sec. 6-29-510-540, S.C. Code of Laws, 1976, as amended.

2.17: Relationship to Other Laws, Covenants, or Deeds

(A) If a provision of this Ordinance is inconsistent or conflicts with another provision of this Ordinance or with a provision found in other adopted ordinances or codes of the Town, the

more restrictive provision shall govern unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

(B) When there is a conflict between an overlay zoning district and an underlying base zoning district, the provisions of the overlay district shall control. When there is a conflict between provisions of two or more applicable overlay zoning districts, unless otherwise stated in this Ordinance, the more restrictive provision applies.

(C) When it is possible to implement, administer, or construe a particular provision of this Ordinance in more than one way, it shall be implemented, administered, or construed in a way that eliminates or minimizes conflicts with other provisions of this Ordinance.

(D) If the provisions of this Ordinance are inconsistent or conflict with the laws or regulations of the state or federal government, the more restrictive provision shall control, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

(E) The Town shall not be responsible for monitoring or enforcing private easements, covenants, deed restrictions, or other agreements between private parties. Private easements, covenants, and restrictions notwithstanding, all development, unless expressly exempted by this Ordinance, shall comply with or may exceed the minimum requirements of this Ordinance.

(F) In accordance with State Law Sec. 6-29-1145, S.C. Code of Laws, 1976, as amended, application forms and/or instructions for land development permits or approvals other than those authorizing the building or placement of a structure on a tract or parcel of land shall inquire whether the subject tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the proposed activity. If the Town has actual notice of such a restrictive covenant, whether from the application or other source, the Town shall not issue approval of the permit unless the Town receives written confirmation and proof from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders, or by court order. The issuance of a development approval or permit does not affect the applicant's obligations under any recorded covenants.

2.18: Vested Rights

A vested right is established in accordance with State Law, Sec. 6-29-1501-1560, S.C. Code of Laws, 1976, as amended, only upon the approval or conditional approval of a site-specific development plan in accordance with the standards and procedures of this Ordinance. A vested right established in accordance with this section is subject to the conditions and limitations as prescribed by state law. A vested right for a site-specific development plan shall expire two years after vesting. No extensions of the vested right are authorized. Any requests for an extension of a vested right shall be denied. A vested site-specific development plan may be amended if the amendment conforms to or does not cause greater nonconformity with the current provisions of this Ordinance. Approval or conditional approval of an amendment to an established vested right does not reset its expiration period. No vested rights are established for phased development plans, including approved or conditionally approved phased development plans and including phased development plans applicable to property proposed for annexation. An approved or

conditionally approved site-specific development plan is required prior to approval with respect to each phase of a phased development plan.

2.19: Homes for the Handicapped Exemption

This Ordinance does not apply to a home providing 24-hour care to nine or fewer mentally or physically handicapped persons, approved and/or licensed, in accordance with Sec. 6-29-770(E), S.C. Code of Laws, 1976, as amended.

ARTICLE 3: GENERAL REGULATIONS

3.1: Activities Constituting Development

Unless expressly exempted by this Ordinance, the following activities shall be considered development subject to this Ordinance:
Any construction, reconstruction, erection, installation, placement, relocation, demolition, or alteration in the size or external appearance of a structure;
(A) Any establishment, re-establishment, or change in a use of a structure or land;
(B) Any change in the intensity of the use of a structure or land, such as an increase in:

1. The number of businesses, establishments, offices, dwelling units, or lodging units comprising the use.
2. The number of parking spaces or amount of impervious cover.
3. The number of products or services provided by the use.

(C) Any alteration of the natural topography of land, such as mining, grading, ditching, extracting earth materials, dredging, excavation, filling, or deposition of soil;
(D) Removal of vegetative cover, such as site clearing or the removal of specimen trees or significant stands of trees;
(E) The construction or extension of any utility service line or facility; or
(F) Any subdivision of land.

3.2: Regulations Regarded as Minimum

Within each district, the regulations set forth by this Ordinance shall apply uniformly to each class or kind of structure or land.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern. Unless deed restrictions, covenants, or other contracts directly involve the Town as a party in interest, the Town shall have no administrative responsibility for enforcing such deed restrictions or covenants.

3.3: Zoning Affects All Lands, Buildings and Structures

(A) No building, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity to the regulations specified in this Ordinance for the district in which it is located.
(B) Zoning Affect Height of Building and/or Structures, Population Density, Lot Coverage, Yards and Open Spaces. No building or other structure shall hereafter be erected or altered;

to exceed the height;
to accommodate or house a greater number of families;
to occupy a greater percentage of lot area;
to leave narrower or smaller front yards, rear yards, side yards, or other open spaces than herein required, or in any manner contrary to the provisions of this Ordinance.

(C) Yard or Open Space, Off-Street Parking or Loading Space Requirements for One Building Not to be Included as Such Requirements for Any Other. No part of a yard, or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as a part of a yard, open space, or off-street parking or loading space similarly required of any other building or use except as noted in Article 7: Parking.

3.4: Infill Compatibility

As a means to provide guidance for the design of buildings that integrate well into the context of Winnsboro, this section identifies the following key features necessary to ensure compatibility:

(A) Front Setback Patterns: Established building setback patterns should be continued as practical. Deep front setbacks can compromise the ability to provide backyard space and/or rear parking, particularly at higher densities. Interruptions to street frontage character should be avoided by preserving existing front yard landscaping and street trees and minimizing the amount of frontage devoted to paved vehicle areas.

(B) Rhythm Of Development Along The Street: Established building rhythms along street frontages should be continued. Monolithic massing that disrupts fine-grain neighborhood and corridor pattern should be avoided. Large-scale buildings should reduce their impact on the street by utilizing interior block space for the majority of the building area, while addressing the street with liner buildings, or other treatments, that continue the established building frontage width and rhythm of development on the street.

(C) Facade Orientation: Windows, main entrances, and other primary building façade elements should be oriented toward the street. Courtyard buildings can contribute to the primary frontage by orienting main entrances toward courtyards that serve as a semi-public extension of the public realm. Structures shall be oriented so that to the extent feasible, loading areas are not visible from residential districts or from public rights-of-way. Loading areas may be oriented toward adjoining developed properties which are zoned for nonresidential uses if such loading areas are screened from view.

(D) Architectural Features: The design of buildings should be consistent with prevalent architectural features of the surrounding neighborhood, especially in areas where patterns established by recurring architectural features are well-documented and valued. Avoid mimicry of existing buildings so that opportunities for the evolution of architectural style are not stifled.

(E) Differing Housing Types to be Compatible: Housing types should be integrated in terms of scale, proportion, form, architectural detailing and material usage. It is acceptable for new residential structures to be larger than older ones, but not so much larger as to threaten neighborhood character.

3.4: Nonconformities

(A) Within the districts established by this Ordinance, or by amendments which may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of uses which were lawful before this Ordinance was passed or amended, but which would be prohibited or regulated and restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, except as noted in Section 3.4.B, C, and D, but not to encourage their survival. Nonconformities are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, reconstructed to continue nonconformity after major damage, or used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(B) Continuance of Nonconforming Uses, Structures, or Character of Use.

1. Change to Another Nonconforming Use: A nonconforming use, structure, or characteristic of use shall not be changed to any other nonconforming use, structure, or characteristics of use unless the Board of Zoning Appeals finds that the new use, structure, or characteristic of use is more in character with the uses permitted in the district, in which case the Board of Zoning Appeals may permit such change as a special exception. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the purpose of this Ordinance.

2. Conversion of Use on Nonconforming Lots: The minimum yard requirements of this Ordinance shall not be construed as prohibiting the conversion of an existing building which does not meet the minimum yard requirements to another permitted use, so long as no further encroachment is made into the existing yards.

3. Reconstruction: A nonconforming structure shall not be demolished and rebuilt as a nonconforming structure.

4. Extension or Enlargement: A nonconforming use, structure, or characteristic of use shall not be extended, enlarged, or intensified except in conformity with this Ordinance. A nonconforming use may be extended throughout any parts of a building which were primarily designed for such use at the time of the adoption or amendment of this Ordinance. The number of dwelling units in a nonconforming dwelling use shall not be increased over or exceed the number of dwelling units existing in the nonconforming use on the effective date of this Ordinance. No nonconforming use shall be extended to occupy any land outside such a building.

5. Reestablishment: A nonconforming use, or characteristic of use, shall not be reestablished after vacancy, abandonment, or discontinuance for any period of twelve (12) consecutive months.

6. Reconstruction After Damage: A nonconforming structure shall not be rebuilt, altered, or repaired except to conform with this Ordinance after sustaining damage exceeding fifty

(50) percent of the replacement cost of the structure at the time of damage, provided that any permitted reconstruction shall be complete within twelve (12) months from the time of damage.

7. Nonconforming Uses of Open Land: A nonconforming use not enclosed in a building or structure, or one in which the use of the land is a use exercised principally out of doors and outside of a building or structure, shall after three years from the date of notification, become a prohibited and unlawful use and shall be discontinued.

(C) Repair or Maintenance of Nonconforming Structures On any building devoted in whole or in part to any nonconformity, work may be done on ordinary repairs, or on repair or replacement of non-load bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(D) Nonconforming Lots of Record

1. Single Lots: Notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling or single-family mobile home and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, so long as a single-family detached dwelling or single-family mobile home is a permitted use in that district. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area, width, or both, shall conform to the regulations for the district for which such lot is located.

2. Adjoining Lots: If two or more adjoining lots with continuous lot frontage are in single ownership at any time after the adoption or amendment of this Ordinance and such lots individually are too small to meet the yard, width, or area requirements of the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subject to the requirements of this Ordinance.

3. Temporary Nonconforming Uses A temporary use permit may be issued by the Zoning Administrator for an appropriate period of time not to exceed twelve (12) month increments for nonconforming buildings, structures or uses incidental to building construction or land development or deemed to be generally beneficial, provided that the owner of such temporary nonconforming use agrees to remove the temporary nonconforming use upon expiration of the permit.

3.5: Annexation

(A) Designation of Zoning Classification: When annexation is accomplished, by any lawful method, the annexed area shall be classified R-1, with such zoning district classification effective upon the effective date of the annexation.

The Planning Commission may make a recommendation for the zoning of property when it is annexed and the Town Council may approve such recommendation as part of the Annexation Ordinance. This process would follow the same process as a rezoning and a public hearing would be required for the zoning of the property.

(B) Amendment Proceedings to be Initiated: Immediately after the effective date of such annexation the Zoning Administrator shall initiate zoning amendment proceedings as specified by Article 2 for purposes of establishing or confirming appropriate zoning classifications for such annexed area, and the public hearing therefore shall be scheduled to be held not more than sixty (60) days after the effective date of annexation, further provided that the proposal to be brought before such hearing may either be to retain all such annexed area in the classification or classifications originally designated to be effective upon annexation or to change all or part of such annexed area to classifications other than those originally designated.

3.6: Visibility at Intersections

(A) Sight Clearance to be Maintained: At each corner of each street intersection, except within those areas designated C-1 Principal Commercial District, a sight area shall be maintained. Within the sight area no fence, wall, sign, or other structure, no slope or embankment, no parked vehicle, no hedge, foliage or other planting, and no other object or structure shall be placed, erected or maintained which will obstruct visibility within the sight area.

(B) Dimensions of Sight Areas: The horizontal dimensions of sight areas are defined as triangular areas formed by the intersecting street lines and a straight line joining said street lines at points which are fifteen (15) feet distant from the point of intersection of the street lines in commercial and industrial districts and twenty-five (25) feet distant from the point of intersection of the street lines in residential districts, measured along the street lines. Such sight areas shall be established regardless of the angle of intersection of the street lines. The vertical dimensions of sight areas are defined as that vertical space between the heights of two and one-half (2 1/2) feet and ten (10) feet in elevation above the nearest edge of street pavement of a paved street or above the nearest edge of riding surface of an unpaved street.

3.7: Accessory Buildings

(A) Accessory Building in Any Required Yard: No accessory building shall be erected in any required yard except as herein provided, and no separate accessory buildings shall be erected within five (5) feet of any principal building.

(B) Construction of and Occupancy of Accessory Buildings: Construction of principal building and accessory buildings may be concurrent but no accessory building shall be constructed or occupied prior to construction or occupancy of the principal building.

(C) Residential Use of Accessory Buildings: No accessory building may be used for residential purposes.

3.8: Measurement of Height

For purposes of this Ordinance, the height of a building shall be measured from the mean finished ground elevation at the base of the structure to the highest point of the roof of the structure, whereas the main finished ground elevation does not exceed the mean elevation of the adjacent roadway measured between the property lines along the centerline of the roadway, and provided that spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housings, mechanical equipment or other such structures placed above roof level and not intended for human occupancy shall not be subject to height limitations.

3.9: Buildings and Lots to Have Access

Every building hereafter erected or structurally altered shall be on a lot adjacent to a public street, or on a lot adjacent to a private street which meets all standards of the Land Development Regulations of the Town of Winnsboro.

ARTICLE 4: ZONING DISTRICT REGULATIONS

4.1: Purpose of Dividing the Town into Districts

For the purpose of promoting the health, safety, morals and general welfare of the Town of Winnsboro, and for other purposes as enumerated in Article 1 hereof, the Town of Winnsboro is hereby divided into districts as enumerated in this Article within which are regulated and restricted the erection, construction, reconstruction, alteration, repair or use of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

4.2: Zoning Districts

(A) Intent

The following districts are hereby established for the corporate limits of the Town of Winnsboro, and land within said areas shall be designated on the Official Zoning Map. The regulations set out the district's purpose, the intensity, and dimensional standards applicable in the district. Standards governing development in an overlay zoning district shall apply in addition to, or instead of, the standards governing development in the underlying base zoning district. If the regulations governing an overlay district expressly conflict with those governing an underlying base zoning district, the regulations governing the overlay district shall control, unless expressly stated to the contrary.

Such regulations have been made with reasonable consideration, among other things, to the character of each district and its peculiar suitability for particular uses and with a view to encourage the most appropriate use of land throughout the municipality.

The regulations of this Article shall apply uniformly to each class or kind of structure or land located within any of the following district classification respectively:

R-1	Single Family Residential District
R-2	Duplex Residential District
R-3	Multi-Family Residential District
RO	Residential Office District
C-1	Principal Commercial District
C-2	General Commercial District
I-1	General Industrial District
PDD	Planned Development District
RMU	Residential Mixed-Use District

(B) Districts

(2) R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Intent: To establish a low density single family residential district and to protect property in the district from the depreciating effects of incompatible land uses therein.

Permitted Principal and Accessory Uses and Structures

See Table 5.1 Permitted Use Table

Minimum Area, Yard, Lot Coverage and Height Requirements:

See Table 4.1 Lot Dimension Standards

(3) **R-2 DUPLEX RESIDENTIAL DISTRICT**

Intent: To establish a medium density residential district and to protect property in the district from the depreciating effects of incompatible land uses herein.

Permitted Principal and Accessory Uses and Structures

See Table 5.1 Permitted Use Table

Minimum Area, Yard, Lot Coverage and Height Requirements:

See Table 4.1 Lot Dimension Standards

3. R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

Intent: To establish a high-density residential district and to protect property in the district from the depreciating effects of incompatible land use herein.

Permitted Principal and Accessory Uses and Structures

See Table 5.1 Permitted Use Table

Minimum Area, Yard, Lot Coverage and Height Requirements:

See Table 4.1 Lot Dimension Standards

4. RO RESIDENTIAL OFFICE DISTRICT

Intent: This district is intended to permit either high density residential, small scale retail, or office uses or a compatible mixture of these uses and to discourage encroachment by intensive retail uses capable of adversely affecting the specialized commercial, institutional, and housing character of the district. This district is intended for application in areas undergoing transition from residential to commercial uses and is intended to accomplish that transition with a minimum of conflict between uses and is to act as a buffer between residential and general commercial zones.

Permitted Principal and Accessory Uses and Structures

See Table 5.1 Permitted Use Table

Minimum Area, Yard, Lot Coverage and Height Requirements:

See Table 4.1 Lot Dimension Standards

5. C-1 PRINCIPAL COMMERCIAL DISTRICT

Intent: To provide a district for principal retail and office uses which serve the entire community and trade area. Since the principal commercial district of the Town serves a unique and special function, it is the intent of this Ordinance that the C-1 district classification be applied to one contiguous and continuous area.

Permitted Principal and Accessory Uses and Structures

See Table 5.1 Permitted Use Table

Minimum Area, Yard, Lot Coverage and Height Requirements:

See Table 4.1 Lot Dimension Standards

6. C-2 GENERAL COMMERCIAL DISTRICT

Intent: This district is intended to accommodate a variety of general commercial and non - residential uses which are not oriented to the downtown area.

Permitted Principal and Accessory Uses and Structures

See Table 5.1 Permitted Use Table

Minimum Area, Yard, Lot Coverage and Height Requirements:

See Table 4.1 Lot Dimension Standards

7. I-1 GENERAL INDUSTRIAL DISTRICT

Intent: This district is intended to accommodate industrial uses which do not create excessive noise, odors, or smoke, and do not possess other objectionable characteristics, and which do not have undue detrimental effects upon adjoining prosperities; to create and protect efficient industrial areas; to provide a proper relationship between industrial areas and adjoining land uses; to assure the careful design, placement, and grouping of industrial uses; to provide for area and setback requirements; and for other purposes.

Permitted Principal and Accessory Uses and Structures

See Table 5.1 Permitted Use Table

Minimum Area, Yard, Lot Coverage and Height Requirements:

See Table 4.1 Lot Dimension Standards

8. RMU RESIDENTIAL MIXED USE

a. Intent: The Residential Mixed-Use District (RMU) is a predominately residential area that allows for some complimentary commercial uses that complement the surrounding residences. These commercial uses are defined and have specific design standards and requirements so as not to take away from the residential nature of the area. Government buildings, schools, and parks are also appropriate uses for the RMU District. The purpose of this district is to establish a district to allow for single family attached units and cottage homes in the Town to provide a diversity of housing options and prices to its residents and to exclude uses which are not compatible with such residential uses. Standards for all uses in the district are designed to protect the health, safety, and welfare of the citizens of Winnsboro.

b. **General:**

Lot Dimension Standards for RMU District						
		Single Family Detached	Single Family Detached - Cottage Homes	Single Family Attached - Townhomes	Single Family Attached - Duplexes, Triplexes or Quadraplexes	Other
Minimum Lot Size		8,500 sq. ft. minimum	2,380 sq. ft. minimum	10,000 sq. ft. for a development lot 2,500 sq. ft for individual owners	7,500 sq. ft. – Duplex 12,000 – all other	5000 sq. ft.
Minimum Lot Width		75 ft.	28 ft.	20 ft.	30 ft.	50 ft.
Maximum # of Units/ Acre		5	12	8	8	N/A
Setbacks						
	Front	25 ft. minimum	10 ft.	15 ft.	15 ft.	15 ft.
	Side	7.5 ft. minimum	5 ft.	15 ft.	15 ft.	15 ft.
	Rear	25 ft. minimum	10 ft.	15 ft.	20 ft.	20 ft.
Max Height		35 ft.	35 ft.	40 ft.	35 ft.	

% Maximum Lot Coverage	30%	65 %	75%	75%	75%
Required Parking Spaces per unit	2	2	2	2	Maximum of 4 spaces
Open Space Requirements for more than 4 units	25%	25%	25%	25%	0

c. Permitted Uses: The following uses are permitted in the RMU district provided that all specified standards are met.

1. Single Family Detached Home
   a) Single-family Detached Homes (1) housing units per lot permitted.
2. Single Family Detached Cottage Homes
   a) Single Family Detached Cottage Homes (1) housing unit per lot permitted with the following conditions:
   b) A cottage neighborhood development shall be located on a site having a minimum area of 0.5 acres.
   c) A cottage neighborhood development shall include at least four (4) cottages and no more than twelve (12). Each cluster must have its own open space and parking. Each cottage must be within 20 ft. of open space.
3. Single Family Attached Townhome
   a) 8 units per lot permitted with the following conditions:
   b) No more than 6 units shall be permitted to be attached.
4. Single Family Attached Duplexes, Triplexes and Quadraplexes
   a) Duplexes, Triplexes and Quadraplexes (8) units per acre permitted with the following conditions:
   b) Developments of just one type of this use are discouraged.
5. Staple Food Store
   a) Definition:
   b) (1) Small grocery stores that provides basic food items including dairy, animal or vegetable proteins, fruits and vegetables, juice, whole grains, etc. is allowed per lot with the following conditions:
   c) Maximum gross floor area is 2,500 sq. ft.
   d) The design of the new construction shall be consistent with the residential nature of the area.
   e) No tobacco, vape, hookah, CBD, alcohol, or similar products shall be offered for sale.
   f) Adherence to a “Good Neighbor Plan”
   g) Loitering control program. Written verification must be provided by the owner, operator, manager, or local representative of the parent company that a loitering control program will be enforced.
6. Café/Eatery/Coffee Shop
   a) Definition:
   b) Small scale retail that complements the residential uses in the district shall be permitted.

c) The design of the new construction shall be consistent with the residential nature of the area.

7. Use List:
   a) Staple Food Store
   b) Café/Eatery/Coffee shop
   c) Gym
   d) Day care center operated in the home
   e) Free standing Barber Shop/ Beauty Shop
   f) Home Office or Occupation(s)
      i. Definition:
      ii. Office and commercial uses shall be limited to the ground floor of the structure. Residential uses above the office or commercial use are encouraged.
      iii. Home Office and Home Occupations cannot occupy more than 1,000 square feet gross floor area exclusive of any residential living quarters.
      iv. The design of the new construction shall be consistent with the residential nature of the area.
      v. Setbacks shall be consistent with neighboring property.
   g.) Civic Structure(s)
   h.) Use List:
      i. School
      ii. Church
      iii. Park/playground
      iv. Community Hall
      v. Governmental Services Building
      vi. Community Gardens

c. Prohibited Uses: The following uses shall be prohibited in the RMU district.

i. Bars or taverns
ii. Private clubs
iii. Service or gas station
iv. Tobacco/hookah or vape shops
v. Outdoor storage
vi. Outdoor business
vii. Drive-through restaurant
viii. Dry cleaning establishment
ix. Sexually Oriented Businesses
x. Mobile Homes
xi. Tattoo/piercing establishments
xii. Any use not listed as being permitted is prohibited.

e. Design Guidelines

i. Mixed use residential is encouraged. Developments of just one type of residential use are discouraged.
ii. Garages may be detached or attached to the main dwelling, with or without habitable rooms above. The front wall of the garage shall be on the same plane as

the front façade or behind the front facade of the dwelling and cannot be more than thirty percent (30%) of the front width of the housing unit if they meet the standards set out in Sec. 5.3(B)5 of this ordinance.

iii. Stoops are required on the front facades of homes. Front porches shall be encouraged. When incorporating a front porch, it shall be a minimum of 6 feet in depth. Front porches may be set back a minimum of 10 feet from the front of the property line provided the garage is set back a minimum of 20 feet.

iv. At least two windows shall be incorporated into each side of the house.

v. Minimal repetition of front facades – matching front facades shall not be repeated adjacent, across the street or diagonal from one another.

vi. Exterior siding material may include:
   a. Wood
   b. Hardiboard or equal
   c. Brick
   d. Stucco
   e. Vinyl

vii. Vinyl siding shall meet the following standards:
   a. Panels shall be at least 0.04 inches thick.
   b. Soffit panels shall be at least 0.05 inches thick.
   c. Siding shall contain anti-weathering protection.
   d. Siding products shall have a minimum 50-year warranty from the manufacturer.
   e. Vinyl shakes, beadboard and water tables are encouraged but not required to achieve variety.
   f. Vinyl specifications shall be submitted for review and approval to the Zoning Administrator.

viii. Band boards at each foundation shall be required and shall be of greater thickness than the siding such that no edge of the siding will project beyond the face of the band board where they meet. Band board shall be a 6" minimum width with a 1" cap.

ix. Bike racks are required near greenways, open space and commercial uses.

x. A natural tree corridor is required for developments that are adjacent to existing single-family residential units.

9. PDD PLANNED DEVELOPMENT DISTRICT

a. General Provisions for All Planned Development (PD) Zoning Districts

The Purpose of Planned Development (PD) Zoning Districts is to encourage innovative and efficient land planning and physical design concepts. Planned Development (PD) Zoning Districts are intended to:

i. Support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and provision of public services.

ii. Reduce the inflexibility of zoning district standards that sometimes results from strict application of the base district regulations, and development standards established in this Ordinance.

iii. Allow greater freedom and flexibility in selecting:

(1) The form and design of development;
(2) The ways by which pedestrians, cyclists, and vehicular traffic circulate;
(3) How the development will be located and designed to respect the natural features of the land and the protect the environment;
(4) How design amenities are to be applied; and
(5) The location and integration of open space and civic space into the development.
(6) Preserve natural and scenic features.
(7) Encourage a greater mix of land uses within the same development, including a mix of nonresidential development, residential development, lot sizes, and densities and intensities.
(8) Allow more efficient use of land, with smaller networks of streets and utilities
(9) Provide pedestrian connection within the site, and to the public right-of-way
(10) Encourage the provision of centrally-located open space amenities on the site
(11) Promote development forms and patterns that respect the character of established surrounding neighborhoods and/or other types of land uses.
(12) Promote development form that respects and takes advantage of a site's natural and man-made features, such as rivers, lakes, wetlands, floodplains, trees, and historic resources.

b. Minimum Size. The minimum size for a PD District shall be two (2) acres.

c. Classification of Planned Development Zoning Districts. Land shall be classified into a PD zoning district only in accordance with the procedures for a map amendment.

d. Organization of Planned Development Zoning District Regulations. The following general standards apply to all PD zoning districts, wherein a conflict with other sections occurs, the more restrictive shall apply.

e. Standards for all Planned Development Zoning Districts
The application for the PD zoning district classification, as well as the PD Plan, PD Agreement, Development Phasing Plan, if any, and the Conversion Plan shall be incorporated into the final PD approval, and comply with the following standards:

(a) PD Plan

The PD Plan shall:

1. Establish a statement of planning and development goals for the zoning district that is in accordance with the Comprehensive Plan and, as applicable, any adopted area, neighborhood, or corridor plans, as well as the purposes of the individual zoning district.
2. Identify the specific principal, accessory, and temporary uses permitted in the zoning district. They should include a mix of uses, including both residential and nonresidential uses. Uses shall also be subject to applicable use specific standards identified in the PD plan, and any additional limitations or requirements applicable to the individual PD zoning district period.

3. Establish the general location of each development area in the zoning district, its acreage, types and mix of land uses, number of residential units (by use type), residential density, and nonresidential intensity. Each residential density and nonresidential intensity shall be consistent with the purposes of the PD zoning district and the specific requirements of the individual PD zoning district.
4. Establish the intensity and dimensional standards that apply in the individual PD zoning district. The intensity and dimensional standard shall be consistent with the requirements of the individual PD zoning district, and its purposes.
5. Where relevant, established the standards and requirements that ensure development on the perimeter of the PD zoning district is designed and located to be compatible with the character of adjacent existing or approved development. Determination of compatible character shall be based on densities/ intensities, lot size and dimensions, building height, building mass and scale, form and design features, hours of operation, exterior lighting, and siting of service areas.
6. Establish the general location, amount, and type (whether designated for active or passive recreation) of open space, consistent with the purposes of the individual PD zoning district.
7. Identify the location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and indicate how protection of these lands will be assured consistent with the purposes of the individual PD zoning district and the requirements of this Ordinance.
8. Identify the on-site pedestrian and bicyclist circulation systems, and how they will connect to off-site pedestrian and bicyclist systems in ways that are consistent with the purposes of the individual PD zoning district, and the requirements of this Ordinance.
9. Identify the general design and layout of the on-site transportation circulation system, including the general location of all public streets, existing or protected transit corridors, and how they interface with the pedestrian circulation system (pedestrian and bicycle pathways, and trails), and connect to existing and planned Town and regional systems and a manner consistent with the purposes of the individual PD zoning district, and the requirements of this Ordinance.
10. Identify the general location of one site potable water and wastewater facilities, and how they will connect to existing and planned Town and regional systems in a manner consistent with the purposes of the individual PD zoning district, and the requirements of this Ordinance.
11. Identify the general location of on-site storm drainage facilities, and how they will connect to existing and planned Town systems, and a manner consistent with the purposes of the individual PD zoning district, and the requirements of this Ordinance.
12. Identify the general location and layout of all other on-site and off-site public facilities serving the development, and how they are consistent with the purposes of the individual PD zoning district. The other on-site and off-site public facilities considered shall include — but not limited to — parks, schools, emphasis cities for Fire Protection, police protection, emergency management, stormwater management, and solid wastewater management.

13. Establish provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development.
14. Established the development standards that will be applied to the development. The development standards shall be consistent with the requirements of the individual PD zoning district and its purposes, and the requirements of this Ordinance, as appropriate at a minimum, the development standards shall address:
    a. Mobility, circulation, and connectivity
    b. Off street parking and loading, bicycle parking
    c. Landscaping
    d. Form and design standards
    e. Fences and walls
    f. Exterior lighting
    g. Tree protection
    h. Signs
    i. Open space, and
    j. Neighborhood compatibility

(b) PD Agreement

A PD Agreement is a required component for the establishment of a PD District. A PD Agreement shall include, but not be limited to:

1. Conditions related to approval of the application for the individual PD zoning district classification.

2. Conditions related to the approval of the PD plan, including any conditions related to the form and design of development shown in the PD plan.

3. Provisions addressing how public facilities (pedestrian and bicycle transportation, potable water, wastewater, stormwater management, and other public facilities) will be provided to accommodate the proposed development. This shall include but not be limited to:

- **i.** Recognition that the applicant/ landowner will be responsible to design and construct or install required and proposed on-site public facilities and compliance with applicable Town, state, and federal regulations, and
- **ii.** The responsibility of the applicant/ landowner to dedicate to the public the rights of way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable Town, state, and federal regulations.

4. Provisions related to environmental and cultural protection and monitoring (e.g., restoration of mitigation measures, annual inspection reports, cultural resources report).

5. Mutual agreement that based on use, time lapse, or any other reasonable condition of development, a traffic study may be required but the Town of Winnsboro, with the cost to the original developer or his his/her successor or both if substantial interest is shared.

6. Provisions for a dedicated point of secondary access for subdivisions with greater than 50 lots.
7. Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the individual PD zoning district.
8. Any other provisions the Town Council determines are relevant and necessary to the development of the planned development.
9. All conditions shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands.

(c) Development Phasing Plan
If development and a PD zoning district is proposed to be phased, the PD plan shall include a development phasing plan that identifies the general sequence or phases in which the zoning district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private), open space, and other amenities will be provided and timed, and how environmentally sensitive lands will be protected and monitored.

(d) Conversion Schedule
The PD Plan may include a conversion schedule that identifies the extent to which one type of use may be converted to another type of use.

(e) Minor Modifications
Subsequent applications for development approvals and permits within A PD zoning district that include minor modifications from the approved PD Plan or PD Agreement may be reviewed and decided upon, without the need to amend the PD zoning district, if the Zoning Administrator determines that such modifications consist of only the following:

- **i.** Changes that result in a decrease in the density or intensity of development approved for a specific parcel;
- **ii.** An increase in residential density for any specific parcel of ten percent or less; if the total allowed density within the PD zoning district does not increase;
- **iii.** A change in a land designation from multifamily to single-family or a change from any use to open space/passive recreation;
- **iv.** A modification of design of facilities for amenities such as parks, gardens or open spaces; or
- **v.** A deviation specifically listed in the approved PD Agreement as a minor deviation not materially affecting the PD zoning district's basic concept or the designated general use of parcels of land within the district.

(6) Failure to Begin, Failure to Complete, or Failure to Make Adequate Progress

The descriptive statement as approved by Town Council and duly recorded shall set forth the development schedule for the project including phasing of development of nonresidential uses in relationship to residential use. The Town Council shall require the

posting of a bond with a corporate surety to guarantee that the schedule as set forth in the descriptive construction statement will be materially adhered to in order to guarantee construction of streets, utilities, and other facilities and amenities or to allow for rectification of improper development characteristics such as failure to develop areas designated as common open spaces. If there is failure to begin, or failure to complete, or failure to make adequate progress as agreed in the descriptive statement, the Town Council may enforce and collect upon such bonds or sureties as described above, or may change the district classification of the planned development in accordance with provisions of Article 5, and thus terminate the right of the applicant to continue development, or may initiate action to charge the developers with specific violation of the Zoning Ordinance subject to the penalties set forth in Article 2 or any appropriate combination of the above remedies may be taken.

10. DESIGN OVERLAY DISTRICTS

The Board of Architectural Review shall have purview over all proposed new developments, and over all alterations and/or additions (excluding normal maintenance and repair of an internal nature) to existing developments which have a visual impact from the corridor, located on land which lies within the rights-of-way and within all zoning districts which abut each side of the rights-of-way of the following commercial corridors, herein defined as "Design Overlay Districts", currently within town limits.

- Congress Street
- Historic District (as defined by the Historical Society of Fairfield County)

The boundaries of the design overlay districts shall be shown on the official zoning map.

(1) Architectural Design Review Guidelines

The architectural compatibility and aesthetic harmony of structures located along designated thoroughfares, defined as "Designed Overlay Districts," are of critical importance in protecting and promoting the appearance, character, and economic value of land, in addition to protecting the public from the impact of adverse visual experiences. The intent of the Architectural Review process is to assure respect for the character, integrity, and quality of the built and natural environment environments of the Town of Winnsboro it is not intended to stifle innovative architecture.

(A) Proposed development shall avoid excessive or unsightly grading, indiscriminate earth moving or clearing, and removal of trees and vegetation which could cause disruption of natural water courses or disfigure natural land forms.

(B) Proposed development shall be located and configured in a visually harmonious manner with the terrain and vegetation of the subject parcel and with that of adjacent parcels. Proposed structures shall be designed in visual harmony with existing structures as well.

(C) Where it is reasonably practical, proposed structures shall not impede scenic views from the main road, from existing structures, or from natural settings.

(D) Proposed structures will contribute to the establishment of the image of the Town of Winnsboro as a unique place of visual character, integrity, and quality. Proposed structures of inferior architectural design and/or material composition shall not be permitted.

(E) Although maximum lot coverage and height restrictions, and special site requirements defined for particular zoning categories in the Winnsboro Zoning Ordinance shall be preserved, proposed structures shall not dominate, in an incompatible manner, an adjacent building, nor surrounding general development, which is substantially in compliance with this article.

(F) There shall be an overall maximum 35 foot front setback along the street right-of-way. Emphasis shall be placed on maintaining prevailing setbacks of existing structures on the block. No new structures shall have smaller setbacks from the street than adjacent structures do.

(G) In reviewing a proposed structure, specific consideration shall be given to its compatibility with adjacent structures where such structures are substantially in compliance with these sections.

(H) Materials shall be compatible with other permitted visible materials already in use in nearby areas of the Design Overlay District. Use of low maintenance materials is encouraged, such as brick, glass, and aluminum storefront materials. In pedestrian oriented areas, non-reflective, non-mirror glass should be used.

(I) Materials shall express their function clearly and honestly and shall not appear as materials which are foreign to the character of the rest of the building. For example, on a façade, materials that appear heavy, such as brick, shall not be used above materials that appear light, such as wood.

(J) Entrances should receive architectural emphasis with at least one primary entrance of structures fronting the street shall be oriented to Congress Street. Walkways shall be provided between the building entrance and the sidewalk, and shall be as wide as the entrance they lead to.

(K) All elevations of a structure shall be architecturally harmonious with the front elevation and one another in terms of scale, proportion, detail, material, color, and high design quality, especially when those side or rear elevations are most often viewed by the public. Rooflines and architectural detailing shall present a consistency in design.

(L) Any building exterior elevation shall consist of architectural materials which are equal in quality, appearance, and detail to all other exterior elevations of the same

structure. Nothing in this section shall preclude the use of different materials on different exterior elevations of the same structure so long as those materials maintain the architectural unity and integrity of the entire structure.

(M) No portion of a building constructed of unadorned concrete masonry unit's metal siding shall be visible in any manner from adjoining developed properties, from existing public rights-of- ways, or from adjoining properties which are eligible for future development.

(N) Color combinations of paints or stains shall be harmonious. In no case shall garish colors be permitted.

(O) All structures within a proposed development, including gasoline canopies, which utilize a uniform architectural theme and shall be designed to create a harmonious whole. It is not to be inferred that buildings must look alike to achieve a harmony of design. Harmony of design can be created through proper considerations of scale, proportion, detail, materials, color, site planning, and landscaping.

(P) The scale of buildings and accessory structures (including canopies) shall be appropriate to the scale of structures located in the adjacent area. Canopies designed as domineering or overpowering architectural features are strongly discouraged.

(Q) The architectural design and material finish of buildings, signage, gasoline pump canopies, and other necessary structures shall be compatible with one another and with adjacent structures where such structures are substantially in compliance with these sections.

(R) Mechanical equipment, whether ground level, raised, or roof-top, shall be shielded and screened from public view, and designed to be perceived as an integral part of the building.

(S) Structures shall be oriented so that loading areas are in no manner visible from residential districts, from existing public rights-of-way or from planned future public rights-of-way. Loading areas may be oriented toward adjoining developed properties which are commercially zoned or toward adjoining properties eligible for future commercial development if and only if they are entirely screened from view by the use of fencing which is compatible with the overall architectural scheme of the project and/or are appropriately landscaped.

(T) Signs shall comply with the Winnsboro sign regulations and shall maintain compatibility with the architectural features of the structure.

(U) Buildings must be maintained in a neat, clean, and orderly fashion. Paint on painted surfaces must be fresh and unpainted surfaces must be kept clean. The Board of Architectural Review shall assure that properties are maintained in accordance with the spirit and intent of this ordinance.

4.3: Lot Dimensions

Table 4.1 Lot Dimension Standards									
Zoning District		Residential (sq. ft.)	Non-Residential (Sq. ft.)	Width (ft.)	Maximum Lot Coverage	Maximum Building Height (ft.) (B)	Minimum Front (ft.)	Minimum Side (Res) (ft.)	Minimum Rear (Res.) (ft.)
1.	R-1, Single-Family Residential	10,000	15,000	75	25%	35	30	10(1)	25
2.	R-2, Duplex Residential	6,000	10,000	50	30%	35	25	5(2)	25
3.	R-3, Multi- Family Residential	6,000 (3)	10,000	50	30%	35	25	5(2)	25
4.	RO Residential Office	6,000 (3)	10,000	50	30%	35	25	5 (2)	25
5.	C-1, Principal Commercial District	0	0	0	0	45	0	0(4)	0
6.	C-2, General Commercial District	10,000		50	40%	45	25	0	20
7.	II- General Industrial	-	10,000	100	0	~~0~~	0	0(5)	0

Notes for Table 4.1

(1) 10 feet for first story and 3 feet for each additional story
(2) 5 feet for first story and 3 feet for each additional story
(3) 6,000 for first residential unit and 2,500 square feet for additional residential units
(4) If a side yard is provided, it shall not be less than three (3) feet

References to Table 4-1:

(A) Measurement from property line
(B) Measurement from average elevation of the finished grade at the building line to the highest point on the roof
(C) Measurement in dwelling units per gross acre
(D) Measurement as percent of total lot area
(E) No setback requirements except where a building or use is contiguous to a residential use in a Residential Zone District, then a minimum setback equal to the setback required in the contiguous residential district shall be required

(F) *Minimum side yard shall be calculated as 5 feet for first story and 3 feet for each additional story or part thereof.

4.4: Structures in Required Yards

(A) The general definition of "yards" as set forth in Section 2-2 states that yards are unoccupied and unobstructed by a structure or portion of a structure from 30 inches above the finished grade level of the ground upward. However, the general definition shall be construed subject to the following exceptions and interpretations:

(B) Those objects which are excluded from the definition of a "structure" under Section 2-2 above shall not be subject to regulation under interpretation of the definition of "yard".

(C) Steps and open porches or patios without roofs shall be allowed in any required yard.

(D) Screening walls and fences over 30 inches in height that substantially impede vision may be permitted in a required yard as a special exception, however, screening walls and fences not over eight (8) feet in height are permitted outright in side and rear yards, provided no screening wall or fence in excess of six (6) feet is permitted within six (6) feet of a residential structure on adjacent property.

(E) Eaves, cornices, gutters, and other minor architectural features projecting less than 24 inches from the main portion of a building shall be allowed to project into any yard. Open fire escapes may extend into any required yard not more than three and one-half (3.5) feet.

(F) Retaining walls in excess of 30 inches in height may be permitted as a special exception in any yard.

(G) Signs are permitted to encroach upon required yards in certain circumstances as set forth in Article 8 "Regulation of Signs".

(H) Screening between commercial or industrial uses and lots zoned residentially, as required by Section 8 of this Ordinance.

4.5: Orientation of Required Yards

In interpretation of requirements related to establishment of required yards, the Zoning Administrator shall apply the following interpretation to the orientation of such yards:

(A) Through Lots: In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Zoning Administrator may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards existing on adjacent lots.

(B) Corner Lots with More Than Two Frontages: In the case of corner lots with more than two frontages, the Zoning Administrator shall determine the front yard requirements, subject to the following limitations: (1) at least one front yard shall be provided having full depth required generally in the district; (2) no other front yard on such lot shall have less than half the full depth required generally.

(C) Appropriateness of Orientation: Notwithstanding the above, the Zoning Administrator may determine that the most appropriate orientation for any required yard is different from the orientation as set forth above in such instance that it appears that such different orientation will further the intent of this Ordinance. When a structure is to be built which will contain more than one dwelling unit, the orientation of required yards shall be based upon both the orientation of the lot and the orientation of the structure. The Zoning Administrator may impose an orientation of yards different from the orientation set forth in this Section and elsewhere in this Ordinance subject only to appeal of such decision to the Board of Zoning Appeals as an appeal from an administrative decision of the Zoning.

4.6: Reduction of Lot Area Prohibited

No yard or lot existing at the time of passage of these regulations shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of these regulations shall meet at least the minimum requirements established by these regulations

ARTICLE 5: USE STANDARDS

5.1: Principal Uses

(A) Intent. This section classifies the uses allowed by zoning district in order to identify the activities that support the health, safety, and welfare of the people that live and work in all areas of Winnsboro. This section includes use definitions and any standards that may apply to a specific use.

(B) Applicability. No building, structure, or land shall be used in any way other than an activity or use that is permitted in the applicable zoning district.

(C) General Provisions

1. A site may contain more than one principal use, so long as each principal use is allowed in the zone, and that all site requirements are met for each principal use, e.g., setbacks, height, percentage of lot coverage standards, landscaping, buffers, parking.
2. If a use is not listed but is similar in nature and impact to a use that is listed, the Zoning Administrator may interpret the use as permitted.
3. All uses shall meet any applicable federal, state, and local requirements, including, but not limited to, licensing, health, safety, and building and fire code requirements.

(D) Table of Principal Uses

1. **Permitted (P).** These uses are permitted by right in the districts in which they are listed provided that they comply with all other applicable regulations of this Ordinance.
2. **Allowed subject to Conditions (C).** These uses are permitted by right in the districts in which they are listed, provided that they comply with all other applicable regulations of this Ordinance and with any standards that are listed specific to that use.
3. **Special Exceptions (S).** These uses are allowed only if reviewed and approved for a special exception in accordance with the procedures and special exception criteria of the Board of Zoning Appeals. In addition, they shall comply with all other applicable regulations and use conditions of this Ordinance, and any applicable additional standards associated with the use or requirements of the Board of Zoning Appeals.
4. **Prohibited Use.** Uses without a symbol are prohibited in the district because they are considered incompatible with the intent of the district.
5. **Unlisted Uses.** It is recognized that this Ordinance may require interpretation to assign all possible uses to individual districts. Therefore, any use which is not specifically set forth in this Ordinance shall be reviewed by the Zoning Administrator for consistency with the intent set forth in each district and for compatibility with use characteristics typical of uses permitted or not permitted within those districts. Based upon this review, the Zoning Administrator shall determine the appropriate district for any use which is not specifically set forth herein.

5.2: Table of Permitted Uses

USE BY ZONING DISTRICT	R-1	R-2	R-3	R-O	RMU	C-1	C-2	I-1
Agricultural								
Plant Agricultural	P							
Community Garden	P	P	P	P	P	P	P	
Indoor Food Production								P
Civic, Institutional & Public								
Cemetery							P	
College/University						P	P	
Community Center				P	P	P	P	
Government Office						P	P	P
Hospital						P	P	
Library/Museum/Cultural Facility						P	P	
Medical or Dental Clinic				P	P	P	P	
Membership Organization Facility				P		P	P	
Nursing Care Facility				P	P	P	P	
Parking Lot as an Accessory Structure						P	P	P
Parks & Open Space	P	P	P	P	P	P	P	P
Park & Ride						P	P	P
Public Safety Facility				P	P	P	P	P
Religious Institutions				P		--	P	
School, Business or Trade	P	P	P	P		P	P	
School, Pre-K – 5th	P	P	P	P		P	P	
School, 6th- 12th	P	P	P	P		P	P	
Social Service Facility							P	
Utilities, Major						P	P	P
Utilities, Minor	P				P	P	P	P
Wireless Communication								P
Wireless Communication (Small Cell)						P	P	P
Wireless Communication (Stealth)								P
Industrial, Manufacturing, Processing	**R-1**	**R-2**	**R-3**	**R-O**	**RMU**	**C-1**	**C-2**	**I-1**
Industrial, Artisan								P
Industrial, Heavy	-	-	-					C
Industrial, Light								P

Research/Laboratory Facility								P
Warehouse/Distribution/Self Storage								P
Residential & Group Living	**R-1**	**R-2**	**R-3**	**R-O**	**RMU**	**C-1**	**C-2**	**I-1**
Continuing Care Retirement				P	P	P	P	--
Cottage Neighborhood					P			
Dwelling, Accessory	P	P	P	P	P			
Dwelling, 1 Unit, detached	P	P	P	P	P	P		
Dwelling, 2 Unit		P	P		P			
Dwelling, 3-5 Units			P		P			
Dwelling, Mixed Use					P	P		
Dwelling, Townhouse		P	P		P			
Group Residence			P					
Residential Care Facility							P	
Retail, Service & Office	**R-1**	**R-2**	**R-3**	**R-O**	**RMU**	**C-1**	**C-2**	**I-1**
Adult Business								C
Animal Care				P			P	P
Banquet Hall						P	P	
Beer/Wine/Liquor Sales							P	
Day Care Center		P	P	P	P		P	
Drinking Establishment						P	P	
Drive-Through Facility							P	
Entertainment Facility, Indoor				P		P	P	
Entertainment Facility, Outdoor							P	
Funeral Services							P	
Gas Station/Convenience Store							P	
Home Occupation	P	P	P	P	P	P	P	
Hotel						P	P	
Non-Depository Credit Institution								P
Pawn Shop								P
Performing Arts Center				P		P	P	
Personal Care & Services				P		P	P	
Private Club/Lodge								P
Professional Offices				P	P	P	P	
Restaurant				P	P	P	P	
Retail, General						P	P	
Retail, Intermediate						P	P	
Retail, Heavy							P	
Self-Storage Facility								P
Short-Term Rental				C			C	

Staple Food Store					P	P	P	
Tattoo/Piercing								P
Tobacco/Hookah/Vaping								P
Vehicle Sales or Rental							P	P
Vehicle Rental, Truck							P	P
Vehicle Service, Major								P
Vehicle Service, Minor							P	P
Vehicle Service, Commercial								P

* It is recognized that this Ordinance may require interpretation to assign all possible uses to individual districts. Therefore, any use which is not specifically set forth in this Ordinance shall be reviewed by the Zoning Administrator for consistency with the intent set forth in each district and for compatibility with use characteristics typical of uses permitted or not permitted within those districts. Based upon this review, the Zoning Administrator shall determine the appropriate district for any use which is not specifically set forth herein.

5.3: Use Definitions and Standards

Agricultural

Plant Agriculture. A commercial agricultural operation of any size that grows horticultural or nursery stock or fruits, vegetables, grain, or other agricultural crops outdoors.

Community Garden. A space where food, trees, and other plants are grown for personal, group, shareholder, or lessee use, or for donation, including for educational, recreational, and beautification purposes. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by community group members.

Standards:

1. Accessory buildings shall be limited to sheds for the storage of tools, greenhouses, and seasonal farm stands. The combined area of all buildings and other structures, excluding greenhouses, shall not exceed 15 percent of the area of the parcel. Greenhouses may not exceed 75 percent of the area of the parcel.
2. Areas used for communal composting shall be limited to 20 percent of the area of the parcel.
3. Perimeter fences, including trellises, are allowed in community gardens, subject to the standards for fences.
4. Before issuance of a permit for a community garden, it shall have an established set of operating rules addressing the governance structure of the garden, hours of operation, assignment of garden plots, contact information, and maintenance and security requirements and responsibilities.

Indoor Food Production. A commercial operation that produces fruits, vegetables, grain, or other agricultural crops; horticultural or nursery stock; or aquaculture in a permanent indoor facility. Includes greenhouses. Excludes retail sales of products.

Civic, Institutional & Public

Cemetery. Land or structures dedicated for the internment of human or animal remains.

College/University. A post-secondary institution, public or private, for higher learning that grants associate, bachelor, masters, or doctoral degrees. Includes theological schools. Includes related ancillary facilities, such as cafeterias, restaurants, retail, indoor or outdoor recreational facilities, research facilities, and similar uses.

Community Center. A place, building, area, or other facility used for providing social and recreation programs. The facility may be private, or the facility may be open to the general public and designed to accommodate and serve significant segments of the community.

Government Office. A facility used for the conduct of business of a unit of government. For purposes of this Ordinance, "government offices" includes offices of Town, county, state, tribal, and federal government agencies that provide administrative and/or direct services to the public, executive offices, legislative offices, and courts.

Hospital. A licensed facility that provides health, medical, or surgical care to the sick or injured, often on an inpatient basis. Includes related ancillary facilities, such as laboratories, outpatient clinics, pharmacies, cafeterias, gift shops, training facilities, classrooms, central service facilities, heliports, and offices integral to function of the facility.

Library/Museum/Cultural Facility. A facility open to the general public for cultural services and exhibitions. Includes such uses as museums, cultural centers, historical societies, and libraries operated by a government or nonprofit establishment. Includes related ancillary uses, such as classrooms, meeting rooms, retail, offices, or food service.

Medical or Dental Clinic. A facility for physicians, dentists, chiropractors, physical therapists, mental health practitioners, or other licensed healthcare practitioners to examine and treat persons on an outpatient basis.

Membership Organization Facility. A facility, not open to the general public, operated by a membership-based organization for civic, social, cultural, religious, literary, political, or like activities, for the benefit of the organization's members and not primarily for profit or to render a service that is customarily carried on as a business.

Nursing Care Facility. Institutions certified by the state to offer 24-hour medical and skilled nursing care, rehabilitation, or health-related services to individuals who do not require hospital care.

Parking Lot. A non-accessory parking lot for the storage of passenger motor vehicles made available to the general public, with or without a fee. Parking lots serving a permitted use located on an adjacent lot or a lot separated from the subject lot by a street or alley shall be considered as accessory parking lots. Includes parking structures, whether underground, at ground level, or above ground level, in which more than 50 percent of the gross floor area is used for parking vehicles.

Park & Open Space. An open outdoor space, public or private, designed for active or passive recreational use or natural resources protection. Includes such uses as parks, plazas, greens, botanical or ornamental gardens, playfields and game courts, playgrounds, and monuments. Includes related ancillary facilities, such as picnic areas, gazebos, ziplines, and swimming pools. Excludes golf courses, skate parks, and commercially operated amusement parks which are considered an Entertainment/Recreation Facility, Outdoor use.

Standards:

1. All structures and activity areas, including but not limited to outdoor amphitheaters, ball fields, basketball and tennis courts, swimming pools, playgrounds, and parking or unloading areas, shall be located a minimum of 50 feet from any residential structure.
2. Service of food and beverages is permitted but shall be limited to service that is incidental to the primary activity of the facility.

Park and Ride. An off-street parking facility designed or intended to provide peripheral collection and storage of motor vehicles and bicycles to accommodate commuter traffic into or out of the community via a transit station or terminal located within convenient walking distance of the facility. Accessory structures may include passenger shelters.

Public Safety Facility. A facility operated by a public safety agency, including such uses as fire stations and firefighting training facilities, police and sheriff substations and headquarters, emergency medical services substations, and public safety communication centers.

Religious Institution. A facility devoted primarily to the purpose of divine worship. Includes member related ancillary uses, which are subordinate to and commonly associated with the religious institution use, such as schools and instructional facilities, daycare centers, cemeteries, and social uses. The Town Council may grant modifications of the standards applicable to a place of worship on finding that the modification is necessary to eliminate a substantial burden on religious practice, as guaranteed by the Federal Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000 (52 U.S.C. § 2000 et seq.). In doing so, the Council may impose conditions consistent with RLUIPA that will substantially secure the objectives of the modified standard and substantially mitigate any potential adverse impact on the environment or adjacent development.

School, Business or Trade. An establishment, other than a college or university, that provides specialized on-site training and education beyond the high school level, principally in business, commercial, or trade skills, that does not provide lodging or dwelling units for students or faculty, and that has programs that typically result in the awarding of a certificate.

School, Pre-K-High. A public, private, or parochial institution offering instruction at the preschool through high school levels with a full range of curricular programs. Includes related on-site ancillary facilities, such as cafeterias, gymnasiums, theaters, playgrounds, and athletic facilities.

Social Service Facility. A facility where social or welfare services are provided to those in need, for no fee or compensation, or at a fee recognized as being significantly less than charged by profit-making organizations. Services may include but are not limited to information and referral services, counselling, skill development, aid through the provision of food or clothing, life skill and personal development programs, alcohol, drug, or substance abuse counselling center, and drop-in or activity space.

Utilities, Major. A large-scale utility facility that primarily serves a regional need, which because of its scale or method of operation is more likely to produce external impacts detectable beyond the lot lines of the subject property. Includes facilities such as electric or gas generation plants, high voltage transmission lines, sewage treatment plants, water pumping stations, and water towers and tanks.

Utilities, Minor. A utility facility or service that primarily serves local distribution needs. Includes facilities such as water and sewer pump stations, electric substations, gas regulating stations, and telephone exchange/switching centers.

Wireless Communications Facilities. Towers, antennas, cell towers, and ancillary structures used to transmit and receive radio-frequency signals, microwave signals, or other signals.

(A) Wireless Communication (Traditional). Lattice, monopole, or similarly designed facilities where electric communications equipment and antennae are mounted, allowing the surrounding area to use wireless communication devices like telephones and radios.

(B) Wireless Communication (Small Cell). Wireless transmitters and receivers, often on decorative poles in right of way, designed to provide network coverage to smaller areas suited for more densely developed environments like cities.

(C) Wireless Communication (Stealth). Concealed or camouflaged tower facilities designed so that the facilities have the appearance to a casual observer of a structure other than a telecommunications facility and such a manner that is consistent with the existing landscape, streetscape, or development pattern. Concealed towers can look like pine trees, flag poles, water towers, church steeples, bell towers, signs, and other structures.

Standards:

1. The Zoning Administrator shall review any construction, addition, or modification and approve or refer to the Board of Zoning Appeals for special exception as required. The Zoning Administrator is authorized to approve colocations, temporary carrier on wheel uses, new equipment within existing fence compound, and additions less than 10 feet in height. New structures or substantial improvements that expand the footprint or height shall be approved by the Board of Zoning Appeals as a special exception. Chapter 152 regulates standards for placement of small wireless communication facilities.

2. The following shall apply only to lattice, monopole, and stealth facilities:

(a) The maximum height for a traditional lattice or monopole tower shall be 225 feet in Light Industrial zoning districts, with a 300 feet setback from any residential district.

(b) The maximum height for a stealth tower in RSF shall be 60 feet and district setbacks apply.

(c) The maximum height for a stealth tower in all other districts shall be 100 feet and district setback apply.

(d) Stealth towers shall:

(1) Respect and, to the extent possible, compliment the style, height, bulk mass, material, and color of existing buildings, structures, vegetation, or uses within the surrounding area.

(2) Emulate an architectural or landscape feature typical of, or appropriate to, the surrounding area.

(3) Be located where it would not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties.

(e) Where a new communication tower or a new stealth WCF would be "visible" from property listed within the National Register of Historic Places, the South Carolina State Historic Preservation Officer shall issue a letter stating that the design would have no adverse effect before the Zoning Administrator shall issue a Zoning Permit.

(f) Eight-foot-high fencing shall be provided around any communication tower and associated equipment building or cabinet. Concertina wire, barbed wire, or other similar security devices are expressly prohibited unless the devices are screened entirely with year-round landscaping that achieves the required screening at the time the landscaping is installed.

(g) Shall be illuminated only to the extent required by applicable state or federal law or regulation.

(h) No signage is permitted, except as required by applicable law or by standard industry practice for the purpose of identification, warning, emergency function or contact.

(i) Tower and equipment that is no longer used for communication purposes shall be removed within 120 days of the date it is taken out of service.

(j) New communication towers shall be light gray, except as otherwise required by applicable state or federal law or regulation.

(k) Shall be designed such that, in the event the tower fails structurally, it would not fall within a public right of way, or within a distance equal to the height of the tower plus the setback distance from any existing structures, nor endanger the safety of residents, employees, or travelers. The Zoning Administrator shall not issue a Zoning Permit for the support structures listed within this subsection until such time the applicant provides a signed letter from a registered professional structural engineer certifying that the proposed tower is designed to comply with the standards of this subsection.

(l) No variance to the requirements of this section shall be granted by the Board of Zoning Appeals.

(m) Be located where it would substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties.

(n) Be located within 1,000 feet of another communication tower.

(o) The proposed user shows proof that it has attempted to co-locate upon existing towers and will allow other users to co-locate upon the tower in the future subject to the engineering capabilities of the structure.

Industrial, Manufacturing, & Processing

Industrial, Artisan. A manufacturing use involving small-scale production, assembly, and/or repair with no noxious by-products. Includes such uses as bakeries, confectioners, breweries, metalworking, woodworking, and maker spaces. Includes related ancillary uses and facilities, such as retail, restaurant, showroom, offices, storage, sales, and distribution of products.

Standards:

1. Artisan industrial uses shall not exceed 15,000 square feet of gross floor area.
2. Any heat, glare, dust, smoke, fumes, odors, or vibration are confined to the building, and little or no external impacts are detectable beyond the lot lines of the property.

Industrial, Light. A facility for the processing or manufacturing of products or parts, including fabrication, assembly, treatment, and packaging of such products, and the incidental storage, sales, and distribution of such products, provided that all manufacturing processes are contained entirely within a fully enclosed building. Any heat, glare, dust, smoke, fumes, odors, or vibration are confined to the building, and little or no external impacts are detectable beyond the lot lines of the property.

Research/Laboratory Facility. A facility where testing, research, and development is conducted in industries such as biotechnology, pharmaceuticals, medical instrumentation or supplies, communication and information technology, vehicle components, and electronics and instrumentation. Other than prototype development, excludes the manufacturing, fabrication, processing, or sale of products.

Warehouse/Distribution. A facility for the storage, transfer, wholesaling, and distribution of goods. If a warehouse/distribution use is ancillary to another principal use, and has a gross floor area of less than 10,000 square feet, it is considered part of the principal use and is not considered a separate principal use.

Residential & Group Living

Continuing Care Retirement Community (CCRC). An age-restricted development that provides a continuum of accommodations and care, from independent living to convalescence care and long-term skilled nursing care and enters into contracts to provide lifelong care. A CCRC typically includes a full range of living arrangements from independent living, congregate housing, residential care and skilled nursing and sometimes hospice care. CCRCs provide a range of ancillary facilities and services such as health care, meals with common dining facilities, physical therapy, education, recreation, and other social and cultural activities. Although CCRCs include household living uses (e.g., dwellings) and health care uses (e.g., nursing homes), they are

categorized as a group living because of their focus on the present or future provision of personal care to senior citizens and their integration of various uses as a single cohesive development.

Standards:

1. The number of nursing care beds shall not exceed 50 percent of the total number of permitted dwelling units.
2. A minimum of ten percent of the CCRC's land area shall be devoted to outdoor open space, indoor or outdoor recreation facilities, and indoor or outdoor social-oriented amenities, including community centers. Such areas shall be located so as to be safely and conveniently accessible to CCRC residents.
3. Each outdoor area intended for active recreation shall have a minimum area of 5,000 square feet and minimum dimension of 50 feet.
4. Each of the major component parts of the CCRC shall comply with the standards applicable to the principal use most closely representing component part, i.e. nursing care facility standards for the skilled nursing services components, residential care facility standards for residential care component, and single-family, two-family, and/or multifamily dwelling standards, as appropriate, for the independent living component.

Cottage Neighborhood. A collection of small houses that are arranged around a common open space, or courtyard, with parking screened from public view.

Dwelling, Accessory. A dwelling unit that is clearly subordinate and incidental to a primary building on the same lot. An accessory dwelling unit is allowed only as accessory to, and on the same lot as, a single-family detached dwelling unit.

Standards:

1. There shall be no more than one accessory dwelling unit on a lot.
2. Either the principal dwelling unit or the accessory dwelling unit must be the permanent, full-time residence of the owner of the lot.
3. An accessory dwelling unit may be within or attached to the principal structure (e.g., a downstairs or upstairs apartment), or exist within or as a detached structure (e.g., an apartment above a detached garage or a guesthouse).
   - **(a)** If attached, the accessory dwelling unit must be attached to the principal structure and have an operative interconnecting door with the principal structure.
   - **(b)** If detached:
     1. A distance of at least ten feet shall separate the accessory dwelling unit from the principal structure.
     2. The accessory dwelling unit must be located in the same base zoning district as the principal structure.
     3. Primary side and rear setback requirements apply.
4. A manufactured home or recreational vehicle, travel trailer, camper, or similar vehicle shall not be used as an accessory dwelling unit.

5. The floor area of an accessory dwelling unit shall be no greater than 850 square feet or 50 percent of the floor area of the principal dwelling unit, whichever is less.
6. An accessory dwelling unit shall:
   a. Have the same street address and mailbox as the principal dwelling.
   b. Not be subdivided or otherwise segregated in ownership from the principal single-family dwelling unit.
   c. Use the same water, sanitary sewer, gas, and electric utilities as the principal dwelling.
   d. Use the same driveway as the principal dwelling, unless it is accessed from a right-of-way not used by the principal use (e.g., a rear alley or separate street access on a corner or through lot).
   e. Maintain the general architectural design, style, appearance, height, and character of the principal dwelling and/or residential design standards.
   f. Unless otherwise specified, shall not be located in any established front or corner yard or in front of the primary building line.

(7) Only one kitchen is allowed per accessory dwelling unit.

(8) Accessory dwelling units shall not count toward the maximum density standards.

Dwelling, 1 Unit. Detached. A structure that contains only one dwelling unit.

Dwelling, 1 Unit, Attached. A structure that contains attached one (1) dwelling units on separate lots, no more than two (2) attached, each with its own outside entrance, which share a common exterior wall and are joined together by fire resistive party walls extending at least from the lowest floor level to the roof.

Dwelling, 2 Units. A building, commonly known as a duplex, that contains two dwelling units on the same lot, with each unit sharing common vertical walls and/or horizontal floors and ceilings with another dwelling unit.

Dwelling, 3-5 Units. A structure that contains up to four dwellings on the same lot, with each unit sharing common vertical walls and/or horizontal floors and ceilings with another dwelling unit.

Dwelling, 5-8 Units. A structure that contains up to eight dwellings on the same lot, with each unit sharing common vertical walls and/or horizontal floors and ceilings with another dwelling unit.

Dwelling, Mixed-Use. A building containing at least one dwelling unit and having its street level frontage used exclusively for non-residential purposes, such as retail, office, or service-related establishments.

Dwelling, Townhouse. Three or more dwelling units on separate lots, each with its own outside entrance, which share a common exterior wall and are joined together by fire resistive party walls extending at least from the lowest floor level to the roof.

Group Residence. A residential facility providing any combination of food, shelter, personal care, social services, counseling services, or transportation to residents; or a residential facility providing common living areas such as a kitchen, living room, dining room, or recreation rooms. Includes uses such as boarding houses, domestic violence shelters, homeless shelters, halfway houses, or any other residential facility for individuals which do not qualify as a family, or any other form of residential facility expressly provided for in this Ordinance. Category does not include a home serving nine or fewer mentally or physically handicapped persons providing care on a twenty-four-hour basis, approved or licensed by a State of South Carolina agency or department, or under contract with the agency or department for that purpose.

Residential Care Facility. A facility where accommodation, board, and personal assistance in feeding, dressing or other essential daily living activities are provided for a period exceeding 25 consecutive hours to two or more individuals who are not related to the administrator or owner of the facility within the third degree of consanguinity and who, by reason of age or physical or mental infirmity, are unable to care sufficiently or properly for themselves or manage their own affairs but do not require the daily services of a registered or licensed practical nurse. A community residential care facility includes any chemical abuse residential treatment facility, such as a halfway house, and other facilities providing inpatient or detoxification services. For purposes of this Ordinance, "residential care facility" does not include a home serving nine or fewer mentally or physically handicapped persons, if the home provides care on a twenty-four hour basis and is approved or licensed by a state agency or department or under contract with the agency or department for that purpose.

Standards:

1. The owner, operator, or manager shall verify that proper DHEC licensing requirements will be met prior to start of operation.
2. The owner, operator, or manager shall verify that a loitering control program will be enforced.
3. The owner, operator, or manager shall provide written verification they provided local contact information to the adjoining neighborhood associations or businesses for the documentation of any problems they may have with current business practices that impact adjacent neighborhoods or businesses.
4. The owner, operator, or manager shall provide a written business plan that describes, at a minimum, the following:
   - **(a)** Number of residents.
   - **(b)** Uses and activities that will occur in conjunction with the use.
   - **(c)** Security plan.
   - **(d)** Provisions for transportation of residents to and from the facility.
   - **(e)** Staffing information.

Retail, Service & Office

Adult Business. An "adult arcade," an "adult bookstore or adult video store," an "adult cabaret," an "adult motel," an "adult motion picture theater," "escort agency," a "semi-nude model studio," or a "sexual device shop."

(A) Adult Arcade

Any place to which the public is permitted or invited wherein coin operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

(B) Adult Bookstore or Adult Video Store

A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas." A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

1. At least 30 percent of the establishment's displayed merchandise consists of said items; or
2. At least 30 percent of the wholesale value of the establishment's displayed merchandise consists of said items; or
3. At least 30 percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items; or
4. At least 30 percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items; or
5. The establishment maintains at least 30 percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in "floor space" maintained for the display, sale, or rental of said items); or
6. The establishment maintains at least 500 square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in "floor space" maintained for the display, sale, or rental of said items); or
7. The establishment regularly offers for sale or rental at least 1,000 of said items; or
8. The establishment regularly features said items and regularly advertises itself or holds itself out, by using "adult," "adults only," "XXX," "sex," "erotic," "novelties," or substantially similar language, as an establishment that caters to adult sexual interests.

(C) Adult Cabaret

A nightclub, bar, restaurant, bottle club, or similar commercial establishment which regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.

(D) Adult Motel

A hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
2. Offers a sleeping room for rent for a period of time that is less than ten hours; or
3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

(E) Adult Motion Picture Theater

A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas" are regularly shown to more than five persons for any form of consideration.

(F) Escort Agency

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

(G) Semi-Nude Model Studio

A place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:

1. By a college, junior college, or university supported entirely or partly by taxation;
2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. In a structure:
    - **(a)** Which has no sign visible from the exterior of the structure and no other advertising that indicates a seminude person is available for viewing; and
    - **(b)** Where, in order to participate in a class a student must enroll at least three days in advance of the class.

(H) Sexual Device Shop

A commercial establishment that regularly features sexual devices. This definition shall not be construed to include any pharmacy drug store, medical clinic, any establishment primarily dedicate to providing medical or healthcare products or services, or any establishment that does not limit access to its premises or a portion of its premises to adults only.

Standards for Adult Businesses:

1. A variance from any of the provisions of this section is prohibited. A deviation via a special exception condition regarding any of the requirements of this section is prohibited.
2. The location for a new establishment or substantial enlargement of an existing establishment shall not be within 1,500 feet from the property line of a place of worship, a boundary of any residential district, an outdoor recreational facility, a lot devoted to residential use, daycare, cemetery, public or private school, or another adult use. Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure where an adult oriented business is conducted to the nearest boundary or property line.
3. No more than one adult business shall be located in the same building, structure, or portion thereof, or the increase of floor area of any sexually-oriented business in any building, structure, or portion thereof containing another sexually-oriented business.

Animal Care Establishment. A business which provides care for domestic animals. Includes such uses as veterinary offices, pet grooming facilities, pet resorts/hotels, animal training facilities, animal rescue shelters, kennels, and pet boarding facilities where animals are boarded during the day or for overnight stays.

Standards:

1. Areas in which animals are boarded shall be fully enclosed within a structure and sufficiently insulated so no unreasonable noise or odor can be detected off the premises.
2. Runs or areas for the training or periodic exercise of animals may be located outside, if they are located at least 35 feet from any lot line and screened from view from the street and from adjoining development.
3. Accessory uses may include retail sales and grooming services, as long as the accessory uses occupy no more than 25 percent of the total gross floor area.
4. All animal refuse shall be kept in airtight containers and disposed of on a regular basis.

Banquet Hall. A facility available for lease by individuals or groups for private events such as banquets, weddings, or other similar functions, where access by the general public is restricted.

Bed and Breakfast Inns

Bed and Breakfast Inns are intended to provide a unique transit lodging experience in predominantly residential environs. As a result, care should be taken to protect the environs that contribute to the experience of such lodging while promoting their use. Toward this end, Bed and Breakfast Inns, where permitted by this Ordinance, shall:

1. Be occupied by the owner/manager.
2. Only be permitted in older residential structures that are recognized as architecturally, historically or culturally significant and that, through renovation and use as a bed and breakfast inn, will contribute significantly to the ambience,

character, or economic revitalization of the area and/or continued use of the property in question for residential purposes.

3. Serve no scheduled meal other than breakfast; however, lunch and dinner meals may be prepared and served for business meetings, clubs, social gatherings, private parties, together with catering for parties on and off premises.
4. Maintain the interior architectural integrity and arrangement of the structure and shall not increase the number of guest rooms above the number of bedrooms in the original structure.
5. Maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the character of the surrounding area.
6. Provide off-street parking on the basis of one (1) space per guest room, plus two (2) spaces for the owner/manager; further provided that sufficient off-street parking space shall be available on site to accommodate business and club meetings, social gatherings, and private parties, where proposed by the applicant.
7. Be permitted one (1) non-illuminated identification sign, not to exceed four (4) square feet in area.

Beer/Wine/Liquor Sales. A state licensed establishment whose primary business, in terms of gross floor area or sales, is the sale of alcoholic beverages for off-site consumption.

Car Washes, Automobile Laundries or Car Care Centers

Where conditionally permitted in Table 6-1, new properties with these uses shall not be located within one-half mile from each other. The required separation distance shall be measured in a straight line from the nearest point on the lot line of the property occupied by such use to the nearest point on the lot line of the subject property.

Day Care Center. A business that provides licensed care in a protective setting for children or elderly or disabled adults for less than 25 hours per day. Excludes home occupations.

Standards:

1. Day Care facilities permitted as a principal use shall comply with the South Carolina Department of Social Services Regulations for the licensing of Child Care Centers.

2. Child Daycare facilities are permitted in C-1, C-2 and RO districts, subject to the following provisions:

3. **General requirements:** Before granting a special exception for establishment of a child daycare facilities, the Zoning Board of Appeals shall determine that such facility meets the requirements set forth in the South Carolina Department of Social Services "Rules and Regulations Relating to Licensing Day Care Facilities and Child Care Centers."

4. **Fencing:** A fenced play area of not less than 3,000 square feet shall be provided. Also the number of children in the fenced play area at any time

shall not exceed the ratio of one child for every 150 square feet of fenced in the play area. No fence shall be less than five (5) feet in height.

5. **Loading and unloading:** An area adequate for loading and unloading of children to be accommodated shall be provided and such area shall not be located within any public right-of-way.

6. **Signs:** Notwithstanding provisions of Article 8 of the Zoning Ordinance, signs in connection with any day nursery or kindergarten located in C-1 or

Drinking Establishment. An establishment, in conformity with state law, primarily engaged in the sale or dispensing of alcoholic beverages by the drink for on-site consumption. May include related ancillary activities, such as the availability of food for on-site consumption, and live entertainment that is clearly incidental and subordinate to the bar/tavern use.

Drive-Through Facility. A facility that dispenses goods through an attendant window or automated machine to persons remaining in or on motor vehicles in a designated drive aisle. A drive-through may or may not be in conjunction with another principal use.

Standards:

1. A drive-through is determined by the entire length of the operation including the required waiting spaces to the services/pick-up window.
2. No portion of a drive-through facility shall be located between the front facade and front lot line or the corner facade and corner lot line.
3. A drive-through facility shall not cause any interference to a public right-of-way or conflict with safe movement along sidewalks or walkways, to building entrances or exits, or to required parking spaces.
4. A drive-through facility shall have a minimum width of 10 feet measured from the farthest point of projection of a drive-through facility from the building or structure.
5. A drive-through facility shall have a bail out capability for all vehicles which have entered the drive through lane. When provided, a bail out lane shall have a minimum width of 10 feet measured from and running parallel to the full length of the drive through lane. If a bail out lane also serves as an interior access drive providing access to parking spaces, the bail out lane / interior access drive shall be limited to a one-way traffic pattern following the direction of the drive through lane.
6. A drive-through canopy shall be consistent in design and materials with the primary building, shall be neutral colored, and shall have masonry support columns.
7. No portion of a drive-through facility shall be located within 50 feet of a Residential zoning district or a lot containing a residential use.

Entertainment/Recreation Facility, Indoor. A facility for leisure uses conducted within an enclosed building. Includes such uses as amusement centers, arcades, bowling alleys, live and

movie theaters, music venues, pool halls, skating and roller rinks and facilities, spectator sports, and tumbling centers. Includes related ancillary uses, such as food service.

Entertainment/Recreation Facility, Outdoor. A facility for leisure uses conducted outdoors or within partially enclosed structures. Includes such uses as amusement parks, batting cages, spectator sports, miniature golf courses, golf driving ranges, skating parks, and tennis clubs. Includes related ancillary uses, such as food service.

Funeral Services. A facility where the deceased are prepared for burial display and for rituals before burial or cremation. Includes such facilities as chapels, funeral homes, crematoriums, and showrooms for the display and sale of caskets, vaults, urns, and other items related to burial services.

Gas Station and/or Convenience Store. A facility engaged in the retail sales of personal or commercial vehicle fuels and/or a wide variety of quick service consumable products.

Standards:

1. Gasoline dispensers and pump island canopies shall not be located within any minimum required setback. Gasoline dispensers and pump island canopies shall not be located in an established front or corner yard.
2. A gas station canopy shall be consistent in design and materials with the primary building, shall be neutral colored, and shall have masonry support columns.
3. Where permitted, new properties with either of these uses shall not be located within one-half mile from each other. The required separation distance shall be measured in a straight line from the nearest point on the lot line of the property occupied by such use to the nearest point on the lot line of the subject property.
4.
5. Adherence to the ‘’Good Neighbor Plan”

   a. Loitering control program. Written verification must be provided by the owner, operator, manager, or local representative of the parent company that a loitering control program will be enforced.
   b. Litter control program. At least two trash receptacles must be provided on-site for customer use. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company will conduct at a minimum, daily on-site litter pickup as well as litter pick-up along sidewalks adjacent to the site.
   c. Sign pledge program. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company will comply with the zoning regulations regarding signage. All business signage is included in the total display surface area permitted, including any additional signs, either permanent or temporary, advertising items for sale on-site (e.g., beverages, chips, tobacco, snacks, etc.).
   d. Crime prevention and awareness program. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company has contacted the Town of Winnsboro Police Department regarding participation in a crime prevention/awareness program.

e. Neighborhood communication program. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company will provide local contact information to the adjoining neighborhood associations or business for the documentation of any problems they may have with current business practices that impact adjacent neighborhoods or businesses.

Home Occupation. An occupation, profession or trade customarily and commonly carried out by an occupant in a dwelling unit as a secondary use which is clearly incidental and subordinate to the
residential character of the dwelling unit.

Standards:

1. Certain home occupations are permitted as an accessory use to a dwelling unit.
2. The principal person conducting the home occupation shall be a full-time resident of the dwelling unit, and the occupation shall employ not more than one person on the premises who are not full-time residents of the dwelling unit.
3. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
4. Not more than 25 percent of the floor area of the dwelling unit or 1,000 square feet, whichever is less, shall be used in the conduct of the home occupation.
5. There shall be no sign or change in the residential character or external appearance of the dwelling unit, its associated structures, or its principal residential use.
6. The home occupation shall be conducted entirely within the principal structure or within a fully enclosed, lawfully approved structure which is accessory to the residential use.
7. The home occupation shall not involve significantly greater volumes or frequencies of deliveries or shipments, vehicular traffic, or pedestrian traffic than normally expected in a residential neighborhood.
8. The home occupation will not have a substantial adverse impact on adjoining properties in terms of environmental factors such as noise, lights, glare, vibration, fumes, odors, obstruction of air or light, and litter.
9. No outdoor storage or display of goods shall be allowed in connection with any home occupation.
10. The manufacture, maintenance, or repair of any type of motorized vehicle shall not be permitted as a home occupation.
11. The home occupation can only operate between 8:00 AM and 8:00 PM.
12. A state licensed family childcare home as accessory to a single-family dwelling may not provide care for more than six children.

Hotel. A facility that provides temporary lodging, in one or more buildings, for compensation. Includes related ancillary facilities, such as dining facilities, meeting rooms, and other incidental services.

Standards:

1. Rooms shall be accessed from the interior of the building, including from interior courtyards, lobbies, or halls.
2. A bathroom shall be provided for each room.

Non-Depository Credit Institutions. Establishments extending credit in the forms of loans, but not engaged in deposit banking (payday loan and/or title loan establishments).

Standards:

1. A non-depository personal credit institution shall be at least 3,000 feet from any lot containing another non-depository personal credit institution.
2. A non-depository personal credit institution shall be located in a building with at least 12,000 square feet of gross floor area.
3. A variance from any of the provisions of this section, and the provisions of this subsection is prohibited.

Pawn Shop. A location at which or premises in which a state licensed pawnbroker regularly conducts business.

Standards:

1. No more than five inventory objects may be displayed outside of the business at any given time and must be removed during hours of 7:00 PM to 7:00 AM.

Performing Arts Center. A facility for the viewing of live performances of theater, dance, music, or other similar arts.

Personal Care & Services. A business primarily engaged in personal type services. Use may include: barber, retail banking, mortgage lending, day spas, alteration shops, dry cleaning, or other similar services.

Private Club/Lodge. A facility for an organization, which does not operate for profit and excludes the general public but is open to people upon invitation, nomination, or payment of annual fees or dues, for social, recreational, political, and/or entertainment activities. A private club/lodge may serve meals and alcohol on the premises for members and their guests only.

Professional Offices. A facility for the processing or application of information or professional expertise, including by businesses and nonprofit organizations.

Restaurant. A business where food and beverages are primarily prepared for and served to patrons for consumption either on-premises or off-premises. Includes such uses as cafes, coffee shops, diners, fast-food establishments, and cafeterias.

Retail, General. A business that provides goods or services directly to the consumer, and where such goods or services are available for immediate purchase on the premises by the purchaser. Includes such uses as clothing retailers, variety stores, and grocery stores, which does not exceed 35,000 square feet in total floor area.

Retail, Intermediate. A business that provides goods or services directly to the consumer, and where such goods or services are available for immediate purchase on the premises by the purchaser, which falls between 35,001 and 50,000 square feet in total floor area.

Retail, Heavy. A business that provides goods or services directly to the consumer, and where such goods or services are available for immediate purchase on the premises by the purchaser, which exceeds 50,001 square feet in total floor area.

Self-Storage Facility. A facility where individual spaces, inside or outside of a structure, are leased for the storage of personal property. Includes related ancillary uses such as the retail sales of packing, moving, and storage supplies.

Standards:

1. Access to individual storage units shall be provided from common areas or hallways located indoors. No direct access or outward appearance of direct access to an individual storage space shall be provided from the building exterior.
2. Outdoor storage and operations shall be screened from view.
3. Open storage of recreational vehicles (RVs) and boats of the type customarily maintained by persons for their personal use is allowed within a self-service storage facility use provided that the following standards are met:
   a. The minimum lot area shall be one acre.
   b. The storage shall occur only within a clearly delineated and designated area located to the rear of the principal structure and screened so as to not be visible from adjacent streets.
   c. The storage shall not occur within a required yard.
4. Any moving rental trucks provided shall be screened from view and parked at least 75 feet from any residential property line.

Staple Food Store. A grocery store that provides basic food items including dairy, animal or vegetable proteins, fruits and vegetables, juice, whole grains, beans, peas, etc.

Standards:

1. Maximum gross floor area is 2,500 square feet.
2. No tobacco, vape, CBD, alcohol, or similar products shall be offered for sale.
3. Shall be exempt from district parking standards. Maximum 5 spaces.
4. Shall comply with the minimum items and quantities of food per staple food guidelines.
5. Adherence to the "Good Neighbor Plan"
   a. Loitering control program. Written verification must be provided by the owner, operator, manager, or local representative of the parent company that a loitering control program will be enforced.
   b. Litter control program. At least two trash receptacles must be provided on-site for customer use. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company will

conduct at a minimum, daily on-site litter pickup as well as litter pick-up along sidewalks adjacent to the site.

c. Sign pledge program. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company will comply with the zoning regulations regarding signage. All business signage is included in the total display surface area permitted, including any additional signs, either permanent or temporary, advertising items for sale on-site.

d. Crime prevention and awareness program. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company has contacted the Town of Winnsboro Police Department regarding participation in a crime prevention/awareness program.

Small Box Variety Store

A retail store typically fifteen thousand (15,000) square feet or less that sells at retail an assortment of physical goods, products, or merchandise directly to the consumer, including food or beverages for off-premises consumption, household products, personal grooming and health products, and other consumer goods. A store that exceeds fifteen thousand (15,000) square feet is not necessarily excluded from this definition if it still coincides with the remaining characteristics described herein and the intent of associated regulations. Small box variety stores do not include small box stores that:
(1) Contain a prescription pharmacy;
(2) Sell gasoline or diesel fuel;
(3) Primarily sell specialty food items (e.g. meat, seafood, cheese, or oils and vinegars);
(4) Dedicate at least fifteen (15) percent of shelf space to fresh or fresh frozen foods; or
(5) Dedicate less than five (5) percent of shelf space to food sales.

Tattoo/Piercing. A facility required to be licensed under state law of that provides services including deliberately scarring, burning, or pricking the skin so as to leave a mark or a color that cannot be removed without a surgical procedure. Includes such services as tattooing, permanent coloring, scarifying and branding, and the piercing of the human body to create a permanent hole (excluding ear piercing services) which meet all requirements of state law.

Tobacco/Hookah/Vaping Establishments. An establishment whose primary business, in terms of gross floor area or sales, is related to the sale of tobacco products or related accessories, hookah products or related accessories, other smoking products or related accessories, CBD, or electronic nicotine delivery systems or related accessories, for on- or off-premise use.

Standards:

1. Shall not be located within 1,000 feet from the lot of a public or private K-12 school, childcare facility, youth center, recreational facility, park, church or religious institution, or community center.
2. Shall not be located within 1,000 feet from another tobacco, hookah, or vaping establishment.

3. Adherence to the "Good Neighbor Plan"
    a. Loitering control program. Written verification must be provided by the owner, operator, manager, or local representative of the parent company that a loitering control program will be enforced.
    b. Litter control program. At least two trash receptacles must be provided on-site for customer use. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company will conduct at a minimum, daily on-site litter pickup as well as litter pick-up along sidewalks adjacent to the site.
    c. Sign pledge program. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company will comply with the zoning regulations regarding signage. All business signage is included in the total display surface area permitted, including any additional signs, either permanent or temporary, advertising items for sale on-site.
    d. Crime prevention and awareness program. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company has contacted the Town of Winnsboro Police Department regarding participation in a crime prevention/awareness program.

Vehicle Sales or Rental. A business that sells, leases, or rents automobiles, vans, recreational vehicles, commercial vehicles, trucks, trailers, motorcycles, scooters, watercraft, or other powered personal transportation. Includes related ancillary uses, such as on-site facilities for the repair and service of vehicles sold, leased, or rented.

Standards:

1. Any repair and service operations shall be performed within a fully enclosed building.
2. No partially dismantled, wrecked, or unregistered vehicle shall be stored outdoors on the premises.
3. Each vehicle for sale or rental shall have direct access to an interior access drive.
4. Any outdoor display area shall not be located in any required setback.
5. Any outdoor display area along front and corner lot lines shall be screened by a street protective yard buffer.
6. Outdoor displays of vehicles and promotional vehicles shall not block ingress access.
7. Any outdoor display area shall be considered a parking area for determining and providing parking landscape islands.

Vehicle Rental, Moving Truck. A business that offers, as a primary or accessory use, large vehicles, particularly one with a spacious covered bed, designed for the purpose of relocating belongings, typically in change of residence.

Standards:

1. Any moving rental trucks provided shall be screened from view and parked at least 75 feet from any residential property line.

Vehicle Service, Major. A business that offers major vehicle repairs such as engine rebuilding; major reconditioning of worn or damaged motor vehicles or trailers; towing and collision service, including body, frame, or fender straightening or repair; painting of motor vehicles; or repair to commercial vehicles, recreational vehicles, or watercraft.

Standards:

1. Any repair and service operations shall be performed within a fully enclosed building. Bay doors may be open during hours of operation.
2. No partially dismantled, wrecked, or unregistered vehicle shall be stored outdoors for more than 90 days.
3. Outdoor storage and operations shall be screened from view by a building and/or opaque buffer.
4. All district specific regulations for outdoor storage shall apply.
5. The demolition or junking of motor vehicles is prohibited.

Vehicle Service, Minor. A business that offers minor vehicle repairs such as oil changes; repair or replacement of cooling, electrical, fuel, and exhaust systems; brake adjustments, relining, and repairs; wheel servicing, alignment, and balancing; repair and replacement of shock absorbers; detailing; and replacement or adjustment of muffler systems, hoses, belts, fuses, windshield wipers, and the like. Includes repairs to two-wheeled and three-wheeled motor vehicles. Includes car washes, whether mechanical, self-wash, or hand wash. Includes related ancillary uses, such as towing and collision service.

Standards:

1. Any repair and service operations shall be performed within a fully enclosed building. Bay doors may be open during hours of operation.
2. No partially dismantled, wrecked, or unregistered vehicle shall be stored on-site.

Vehicle Service, Commercial. A business that offers a wide range of semi-truck repair and maintenance services for heavy-duty trucks and fleets.

Yard Sales, Garage Sales or Rummage Sales. Yard sales shall not be permitted more than three times per year at one address. No new or used merchandise can be purchased for purposes of resale at a yard sale, garage sale, or rummage sale. The family living in the dwelling unit at the site of the sale may include the merchandise of other families in the sale.

5.3: Residential Housing Development Standards

(A) Permit and Plan Submittal: All Residential Developments consisting of five (5) or more dwelling units (attached or detached) shall submit a Major Subdivision Development Plan and meet the requirements listed in Section 8.14.1B.

(B) General Design Standards

1. **Group and Multifamily Developments** (where there is no subdivision of land). All internal roads and/or driveways within a multifamily apartment or condo development shall be

designed to have a minimum width of twenty-four (24) feet with extruded curbs and gutter and shall be to meet SCDOT Standards.

2. **Streets** (involving the subdivision of land where parcels and/or dwelling units are accessed from a dedicated public or private street). All new streets, alleys, and other infrastructure improvements shall be constructed in accordance with the Winnsboro Zoning Ordinance. The Zoning Administrator shall have the authority to consider alternative street designs and/or require additional measures to ensure public safety and/or address road maintenance concerns.

3. **Street Lights.** Adequate street lighting shall be provided in all residential housing developments.

4. Public Sidewalk. A public sidewalk, not less than five (5) feet in width, shall be required within the right-of-way along all adjacent streets. Sidewalks shall be constructed of concrete with a minimum thickness of at least four (4) inches. Sidewalks shall align vertically and horizontally with abutting sidewalks and shall comply with the Accessibility Guidelines of the Americans with Disabilities Act (ADA) and the building codes administered by the Town of Winnsboro.

5. Varied façade. The façade and the roof shall be varied by such features as projections, porches, bay windows, dormers, and by staggering the front walls at the front building line. When the garage is on plane with the front façade of a residential building the garage shall make up no more than 30% of the façade. If the garage is setback from the front façade of the residential building, the garage shall make up no more than 40% of the front façade.

The Zoning Administrator may approve residential buildings that include garages that not to exceed 50% of the garage facade if the garage design includes architectural features like windows, decorative hardware, decorative lighting, overhangs, etc.

The Zoning Administrator shall approve all residential building types and elevations in all new Major Subdivisions. Housing types and elevations must be submitted to the Zoning Administrator with each phase of residential development.

6. All new residential developments that use vinyl siding are required to utilize the most recent and longest lasting grade of vinyl siding.

7. All other requirements of this Ordinance shall apply.

(C) Attached Single Family Dwelling

Attached single-family dwellings are subject to the following standards:

1. Minimum size. The minimum area for an attached single-family housing development shall be .05 contiguous acres.

2. Number of attached units. The maximum number of units that may be attached is six (6) dwelling units.

3. Access. Access to and from homes within the development shall be restricted to streets which are internal to the development.

4. Entry design. Each dwelling unit shall have its own ground-floor entrance that faces an adjacent street or common open space.

5. Driveway design. Driveways shall maintain a minimum length of twenty (20) feet measured from the closest edge of the sidewalk. The driveway of each dwelling unit shall at a minimum be separated by a three-foot-wide grass or landscaped strip beginning at the closest edge of the sidewalk.

6. All other requirements of this Ordinance shall apply.

D. Townhouses

Due to the unique design features of townhouses, the dimensional requirements of Table 6-2, Dimensional Standards are hereby waived to the extent necessary to permit townhouses and the following design requirements imposed for all such projects:

1. Such projects shall have a minimum of 0.5 acres.
2. Not more than eight (8) nor fewer than three (3) townhouses may be joined together, with approximately the same front line.
3. Side yard setbacks at the end unit shall be as required for the district in which the project is to be located, with not less than 20 foot distance between buildings in the project area.
4. Rear yard setbacks shall be 20 feet.
5. Minimum lot width shall be 18 feet.
6. Front yard setbacks shall be as prescribed by Table 6-2, but may be waived or modified by the Board of Zoning Appeals due to the unique style of such housing.
7. The minimum lot size for a Townhouse is 2,500 square feet.

E. Cottage Homes, Patio Homes and Zero Lot Line Homes

Due to the unique design features of cottage, patio and zero lot line housing, the dimensional requirements of Table 4.1 are hereby waived to the extent necessary to permit such housing and the following requirements imposed:

1. Such projects shall have a minimum of 1.5 acres.
2. Minimum lot area shall be 2,500 square feet per dwelling unit, on average.
3. Minimum lot width shall be 40 feet for patio homes and zero lot line homes and 30 feet for cottage homes.
4. Where a unit is to be constructed at or on the property line, a five (5) foot maintenance easement shall be provided on the adjoining lot.
5. A minimum patio or yard area of 700 square feet shall be provided on each lot, not more than 15 percent of which shall be impervious.
6. At least one side yard extending not less than five (5) feet from the property line shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of five (5) feet.
7. The side yard of the exterior units shall be six (6) feet from the "outside" property line.
8. Rear yard setbacks shall be not less than ten (10) feet.
9. Front yard setbacks shall be as prescribed by Table 6-2, but may be waived or modified by the Board of Zoning Appeals due to the unique style of such housing.
10. A cottage neighborhood development shall include at least four (4) cottages and no more than twelve (12). Each cluster must have its own open space and parking. Each cottage must be within 20 ft. of open space.

(11) Parking for Single Family Detached Cottage Homes shall be provided in the rear of the lot and shall be accessed from the front street or by an alley with a minimum 20 ft. right of way. Required parking shall be contained within the residential lot.

5.4: Accessory Use Standards

(A) Intent. This section provides additional regulations for the use of a subordinate structure, building, or use that is customarily associated with, and clearly incidental to, the primary structure, building, or use that is located on the same lot, as well as short term activities that might not meet the normal development or use standards of the applicable zone but may otherwise be acceptable for the public good.

(B) Applicability. Unless otherwise specified, the development of an accessory structure or temporary use requires the submittal of a permit application. Accessory structures may not be constructed prior to the construction of a primary building. The Zoning Administrator shall determine when a structure is accessory to the primary building of a lot. To determine that a structure or use is accessory, it must meet the following criteria:

1. Clearly incidental and subordinate to the primary building in terms of area, size, function, use, height, and location.
2. Operated and maintained under the same ownership and on the same site as the primary building.
3. Generally found in conjunction with the principal use.
4. Use the same water, sanitary sewer, gas, and electric utilities as the principal use.

(C) General Provisions. Accessory uses, buildings, or structures shall comply with all development standards of the applicable zoning district unless otherwise specifically provided for in this section. Buildings and structures shall maintain the general height and character of the principal dwelling and/or design standards. Construction standards shall meet code, where applicable, and exterior materials shall be sound. The exterior use of felt paper, shiny metal, tarps, and similar material is not permitted. All structures in commercial, industrial, mixed-use, and/or overlay districts shall follow the same development standards as the primary structure, including setbacks. Shipping containers shall not be permitted in residential districts and may only be used in commercial districts if permitted in an overlay district.

(D) Location. Unless otherwise specified, accessory structures, including swimming pools, shall not be located in any established front or corner yard or in front of the primary building line. Unless otherwise specified, accessory structures shall comply with all required front, corner, and side building setbacks but may encroach into a required rear setback up to within 5 feet of the rear lot line. Accessory uses, buildings, or structures shall not encroach upon any platted or recorded easements unless specifically authorized by the terms of the easement or by written consent of the agency in whose favor the easement is granted.

(E) Maximum Area for Accessory Structures.

1. The total floor area of all residential accessory structures on a lot shall be no greater than 1,000 square feet or 50 percent of the floor area of the principal dwelling unit, whichever is lesser.

(F) Temporary Use. Includes consideration for short term activities that might not meet the normal development or use standards of the applicable zone but may otherwise be acceptable for the public good, at the discretion of the Zoning Administrator, because of their temporary nature. Examples include, but are not limited to seasonal (tree, pumpkin, fireworks) in a commercial district, special

events coordinated with police and fire, or a sales trailer coordinated with the Building Official. Temporary uses shall comply with all zoning, fire, building, as well as local, state, federal regulations

ARTICLE 6: LANDSCAPING, BUFFER YARDS, TREE PROTECTION AND OPEN SPACE

6.1: Landscaping Design Review Guidelines

(A) General. A comprehensive landscaping program is essential for the protection and promotion of the appearance, character, and economic value of land. Additionally, the purpose and intent of landscaping requirements is to reduce the visibility of paved areas from adjacent properties and streets, moderate climatic effects, minimize noise and glare, and enhance public safety by defining spaces to influence traffic movement. Landscaping will reduce the amount of storm water runoff and provide transition between neighboring properties. All landscaping plans should adhere to the following guidelines:

1. Emphasis shall be placed upon landscaping as a means of achieving beauty in the community. It will be required on all projects, and in some areas it will be the primary tool available.

2. Landscape design and planning shall be integrated with the overall project design concept and shall not be considered as merely an afterthought. Toward this end, proposed landscaping will be evaluated in relation to existing natural landscape, and to developed and proposed landscaping, including that existing on adjacent properties and street rights-of-way, and in relation to buildings existing or proposed.

3. Each approved application for development shall provide a minimum visual buffer between the development and the right-of- way line of the subject roadway, between all proposed structures and parking areas, and between neighboring developments in accordance with the landscaping requirements of the Winnsboro Zoning Ordinance. The purpose of the minimum visual buffer is to soften the appearance of structures and parking lots from the road, to screen vehicular headlight glare on and off site, to lessen spillover light from on-site lighting, and to enhance the aesthetics of the site.

4. No existing vegetation of any type, size or origin shall be altered or removed unless it satisfies the requirements of this ordinance.

5. Landscaping shall be required between buildings and sidewalks, and parking lots and driveways. The scale of the proposed landscaping shall be in proportion to the building.

6. Shrubbery between buildings and the sidewalk and parking lots and the sidewalk shall be not exceed three feet in height. Planting beds of less than 10 feet in depth shall use a mulch or other ground cover instead of grass.

7. Landscaping includes not only trees and plantings, but paving, benches, fountains, exterior lighting fixtures, fences, and any other item of exterior furniture. All items of the landscape are to be selected not only for their functional value but for their aesthetic value, and must compliment the whole.

8. All utility lines such as electric, telephone, cable TV, or other similar lines serving individual sites as well as all utility lines necessary within the property shall be placed underground. All junction and access boxes shall be screened with appropriate landscaping. All utility pad fixtures and meters should be shown on the site plan. The necessity for utility connections, meter boxes, etc., should be recognized and integrated with the architectural elements of the site plan.

9. Parking areas and driveways shall be paved with material which is appropriate to the comprehensive design scheme of the project and to the intensity of use to which parking areas and driveways will be subject.

10. The placement of a proposed development's parking area to the side or rear of a main structure's corridor façade, or within a courtyard surrounded on two or more sides by a proposed structure, is required.

11. All exterior lights shall be arranged and installed so that the direct or reflected illumination does not exceed 0.5 foot candles above the background measured at the lot line of any adjoining residential or agricultural parcel. Lighting standards shall be of a directional type capable of shielding the light source from direct view from any adjoining residential or agricultural parcel and public right-of- way.

12. Lighting shall enhance the overall aesthetics of the site and shall provide security for pedestrians and visitors to the area.

13. Lighting shall be compatible with the architectural design of the buildings.

14. Ease of pedestrian access between proposed developments and adjacent developments shall be a required consideration in the development of a proposed project's site and circulation plans.

(B) Alternative Compliance: During the Landscape Design Review, the Zoning Administrator is authorized to approve alternative compliance methods for landscaping requirements based on existing conditions and limitations. These methods should still meet the intent of Section 6.1.

6.2: Tree Protection

(A) Intent. Unless exempted, no grand or protected tree shall be cut, relocated, removed, or destroyed, except with approval of a Land Disturbance Permit from the Town and in accordance

with the standards of this Section. No land clearing or harvesting of any kind shall be permitted without approval of the Zoning Administrator, regardless of other approvals that may be obtained from outside agencies.

A tree protection plan shall be submitted with a landscaping plan. A tree protection plan shall clearly indicate what tree protection methods will be utilized.

Documentation of existing trees on the site, through a tree inventory or tree survey, shall be submitted with a landscaping plan in accordance with the requirements of this Ordinance.

A Land Disturbance Permit from the Town is required prior to the cutting, destruction, removal, relocation, or transplantation of all trees.

(B) Exemptions. The following activities are exempt from the standards in this Section.

1. The removal or modification of any tree located on an individual lot on which an existing single-family detached, two-family, four-unit, eight-unit or townhome dwelling is located.
2. Routine or seasonal pruning.
3. The removal or pruning, after providing documentation to the Zoning Administrator of the condition of the tree(s), of dead or naturally fallen trees; trees damaged during a hurricane, tornado, ice or windstorm, flood, wildfire or any other such act of nature; or trees that are found by the Zoning Administrator to be a threat to the public health, safety, or welfare.
4. The selective and limited removal or pruning of trees or vegetation necessary to obtain clear visibility at driveways or intersections.
5. The removal or pruning of trees within a utility easement by a utility company.
6. Underbrush and removal of trees less than four (4) inches DBH.
7. Forestry activities shielded from local development regulation in accordance with S.C. Code Ann. § 48-23-205, provided, any development application for the parcel of land where the forestry activities occur that is submitted within three years of the conclusion of the forestry activities shall be denied.
8. Timber harvesting that the Zoning Administrator determines is a commercial timber operation (see, Definitions), if notification is provided, a forestry plan is submitted, and the timber harvesting complies with best management practices published by the South Carolina Forestry Commission, in accordance with, Timber Harvesting, provided, any development application for the parcel of land where a commercial timber operation occurs that is submitted within three years of the conclusion of the commercial timber operation shall be denied.

(C) Tree Protection Zone. Unless otherwise established in this Section, the tree protection zone of protected trees consists of the largest of the following:

1. The area located within a distance of one foot for each one inch of tree diameter (measured at four and one-half feet above ground level) of the tree.
2. The area located within a distance of one-half the tree's height of the tree.
3. The area within a distance of six feet of the tree.

(D) Prohibited Activity in Tree Protection Zone.

1. Development and any other activity involving the cutting, destruction, removal, relocation, transplantation, pruning, or limbing of a protected tree are prohibited in a tree protection zone, unless otherwise required by this Ordinance.
2. Compaction of the soil within a tree protection zone over more than ten percent of the area of the tree protection zone is prohibited, except where necessary for pedestrian walkways. Where possible, mulch shall be used to mitigate soil compaction in areas of the tree protection zone where activity on the site may result in soil compaction.
3. Utility and grading plans shall not modify or disturb the tree protection zone, provided, utilities may be located within a tree protection zone if:
    a. There is no alternative location for the utilities.
    b. Any tunneling or boring for utility lines occurs at a depth that avoids significant damage to the roots of the protected tree and is at least 25 inches below the ground.
    c. Any excavation is limited in extent to the minimum necessary and is accomplished using hand excavation methods that remove soil around tree roots without severing them.
    d. All proposed activity within the tree protection zone is shown on an approved tree protection plan.

(E) Tree Protection During Construction.

1. Construction site activities, including but not limited to parking, equipment, or material storage, bury pits, concrete washout, or burning of debris, are prohibited within tree protection zones.
2. Trees located within a tree protection zone shall be protected from chemical contamination from liquids or other materials, including but not limited to paint, chemical solvents, gasoline, oil, diesel fuel, hydraulic fluid, concrete spoils, or rinse water from vehicle cleaning, including rinsing of concrete truck tanks and chutes.
3. Prior to machinery passing over any area within a tree protection zone during construction, the area shall be cushioned using plywood sheeting covered by a minimum four-inch-thick layer of wood mulch, or materials providing an equivalent minimum degree of cushioning, as shown on an approved tree protection plan.
4. Protective barriers shall be installed prior to, and maintained throughout, the land disturbance and construction process and before building permits are issued. Such barriers shall:
5. Be installed along the outer edge of and completely surrounding all tree protection zones.
6. Be based on the proximity to disturbance.
7. Consist of one:
    a. A 6-foot-high chain-link fence.
    b. A minimum four-foot-high wooden post and rail fence with two-inch by four-inch posts and a double one-inch by four-inch rail.
    c. A minimum four-foot-high orange polyethylene laminar safety fencing mounted on wooden posts.
    d. A similar fencing method approved by the Zoning Administrator.
8. Be posted with warning signs that:

a. Are posted not more than 150 feet apart.
b. Are clearly visible from all sides of the tree protection area.
c. Have a minimum area of four-square feet per sign.

9. Identify the fenced area as a tree protection zone and direct construction workers not to encroach into the area (e.g., "Tree Protection Zone: Do Not Enter").

10. Any violation of the tree protection standards in this subsection is a violation of this Ordinance and may result in remedies and penalties. Any action in violation of this subsection that results in damage to a protected tree that jeopardizes its survival shall be deemed removal of a protected tree.

(F) Maintenance. The landowner and/or tenant shall maintain protected trees and tree protection zones in accordance with applicable tree protection plans and be subject to all requirements of this chapter. Curb stops, concrete curb, or other devices to prevent vehicular damage to required trees must be shown on the landscaping plan and installed prior to final inspection.

(G) Timber Harvesting. Timber harvesting shall comply with the standards in this subsection. The landowner shall notify the Zoning Administrator prior to beginning any timber harvesting.

1. **Best Management Practices.** All timber harvesting shall comply with the voluntary protective measures known as "Best Management Practices" that are published by the South Carolina Forestry Commission, including the provision of an undisturbed buffer that:
   a. Extends along the entire perimeter of the parcel, including road frontages, except for approved access crossings; and
   b. Has a minimum width of 50 feet or the required setback for the zoning district in which the parcel is located, whichever is greater.
2. **Commercial Timber Operations.** The landowner shall have the burden of proving by clear and convincing evidence that an activity is a commercial timber operation. The landowner shall submit a forestry plan that demonstrates that the intended forestry activities will contribute to the long-term production of marketable forest products and ensure the continued existence of forests through regeneration. Conducting a timber sale as the sole timber management activity does not constitute a commercial timber operation.

(H) Street Trees

1. Street Tree Species to be Planted.

The following list constitutes the official street tree species for the town:

Small:

Bradford Pear
Cherry Laurel
Crab Apple
Crepe Myrtle
Flowering Dogwood
Japanese Red Maple
Popcorn Tree
Redbud
Wax Myrtle

Medium:

American Holly
Deodar Cedar
Ginko
Leyland Cypress
Live Oak (Darlington Oak)
Paulownia
Red Cedar
Red Maple
River Birch
Sassafras
Sawtooth Oak
Sourwood
Southern Magnolia
Weeping Willow
White Ash

Large:

American Birch
American Linden (Basswood)
Bald Cypress
Black Gum
Green Ash
Hackberry
Hickories
Laurel Oak
Northern Red Oak
Pecans
Pines
Southern Red Oak
Sycamore
Tulip Poplar
Water Oak
White Oak
Willow Oak

2. Species other than those included in this list may be planted as street trees with written permission of the Town Tree Board.
3. **Spacing.** The spacing of street trees will be in accordance with Section 6.4, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect.

4. **Distance from Curb and Gutter.** The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in 6.2.H.1 no trees may be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; and large trees, four feet.
5. **Distance from the Street Corners and Fire Hydrants**. No street tree shall be planted closer than 35 feet from any street corner, measured from the point nearest intersecting curbs or curblines. No street tree shall be planted within ten feet of any fire hydrant.

6.3: Landscaping

(A) General Standards. Unless specified in this Ordinance to the contrary, all plantings and other improvements required by this Section shall comply with this subsection.

1. Installation of Required Landscaping.

a) Unless a bond is provided in accordance with (b) below, all landscaping required by this chapter shall be installed prior to the issuance of a Certificate of Occupancy.

b) If the season or weather conditions prohibit planting of trees or shrubs, the developer may provide a bond, an irrevocable letter of credit, or other financial surety in an amount equal to 125 percent of the cost of installing the required landscaping to guarantee the completion of the required planting. A Zoning Permit for the development shall be issued only on approval of the financial surety. All required improvements must be completed within the time period established in the development approval, or within 18 months of the date the developer provides financial surety, whichever period is shorter. The developer may request, and the Zoning Administrator may grant, for good cause shown, one extension, not to exceed one year, of the period for completion. The financial surety shall be canceled and/or returned upon completion of the required landscaping. If the developer fails to complete all required improvements within the period for completion, as may be extended, the Zoning Administrator shall send written notice to the developer identifying the failure(s) and providing the developer a period of 30 days to complete the required improvements. If the required improvements are not completed within the 30-day period, the Town may draw on the financial surety to complete the required improvements.

c) Planting guidelines and recommended species provided by the electric provider shall be referenced within 35 feet of a power line.

d) Where unusual site conditions, such as may be caused by streams, natural rock formations, topography, lot configuration, or utility easements, make it impossible for proposed development to comply with the landscaping requirements in this Section, the proposed development may be approved only if it complies with the requirements in this Section to the extent practicable and all unmet requirements are compensated for through payment to the Winnsboro Landscaping and Tree Fund of 125 percent of the estimated cost of plant materials and installation. Estimates used to calculate the cost of plant materials

and installation must be made not more than 90 days prior to the submission of the alternative landscaping plan. Three estimates provided with letterhead will be submitted for review and approval. The payment shall be based on the average of the three estimates multiplied by 125%.

2. Credit for Existing Vegetation. Existing vegetation located in the developable area outside of wetlands, in good health, that meets all applicable standards in this chapter, may be used to satisfy any planting requirements, provided the vegetation is in fair or better condition and is protected before and during development in the same manner required for a protected tree during construction.

3. Species. Vegetative material shall be adapted to the site conditions where it will be planted. The use of native, drought-tolerant vegetation is encouraged to reduce dependency upon irrigation. The selection of trees, shrubs, and other vegetative material from the list of suggested species maintained by the South Carolina Forestry Commission is encouraged. The use of species identified as invasive plant pest species by the South Carolina Exotic Pest Plant Council is prohibited. To curtail the spread of disease and insect infestation in a plant species, new shrub and tree plantings shall be of different genuses in accordance with Table: Required Shrub and Tree Genus Diversity. Where different genuses of shrubs and trees are required, each required genus shall be planted in roughly equal proportions with the other required genuses. Nothing in this subsection shall be construed to prevent the utilization of a greater number of different species than specified.

Minimum Number of Shrubs or Trees Required on Site	Minimum Number of Genuses of Shrubs or Trees Required on Site
Shrubs	
40 or fewer	2
More than 40 but fewer than 70	3
70 or more	4
Trees	
20 or fewer	2
More than 20 but fewer than 40	3
40 or more	4

(4) Trees. All canopy trees planted in accordance with the requirements of this chapter shall be a minimum of ten (10) feet in height at maturity, and understory trees a minimum of eight (8) feet in height at maturity, when planted. Both canopy trees and understory trees must be at least two inches in caliper (measured one-half foot above ground level) when planted. Any new trees of above four-inch caliper size shall be measured twelve (12) inches above the ground. The caliper size of a multi-trunk tree shall be deemed to be the average caliper size of the largest three leaders. The height-to-trunk caliper ratio, root ball sizes, or spread relationship for any tree to be planted

shall meet the current "American Standards for Nursery Stock" as set forth by the American Association of Nurserymen. All multi-trunk trees must be "tree form" with a maximum of three to five stems or trunks and a minimum height of eight feet at planting.

4. Shrubs. All shrubs planted to meet the requirements of this chapter, unless required to be larger by another provision, shall be a minimum of three-gallon container size and eighteen (18) inches in height or spread (depending on whether the growth habit is upright or spreading) measured from the top of the root zone.

5. Mulch. All planted materials are to be mulched, generally with an organic type of mulch such as shredded bark, ground wood chips (not sawdust), or pine straw. Natural colors are required, no red, green, etc. Mulch shall be applied as follows: for trees and shrubs, three to four inches deep at the base of shrubs and trees or from the trunk to the dripline for newly-planted trees; for ground cover and perennials, one to two inches deep sufficient in coverage to conserve moisture and suppress weeds without inhibiting growth of the landscape plants. The exclusive use of rock coverage shall not be permitted as a primary ground feature.

6. Irrigation. An irrigation system shall be planned, installed, and maintained for multi-family, industrial, commercial, and mixed-use projects to ensure optimum moisture for healthy growth and survival. Use of existing vegetation, native plants, drought-tolerant plants, and water conserving irrigation techniques, such as use of a rain sensor, and re-use of rainwater, is encouraged.

7. Berms. Shall comply with the following design standards:

a. The slope shall not exceed a two-to-one ratio (horizontal to vertical).
b. The berm shall have a top width at least one-half the berm height; and
c. The berm shall have a maximum height of eight feet above the toe of the berm.
d. All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation.
e. Berms proposed to be placed along street right-of-way shall be designed and constructed to provide adequate sight distances at intersections and along the street.
f. Berms shall not damage the roots of existing healthy vegetation designated to be preserved.

8. Fences & Walls. Fences and walls shall comply with all requirements in this Ordinance.

9. Sight Visibility Triangle. Sight areas shall be maintained free of obstructions, including trees, shrubs, and other vegetation and fences, walls, and berms.

10. Maintenance of Landscape Areas. It shall be the duty of the property owner to maintain all vegetation planted pursuant to, or protected by, this chapter in a healthy

condition in accordance with this section and any tree ordinance guidelines developed by the Town. Landscape features and areas shall be maintained in accordance with the approved landscaping plan or alternative landscaping plan and shall present a healthy and orderly appearance free from refuse and debris. All plant life shown on an approved landscaping plan or alternative landscaping plan shall be replaced with the same or a similar species if it dies, is seriously damaged, or removed, except any existing vegetation that does not comply with the standards in this Ordinance shall be replaced with vegetation that does comply with the standards in this Ordinance.

a. Review. The Zoning Administrator, or designee, shall have the authority to review landscaping and require replanting if necessary to maintain the required landscape plants in good health.

b. Damage, Natural Occurrence. In the event that any vegetation or physical element functioning to meet the standards of this Section is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, the owner or developer shall be required to replant if the landscaping standards are not being met. The Zoning Administrator shall consider the type and location of the landscape buffer or required vegetation area as well as the propensity for natural re-vegetation in making a determination on the extent of replanting requirements. The owner shall have one growing season to replace or replant in accordance with the Zoning Administrator's determination.

c. Operational Protection. The owner or developer shall take actions to protect trees and landscaping from damage during all facility and site operations. Plants shall be maintained in a way that does not obstruct sight distances at roadway and drive intersections, obstruct traffic signs or devices, or interfere with the use of sidewalks or pedestrian trails. If a planting area required by this Section is adjacent to parking or vehicular circulation areas. Curb stops, concrete curb, or other devices to prevent vehicular damage to required trees must be shown on the landscaping plan and installed prior to final inspection.

d. Maintain Shape. All required trees shall be allowed to reach their mature size and shall be maintained at their mature size. Except for trimming and pruning within a utility easement in accordance with applicable policies of the affected utility, required plants shall not be cut or severely pruned or otherwise damaged so that their natural form is impaired. Any tree (including, but not limited to crape myrtles) that has been severely pruned, sheared, topped, or shaped as a shrub, shall be considered as damaged vegetation in need of replacement and shall be replaced within one growing season with a tree at least four inches in caliper.

Natural Decline. The natural death of existing vegetation within any required landscape area does not necessarily constitute a violation and does not require re-vegetation to replace the plant material unless the required landscape area no longer complies with the required standards of this section. In no instance shall this provision be construed to prevent re-planting if, in the opinion of the Zoning Administrator, the required performance standard of the landscaping is not being met.

(B) Existing Conditions. Trees and shrubs that have not been maintained in compliance with approved plans, regardless of the date of approval, shall be replaced, if in the opinion of the Zoning Administrator, it would further the intent of this chapter and/or applicable zoning overlay districts.

6.4: Site Landscaping

Landscape requirements are broken down in the following categories:

(A) Property Line Buffer – Landscaping along property lines.
(B) Street Buffer – Landscaping along street rights-of-way between parking and pedestrian areas.
(C) Parking Lot – Landscaping in and around vehicular use areas.
(D) Building Impact – Landscaping used to enhance the site.
(E) Screening – Landscaping around utility use, outdoor storage, and loading areas.

(A) Property Line Buffer. A landscaped area between two land uses designed to mitigate potential negative effects, foster greenspace health, and promote community appearance. All new development shall comply, unless between individual single-family lots. Zoning Administrator has the authority to amend the buffer requirements for a specific site, including the discretion to require additional buffering, including depth of buffer, density and number of trees, and/or the requirement for a structural screen.

1. Buffers shall be provided in accordance with the table and specifications listed below.

a. Buffer 1
- **i.** A buffer 15 feet deep that shall consist of at least four canopy trees, eight understory trees, and 30 shrubs per 100 feet of buffer yard width; or
- **ii.** A buffer 20 feet deep that shall consist of at least four canopy trees, six understory trees, and 20 shrubs per 100 feet of buffer yard width; or
- **iii.** A buffer 30 feet deep wide that shall consist of at least four canopy trees, six understory trees, and 15 shrubs per 100 feet of buffer yard width.

b. Buffer 2
- **i.** A buffer 30 feet deep that shall consist of at least five canopy trees, seven understory trees, and 20 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required; or
- **ii.** A buffer 40 feet deep that shall consist of at least four canopy trees, five understory trees, and 20 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required; or
- **iii.** A buffer 50 feet deep that shall consist of at least four canopy trees, four understory trees, and ten shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required.

c. Buffer 3

i. A buffer 50 feet deep that shall consist of at least five canopy trees, seven understory trees, and 20 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required; or

ii. A buffer 60 feet deep that shall consist of at least five canopy trees, five understory trees, and 15 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required; or

iii. A buffer 75 feet deep that shall consist of at least four canopy trees, four understory trees, and ten shrubs per 100 feet of buffer yard width.

d. Buffer 4

i. A buffer 75 feet deep that shall consist of at least ten canopy trees, 18 understory trees, and 60 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required; or

ii. A buffer 100 feet deep that shall consist of at least ten canopy trees, 15 understory trees, and 60 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required; or

iii. A buffer 125 feet deep that shall consist of at least eight canopy trees, ten understory trees, and 30 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required; or

iv. A buffer 150 feet deep that shall consist of at least eight canopy trees, eight understory trees, and 20 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required.

e. Buffer 5

i. A buffer 100 feet deep that shall consist of at least 12 canopy trees, 18 understory trees, and 60 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required; or

ii. A buffer 125 feet deep that shall consist of at least ten canopy trees, 15 understory trees, and 40 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required; or

iii. A buffer 150 feet deep that shall consist of at least ten canopy trees, 15 understory trees, and 30 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required.

Table 6.1. Buffer Requirements by Land Use

Proposed Land Use	Open Space	Residential Single Family	Residential Mixed Use	Commercial	Residential Office	Light Industrial
Open Space	N/A	N/A	N/A	N/A	N/A	N/A
Residential Single Family	Buffer 1	N/A	N/A	Buffer 2	Buffer 3	Buffer 4
Residential Mixed Use	Buffer 1	N/A	N/A	Buffer 2	Buffer 2	Buffer 4
Commercial	Buffer 2	Buffer 2	Buffer 2	N/A	Buffer 1	Buffer 2
Residential Office	Buffer 4	Buffer 4	Buffer 4	Buffer 2	Buffer 2	N/A
Heavy Industrial	Buffer 5	Buffer 5	Buffer 5	Buffer 3	Buffer 2	N/A

When fences or walls are utilized to meet buffer requirements, the fence or wall must meet the below standards:

Fence or Wall Material	Zoning District	Minimum Fence or Wall Height
Wood	Any district	8 feet
Brick, Stone, or Stucco	Any district	4 feet
Brick, Stone, or Stucco	Any district	6 feet

Notes:
Fence or wall height shall be measured from the side of the fence facing away from the property being screened.

(B) Reduction in Width (Property Line Buffer Yard). The required width of a buffer yard may be reduced in accordance with this subsection, provided, only one width reduction is allowed along any length of a buffer yard.

1. **Fence or Masonry Wall.** The width of a buffer yard may be reduced if a fence or wall that complies with the corresponding height and materials requirements, and all fence and wall standards, is located in the buffer yard along the length of the buffer yard**.**
2. **Berm.** The width of a buffer yard may be reduced by 25 percent if a berm having a height of at least four feet is provided.

(C) Reduction in Plantings (Property Line Buffer Yard). The required plantings in a buffer yard may be reduced along any length of the buffer yard where a fence or wall is included in accordance with this section, provided, only one reduction for shrubs is allowed along any length of a buffer yard:

1. Wooden fence or brick, stone, or stucco wall: 50 percent reduction in the number of required shrubs.
2. Brick, stone, or stucco wall having a height of at least six feet: 75 percent reduction in the number of required shrubs, and up to 50 percent of required trees in the transitional buffer yard may be understory trees.

(D) Location (Property Line Buffer Yard). Buffer yards shall be located on the site of the proposed development, between the property line and any vehicular use areas, buildings, storage, service areas, or other areas of activity on the property and extend along the entire property line of the abutting use.

1. Vegetative screening and fencing in a buffer yard shall not be located inside a utility or drainage easement unless:

a. The easement is an overhead easement; **or**
b. All of the following are met:
c. The easement holder has consented to and the Zoning Administrator has approved the location of the vegetative screening and fencing in the easement;
d. The vegetative screening and fencing is maintained in accordance with the terms of consent and any applicable maintenance provisions;
e. Trees planted within 15 feet of an overhead power line shall be understory trees; and

f. In those portions of the buffer yard where understory trees are provided in lieu of canopy trees, either the number of required trees per 100 linear feet shall be multiplied by two, or a wood fence or masonry wall that meets the height and materials standards, shall be provided.

(E) Development within Property Line Buffer Yard. Development within a buffer yard shall not reduce the general separation of land uses or interfere with the required plantings and shall be limited to the following:

1. Fences and walls.
2. Retaining walls.
3. Sidewalks, trails, and bike paths, provided they intersect the transitional buffer yard at a 90-degree angle.
4. Driveways and parking lot aisles necessary to comply with Cross Access Between Adjoining Developments.
5. Stormwater areas that incorporate Low Impact Development (LID) practices using plant material to manage stormwater.

(F) Planting and Materials Standards (Property Line Buffer Yard). Trees, shrubs, fences and walls, and berms required by this subsection shall comply with General Landscaping Standards, unless otherwise specified.

1. Trees, shrubs, fences and walls, and berms shall be arranged in a manner that provides the maximum possible visual separation between adjacent land uses, including the massing of shrubs in rows or groups as needed to achieve the maximum screening effect.
2. Trees shall be canopy trees, except when placed within 15 feet of an overhead powerline, where they shall be understory trees.
3. Up to 50 percent of required trees where a brick, stone, or stucco wall having a height of at least six feet is included may be small- maturing trees.
4. At least 50 percent of required trees shall be evergreen species in unreduced buffers.
5. Shrubs shall be evergreen species expected to reach a height of six feet or greater within five years of planting.
6. Shrubs shall be a minimum of three feet in height when planted.

(G) Street Buffer. A street buffer yard is a landscaped area abutting and parallel to a recorded public street right-of-way designed to provide pleasing views along travel ways, reduce runoff, provide canopy, and preserve natural vegetative cover. All new development shall comply, unless only a change in land use, with no new parking surface area, and/or in a zoning district that has a minimum front yard setback of zero feet.

1. **Location (Street Buffers).** Street buffer yards shall be located on the site of the proposed development wherever it abuts an existing or proposed street right-of-way.

2. **Minimum Width (Street Buffer).**
   a. If the minimum front yard setback is greater than ten (10) feet, the minimum width of the street buffer shall be ten (10) feet.

3. **Minimum Area (Street Buffer).** A street buffer shall have a minimum area of ten (10) feet times the linear feet of the site of the proposed development that abuts an existing or proposed street right-of-way.
    a. Notwithstanding any other provision in this Ordinance, a street buffer shall not have a width of less than five (5) feet as measured from the recorded public street right-of-way abutting the site of the proposed development.

4. **Minimum Plantings (Street Buffer).** A street buffer shall comply with the following landscaping standards:
    a. A street buffer shall contain at least one canopy tree for every 40 linear feet of street buffer or fraction thereof, excluding portions of the street buffer where driveways are located and areas necessary to avoid intrusion into sight areas.
    b. A street buffer shall contain a minimum of one canopy tree.
    c. At least 60 percent of the street buffer area not used for canopy trees or for pedestrian or vehicular access shall be covered in shrubs, ground cover, understory trees, or turf, and all other portions of the street buffer shall be mulched. A minimum of 75 percent of the area designated on the landscaping plan for grass or ground cover shall be covered by established grass or ground cover within one calendar year from the time of planting.
    d. Within 20 feet of an overhead power line, understory trees spaced between 20 and 30 feet apart on center, unless otherwise necessary to avoid intrusion into sight areas, shall be substituted for required canopy trees.

5. **Development Within Street Buffer.** Development in a street buffer shall be limited to the following:
    a. Fences and walls.
    b. Retaining walls.
    c. Flagpoles, lamp or address posts, mailboxes, and similar features.
    d. Sidewalks, trails, and bike paths.
    e. Driveways or parking lot aisles having a width of 35 feet or less, provided the centerline of the driveway or parking lot aisle forms a 90-degree angle with the boundary between the site and the right-of-way.
    f. Stormwater areas treated as site amenities in accordance with review of the Zoning Administrator.

6. **Parking Lot (Street Buffer).** Parking lots adjacent to a right-of-way shall comply with the standards below. The standards below shall not apply where a parking lot is located behind a building from the street right-of-way:
    a. The street buffer shall be screened along the length of the street, excluding portions of the street buffer where driveways or sight areas are located, that is between two and one-half (2 ½) and three (3) feet in height and that consists of:
        1. Evergreen shrubs that measure at least two (2) feet in height at the time of planting and reach a mature height of or may be maintained at a height of two-and-one-half (2 ½) to three (3) feet within one year of planting; or
        2. A wall composed of brick, stone, or stucco, which may be combined with decorative metal, such as wrought iron, if the wall achieves an average height of between two and one-half (2 ½) and three (3) feet.

b. Where a street buffer includes a brick, stone, or stucco wall in accordance with (6)(a)(ii) above:
   1. The minimum width of the street buffer is reduced by 50 percent, provided the street protected yard shall not at any point be less than five feet in width;
   2. The required number of shrubs is reduced by two-thirds, if all required shrubs are planted between the wall and the right-of- way; and
   3. Up to forty percent of required shrubs may be deciduous shrubs having a maximum height of three feet.

c. A street buffer located between a parking structure and a street right-of-way shall comply with the standards in Street Buffers as modified by the following standard:
   1. The minimum width of the street buffer shall be ten (10) feet.

(H) Parking Lot Landscaping. The standards for landscaping in and around parking lots apply to any new or expanded vehicular surface area (parking lot) whether principal or accessory use and any existing vehicular surface area that is used to satisfy the off-street parking requirements for a new building, or the expansion of an existing building.

1. **Interior Planting Areas (Parking Lot).** A vehicular surface area, other than a parking structure, shall include interior planting areas that comply with the standards in this subsection.
   a. In an off-street surface parking area, no more than seven (7) consecutive spaces shall be in a row without a parking island containing one canopy tree and two shrubs or two canopy trees and shall extend the full length of the adjacent parking space and shall be no less than nine (9) feet in width.
   b. Tree islands shall be placed along the perimeter of the parking area at each end of the aisles that shall be the full length of the adjacent parking space and shall be no less than nine (9) feet in width.
   c. Where vehicles overhang a foundation planning strip, the width of the planting strip shall be at least six feet.
   d. For vehicular surface areas containing 200 or more parking spaces, the required pedestrian passageway shall have landscaping on each side, not less than five (5) feet wide consisting of one (1) understory tree and two (2) shrubs every seven (7) parking spaces.
2. **Minimum Planting (Parking Lot).**
   a. A minimum of 60 percent of a planting area shall contain living plants, trees, shrubs, groundcover or turf, and all other portions of the planting area shall be mulched. A minimum of 75 percent of the area designated on the landscaping plan for grass or ground cover shall be covered by established grass or ground cover within one calendar year from the time of planting.
   b. Understory trees shall be substituted for canopy trees within 15 feet of overhead power lines;
   c. Canopy trees shall be spaced a minimum of 40 feet apart, or, if planted groups, a minimum of 25 feet apart;
   d. Understory trees shall be spaced a minimum of 30 feet apart, or, if planted in groups, a minimum of 15 feet apart.
   e. Trees shall not be planted within ten feet of a tree located in the public right-of-way.
   f. Planting areas shall be protected from vehicle damage by the installation of curbing, wheel stops, or other comparable methods. The placement of plant material shall

allow for a minimum two-and-one- half foot bumper overhang from the face of curbing, wheel stops, or other comparable devices. This standard shall not be construed to prohibit the use of planting areas as stormwater management devices.

(I) Building Impact Landscaping. Building impact is landscaping that is not required for parking lot landscaping, buffer yard landscaping, or street buffer landscaping, that is designed to soften the visual impact of building foundations and provide for the even dispersal of trees across a development site. A change in land use, agricultural uses, and development with alternative compliance (e.g, no front yard setback, no parking areas) are exempt.

1. Where building foundations are visible from the public street, pedestrian walkways, or from adjacent uses, foundation landscaping is required. Landscaping of this area shall complement the building elevations, connect the building to the site and increase continuity.
2. Planters may be required as a design element to soften the building exterior and enhance the streetscape appearance.
3. Shrubs maturing to a two-foot minimum shall be planted at five feet on center maximum for the length of the building facing the public right-of-way. To soften and screen a blank building facade, shrubs maturing to a minimum of four feet in height shall be planted eight feet on center (maximum), and small maturing trees shall be planted within 15 feet of the building facade.
4. No shrub smaller than those in three-gallon containers shall be planted. Understory trees shall be no smaller than six feet in height at the time of planting. Canopy trees must be at minimum two- and one-half calipers and eight feet to ten feet in height at time of planting.
5. A two inch to four-inch layer of approved mulching materials shall be used only in connection with plant materials and shall not stand alone as ground cover.
6. Arcades across a building's front facade accompanied by tree planting may be used in lieu of shrub plantings and satisfy the requirements for foundation plantings.
7. Lawn areas within 50 feet of a building or adjacent to public roadways require sodding. Other lawn areas may require sodding depending upon slopes, impact on public views, pedestrian traffic, time of year, as well as other considerations.

(J) Service Screening. The following shall be screened from view in accordance with the standards in this subsection:

1. Loading areas, large waste receptacles (such as dumpsters, grease storage, and cardboard recycling containers) and trash collection areas.
    a. Screening of loading areas, large waste receptacles, and trash collection areas must be accomplished and maintained with an opaque wall of masonry or composite material approved by the Zoning Administrator. Vinyl or exterior cinder block shall not be permitted. The height shall be sufficient to conceal areas, but in no instance less than 7 feet. Enclosures shall utilize metal or composite material with latching doors. Evergreen shrubs shall be used on the exterior.
    b. Any existing trash dumpster, grease storage receptacle, or cardboard refuse container that is not properly screened by April 30, 2029 must come into compliance prior to the license renewal of the business.
2. Display areas
    a. Screening shall be accomplished with a closed fence, made of wood, a masonry wall**,** opaque metal, or composite material approved by the Zoning Administrator, with the finished side facing away from the area to be screened.

b. A minimum of 60 percent of any shrubs used for screening shall be evergreen species. Shrubs shall be a minimum of 18 inches tall when planted and expected to reach a mature height and width sufficient to provide the required screening within three years of planting.

3. Stormwater retention or detention ponds.

a. Evergreen shrubs that are expected to reach four feet in height within three years of planting, at a maximum spacing of five feet on center. Trees, at least 50 percent of which are an evergreen species, at a maximum spacing of 25 feet on center.

b. If a fence is required, the material shall be approved by the Zoning Administrator.

6.4: Open Space

Common open space is land and/or water bodies used for recreation, amenity or buffer; it shall be freely accessible to all residents and property owners of a development, where required by this Ordinance.

(A) Purpose. The purpose of this Section is to ensure adequate open space for high density residential development; to integrate recreation, landscaping, greenery and/or natural areas into such projects; to promote the health and safety of residents of such projects; and to compensate for the loss of open space inherent in single-family residential subdivisions. This Open Space can have active or passive uses.

(B) Open Space Landscaping Requirements

The following open space landscaping requirements shall apply to land uses in all zoning districts:

Table 6.2, Open Space Landscaping Requirements

LAND USE	OPEN SPACE REQUIRED	LANDSCAPING
Single-family and two-family residential	20% of land area.	Grass, shrubs and trees selected by owner.
Townhouse projects, Residential Mixed Use	20% of land area.	Grass, shrubs and trees selected by owner.
Manufactured home park	2,500 square feet for each acre or major fraction of an acre in the park.	Greenbelt along all interior lot lines.
Multi-family residential, commercial and industrial, except surface parking lots	20% of land area. Required buffer areas, woodlands and wetlands may be used to satisfy requirements.	Grass, shrubs and trees selected by owner.
Surface parking lots	100 square feet of planted area for each 20 parking spaces. Required buffer areas may be used to satisfy requirements.	One evergreen or deciduous tree for each 20 parking spaces. Grass and shrubs selected by owner.

(C) Common Open Space Plan

Proposed uses/projects set forth in 8.6.3 shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall:

1. Designate areas to be reserved for open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site.

2. Designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, etc.

3. Specify the manner in which common open space shall be perpetuated, maintained and administered.

(D) Types of Common Open Space and Required Maintenance

The types of common open space which may be provided to satisfy the requirements of this Ordinance together with the maintenance required for each are as follows:

1. **Natural areas** of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials, and brush. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.
2. **Recreational areas** are designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, ballfields, and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances, or unhealthy conditions.
3. **Greenways** are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum of removal and avoidance of hazards, nuisances, or unhealthy conditions.
4. **Landscaped areas, lawns and required buffer areas,** including creative landscaped areas with gravel and tile, so long as the tile does not occupy more than two (2) percent of the required open space. Lawns, with or without trees and shrubs shall be watered regularly to ensure survival, and mowed regularly to ensure neatness. Landscaped areas shall be trimmed, cleaned and weeded regularly.

(E) Preservation of Open Space

Land designated as common open space may not be separately sold, subdivided or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this Section by any of the following mechanisms or combinations thereof:

1. Dedication of and acceptance by the Town.
2. Common ownership of the open space by a home-owner's association which assumes full responsibility for its maintenance.
3. Deed restricted, private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.

In the event that any private owner of open space fails to maintain same, the Town may in accordance with the Open Space Plan and following reasonable notice, demand that deficiency of maintenance be

corrected, and enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

ARTICLE 7: PARKING STANDARDS

7.1: Off-Street Parking

(A) Off-Street Parking

Off-street parking spaces required by district regulations shall be located on the same lot as the principal use, or on a lot within 400 feet of the main entrance to the principal use which under the same ownership as the principal use or has been legally restricted for parking in connection with the principal use, and shall have required buffer and landscaped areas.

Required off-street parking for a commercial or industrial use may extend up to 120 feet into a residential zoning district provided: (1) the parking area adjoins the property on which the principal commercial or industrial use is located; (2) the parking area access is to the same street as the principal use; and (3) the parking area has a Type B buffer area along residential lot lines and required landscaping.

Combined parking areas serving two (2) or more principal uses shall contain spaces equal in number to the total of spaces required for all principal uses served.

(B) Parking Space Requirements

Required off-street parking must be provided on the same lot or parcel as the principal use for which it is required. Refer to Table 7-1. Where off-street parking for ten (10) or more vehicles is required, the off-street parking spaces shall meet the following design and development standards:

Table 7-1, Parking Space Requirements

Parking Detail	Requirement
Parking space dimensions:	Angle parking: Nine (9) feet by 19 feet; provided, 10% may be 8.5 feet by 18 feet; Parallel parking: Nine (9) feet by 24 feet; Handicapped: 12 feet by 20 feet, or eight (8) feet by 20 feet, with eight (8) foot isle.
Minimum isle widths:	90 degree parking - 25 feet; 60 degree parking - 18 feet; 45 degree parking - 13 feet; parallel parking - 10 feet. Minor street rights-of-way may be considered as isles for adjacent off-street parking.
Paving and marking requirements:	A parking area in a Major Subdivision or Commercial Development, including driveways, containing ten (10) or more parking spaces shall be surfaced with an all-weather impervious material, and spaces shall be marked with painted lines. Pervious materials may be allowed for overflow parking as approved by the Zoning Administrator. . Parking lot construction shall be designed to minimize

Parking Detail	Requirement
	off-site storm water run-off.
Lighting requirements:	A parking area open for night use shall have a minimum of one 9,000 lumen overhead light for each 25 parking spaces, or major portion thereof.

Table 7-2, Parking Space Requirements (Cont.)

Parking Detail	Requirement
Drainage:	Parking lots shall be designed so as not to drain into or across public sidewalks or onto adjacent property, except into a natural watercourse or a drainage easement. In developed areas, exemptions from this requirement may be made by the Zoning Administrator as this condition may not be possible to meet. An alternate provision for adequate drainage must be made.
Parking spaces for handicapped persons:	One (1) parking space for handicapped persons shall be provided for each 25 parking spaces, or fraction thereof, except for dwellings of less than three (3) units, meeting federal and State requirements, with access to ramps, walkways, and entrances without moving behind parked vehicles.
Separation from Walkways and Streets:	Off-street parking spaces shall be separated from walkways, sidewalks, streets or alleys, and required yards and buffer areas by a wall, fence, curbing, or other approved protective barrier.

Detail	Requirement		
Access	Each space shall have access from an alley or public street.		
Dimensions	Each space shall be a minimum of 12 feet by 40 feet, clear of obstructions.		
Spaces required:	Use	Gross Floor Area [square feet]	No. of Spaces
	Retail Business	For each 5,000	1
	Wholesale/Industrial Governmental Institutional Educational/Medical Assembly*	0 - 25,000 25,000 - 40,000 40,000 - 100,000 100,000 - 160,000 160,000 - 240,000 *each additional 100,000	1 2 3 4 5 1
	Multi-family residence with 10 or more units		1

(C) Off-Street Loading and Unloading Spaces

All uses shall provide off-street loading and unloading space so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walkway, alley, or private street. Refer to Table 8-5.

Each lot used for commercial or industrial purposes, or multi-family residences with more than ten (10)

units, shall provide off-street space for loading and unloading as follows:

Table 7-3, Off Street Loading and Unloading

(D) Approval of Parking and Off-Street Loading Plans

Designs and plans for areas to be used for off-street parking and off-street loading and unloading shall be subject to approval by the Zoning Administrator, who may withhold a permit or take other action if the layout of either would create avoidable safety or traffic congestion issues, pending acceptable modification of the layout, or appeal to the Board of Zoning Appeals.

(E) Parking of Unlicensed Vehicles

In a residential district, any vehicle or trailer subject to State licensing which does not display a current license plate shall be parked or stored within an enclosed building or parked behind the building set-back line and covered with a waterproof tarp or located under a shed roof.

(F) Parking of Recreational, Oversize and Emergency Vehicles

1. **Recreational Vehicles**

A recreational vehicle (including motor homes, travel or camper trailers, pickup campers, boats, and boat trailers) may be parked or stored on any lot in a residential zoning district in accordance with the following standards:

a. On an interior lot, the recreational vehicle is parked in an enclosed building, or in the rear yard, or in the side yard not projecting beyond the front of the roof line of the principal dwelling on the lot.
b. On a corner lot, the recreational vehicle is parked in an enclosed building, or in the rear yard, or in the side yard not projecting beyond the front of the roof line of the principal dwelling on the lot; if parked in the rear or side yard, the recreational vehicle must be completely screened by evergreen vegetation from view from all streets that run along the rear yard or side yard in which it is parked.
c. The recreational vehicle is parked or stored entirely on the residential lot in a safe and orderly condition, and if parked or stored on a driveway, it shall not be a hazard to persons or vehicles entering or exiting the driveway, persons passing on the sidewalk, or persons in vehicles passing on any adjoining street.
d. The combined total number of recreational vehicles and oversized vehicles permitted so parked or stored on any residential lot shall be limited to three (3), not including those kept in a garage or other enclosed building.
e. A recreational vehicle may be parked anywhere on a residential lot for a period not to exceed 24 hours for the purposes of loading and unloading.
f. A recreational vehicle shall not be used for the purposes of permanent human habitation while parked or stored on any residential lot.

2. **Oversize Vehicles Other Than Recreational Vehicles**

a. Any vehicle or combination of vehicles exceeding 26,000 pounds Gross Vehicle Weight Rating (GVWR), or any vehicle designed to transport 16 or more passengers including the driver, or any vehicle placarded for hazardous materials shall be prohibited in a residential zone except to allow deliveries or provide services to residents.
b. Any vehicle which has an overall vehicle length exceeding 22.5 feet in length or

eight (8) feet in height, excluding trailer hitches, winches, handicapped accessories, roof racks, etc. must be located and screened in the same manner as a recreational vehicle as set forth in Section 8.13. The total combined number of those oversize vehicles and recreational vehicles permitted, parked or stored on any residential lot shall be limited to three (3).

c. No such vehicle may be parked on a lot in a residential zone unless the lot is occupied by a single-family dwelling and the vehicle is operated by the occupant of the dwelling.
d. This section shall not apply to any vehicle kept in a garage or other enclosed building.

3. **Emergency Vehicles**

One emergency vehicle may be located on a lot occupied by a single-family dwelling as long as the vehicle complies with the standards for recreational vehicles in Section 7.1, and the vehicle does not use its siren or flashing lights while on the lot. Emergency vehicles may be located in a multi-family or attached single-family residential property in an area screened from view.

For the purposes of this section, an emergency vehicle is an ambulance or a tow truck displaying a decal in a prominent location verifying that it is licensed by the State of South Carolina to provide emergency road service.

ARTICLE 8: SIGN REGULATIONS

8.1: Sign Regulations

(A) Purpose and Scope

The purpose of this Article is to provide fair and comprehensive regulations that will eliminate confusing, distracting, and unsafe signs, assure the efficient transfer of information, and foster a good visual environment for the Town of Winnsboro, enhancing it as a place in which to live, to visit, and to conduct business.

It is declared that the regulation of signs within the Town of Winnsboro is necessary and in the public interest:

1. To provide a pleasing overall environmental setting and good community appearance, which is deemed vital to the economic development and attractiveness of the town;
2. To create a more productive, enterprising, professional business atmosphere
3. To allow signs appropriate to the planned character and development of each zoning district;
4. To ensure that permitted signs do not become a hazard or nuisance;
5. To promote traffic safety;
6. To prevent business and advertising signs from conflicting with public safety signs;
7. To prevent the overcrowding of land;
8. To protect and enhance the value of properties; and
9. To promote the overall general public health, safety, morals, convenience, order, prosperity, and welfare of the Town of Winnsboro.

(B) General Provisions

The regulations set forth in this Article shall apply and govern in all districts. No sign shall be erected, altered or maintained unless it is in compliance with the regulations of this Article:

1. A permit shall be required for the erection, alteration or reconstruction of any sign unless otherwise noted and shall be issued by the Zoning Administrator.
2. All signs must be constructed of durable materials, maintained in good condition and shall not be permitted to become dilapidated or a hazard to the health, safety or general welfare of the community.
3. The Zoning Administrator or designated agent shall require the property owner or tenant to remove, replace or repair the sign as is deemed appropriate by the Zoning Administrator.
4. Any signs, display or device allowed under this Article may contain, in lieu of any other copy, an otherwise lawful noncommercial message that does direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, lighting and spacing requirements of this Article.
5. All signs shall comply with exiting state and federal laws.

(C)Definitions

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

Abandoned sign: A sign which was erected on property in conjunction with a particular use which has been discontinued for a period of sixty (60) days or more, or a sign with the content pertaining to a time, event or purpose which no longer applies.
Animated sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
Banner: Any sign of light-weight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame or one or more edge. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
Canopy sign: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.
Commercial message: Any sign wording, logo, other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.
Flag: Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of government, political subdivision or other entity. Each lot is permitted to have one pole either attached or freestanding containing such flag.
Freestanding sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. Portable signs, pole signs and monument signs which fit these criteria are classified as a freestanding sign.
Incidental sign: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone" and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.
Monument sign: A low-profile, freestanding that may be externally illuminated, erected with its base on the ground, designed to incorporate design and building materials which complement the architectural theme of the buildings on the site.

Nonconforming sign: Any sign lawfully existing at the adoption or amendment of this ordinance may continue in use and be maintained in a proper manner but may not be changed or enlarged unless it is in conformity of all the requirements of this ordinance.

Pennant: Any light-weight plastic, fabric or other material, whether or not containing a message of any kind suspended from a rope, wire or string, usually in series, designed to move in the wind.

Person: Any association, company, corporation, firm, organization or partnership, singular or plural, of any kind.

Portable sign: Any sign which usually rests on the ground on wheels or metal legs, and may be temporarily anchored by cables attached to stakes driven into the ground.

Prohibited signs: shall be defined by example as follows:

1. No sign displaying intermittent lights resembling the flashing lights customarily used in traffic signals or on police, fire or rescue vehicles is permitted, nor shall any sign use the words "stop", "danger" or any other word, phrase, symbol or character in a manner that might mislead or confuse an automobile or other vehicular driver.
2. Except as provided in this Article, no signs, whether temporary or permanent, except traffic signs, signals and information signs erected by a public agency, are permitted within any street or highway right-of-way.
3. Signs painted on or attached to trees, fences and telephone or other utility poles or signs painted on rocks or other natural features or painted on the roofs of buildings are prohibited.
4. Signs which display intermittent or flashing lights or moving parts.
5. Portable or mobile signs utilizing any type of illumination or electrical connections, except within the commercial and industrial districts.
6. Signs that create a safety hazard by obstructing clear view of pedestrian and vehicular traffic.
7. Signs that display a message or graphic representation that is lewd, indecent or otherwise offensive to public morals.
8. Abandoned signs.
9. Searchlights and beacons.
10. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying such sign. (This does not apply to allowed portable signs, lettering on buses, taxis or vehicles operating during the normal course of business.)
11. Inflatable signs and tethered balloons.

Projecting sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Roof sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

Roof sign, integral: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

Sandwich board and pedestal sign: A freestanding movable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way. (Also known as "A" and "T" stands.)

Sign: Any material, structure or device used or located out-of-doors or on the exterior of any building including the exterior of windows for the purpose of displaying, illustrating or directing attention to an advertisement, announcement, notice or name or emblem for the identification of a person, place, object or product.
Sign area: The area of a sign shall be that area which is contained within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between elements of such sign. It shall include any material or color forming an integral part of the display or used to differentiate such signs from its background, but shall not include supports. Where two sides of a double-faced sign are not more than 24 inches apart at the widest point, the sign area shall be computed by measuring one face only.
Temporary sign: Any sign that is used only temporarily and is not permanently mounted.
Wall sign: Any sign attached parallel to, but within 12 inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
Window sign: any sign, picture, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window glass panes and is visible from the exterior of the window.

(C) Signs Allowed by Right

1. Any sign required by law or constructed by a governmental agency for traffic or directional purposes.
2. **Official Notices** - any notices by a court, public agency or office.
3. **Political Signs** – Political signs, erected in connection with elections or political campaigns are permissible in all zoning districts provided such signs are no larger than sixteen (16) square feet in area and are removed no later than two (2) weeks following the election.
4. **Real Estate Signs** – One non-illuminated “for sale”, “for rent”, “for lease” or similar sign not exceeding six (6) square feet in area in a residential district, or twenty (20) square feet in a non-residential districts. Real estate signs must be located at least ten (10) feet from a street right-of-way or on the front wall of a building.
5. **Identification Signs** - One (1) non-illuminated professional, business, or residence name plate not exceeding two (2) square feet in area mounted flat against the wall of a building is permitted in all zoning districts.
6. **Holiday Decorations** – Signs or other material temporarily displayed on traditionally accepted civic, patriotic or religious holidays.

   Directional Signs – Signs designating parking area entrances and exits limited to one sign for each entrance and/or exit and not exceeding four (4) square feet in surface area for each exposed face, parking lot directional signs shall not project higher than three (3) feet in height, as measured from the established grade of the parking area.
7. **Temporary Subdivision Signs** – Temporary signs, not exceeding twenty (20) square feet in area announcing a land subdivision development, are permitted on the premises of the land subdivision not less than ten (10) feet from a street right-of-way or subdivision boundary line and spaced not less than three hundred (300) feet apart. Temporary subdivision signs shall be removed when seventy-five percent (75%) of the subdivision lots are conveyed.

8. **Construction Signs** – One non-illuminated sign, not exceeding fifty (50) square feet in area displaying the names of the building, contractors, architects, engineers, owners, and financial, selling and development agencies, is permitted on the premises for work involving construction, alteration, or removal. The sign shall be removed from the site within thirty (30) days after completion of the project.
9. **Special Event Signs** – Signs indicating that a special event such as a fair, carnival, circus, festival, special event, or similar happening is take place on the lot on which the sign is located. Such signs may be erected not sooner than thirty (30) days before the event and must be removed not later than three (3) days after the event.
10. **Noncommercial or Civic Event Signs** – Temporary signs or banners erected for not more than fourteen (14) days announcing a noncommercial and civic or philanthropic event in any district. Such signs shall be limited to one (1) per lot with the written permission of the property owner.
11. **Temporary banners and other temporary professional made signs** – Temporary professionally made signs or banners erected for not more than thirty (30) days announcing a commercial event. Such signs and banners are allowed in the Commercial and Light Industrial zoning districts only. Such signs or banners shall be limited to two (2) per lot and shall be setback a minimum of ten (10) feet from the public right-of-way. The maximum sign area of the sign or banner shall not exceed thirty (30) square feet. The sign and/or banner mat be attached to a building and/or poles on the lot.
12. **Sandwich Board (A-Frame) Signs** – One (1) such sign per business is allowed in the Commercial and Light Industrial zoning districts provided the signs do not exceed twenty-four (24) inches in width and thirty-six (36) inches in height.

(D) Signs in the Public Right-of-Way

No sign shall be allowed in the public right-of-way, including the railway right-of-way, except for the following:

1. Public signs erected by or on behalf of a government body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
2. Informational signs of a public agency or utility regarding its facilities;
3. Emergency signs;
4. Directional signs;
5. Signs of a temporary nature not to exceed 24 hours duration for such events as yard sales, auctions, public gatherings, etc; and
6. Governmental signs

(E) Signs Forfeited

Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the town shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal.

1. Non-Profit Street Banners

Banners advertising events of public interest sponsored by non-profit, non-commercial agencies and which are placed at street locations specifically authorized for display by the Town Council may be approved. Permits are required for all such banners on forms provided by the Zoning Administrator.

2. Private Signs on Public Property or Right of Way

Private signs shall not be placed on any public property or right of way without an approved encroachment permit authorizing such sign. The Zoning Administrator may remove signs found to be in violation of this section without prior notification to the property owner.

(F) Temporary Signs

1. Allowable Period

Signs announcing or promoting a temporary cause or event may be erected no earlier than thirty (30) days prior to an event and shall be removed within two weeks following the completion of the event for which the sign was displayed.

2. Frequency

Temporary signs may be erected on a parcel in compliance with this Article for no more than thirty (30) days in any one hundred eighty (180) day period.

3. Definition

For purposes of this section, a "temporary cause or event" means an event that occurs only on a scheduled date or time period and for a specific purpose, regardless of whether the event is for commercial or non-commercial purposes. Examples include elections, grand openings of new businesses, buildings or developments under construction, church revivals and similar types of events.

4. Size

The allowable maximum size of temporary signs is established in Table 9-2, Maximum Total Sign Area by Use or Number, Dimensions and Location of Individual Signs. The maximum square footage of temporary signs is in addition to the maximum square footage of all signs specified in Table 8-1. Up to two (2) temporary signs may be placed on a parcel provided the maximum square footage is not exceeded.

5. Illumination

Temporary signs may not have any illumination.

6. Placement in Right of Way

Temporary signs may not be placed within any public right of way unless placed in accordance with Section 8.1. Temporary signs may be placed on public property by the public jurisdiction that owns the property.

(G) Removal of Signs

1. The lawful use of any permanently mounted sign existing at the time of the adoption of this Ordinance may be continued as a non-conforming use.
2. Any sign which has been abandoned for a period of three (3) consecutive months shall be removed and any sign which is in violation of this Ordinance at the time of its passage and which is subsequently destroyed or substantially damaged shall be removed or brought into conformity. When there is a change in the name of the business or of the principal product sold by a business after the adoption of this Ordinance and there are non-conforming signs on the building or site, such signs shall be removed or brought into conformity. An order under this section shall be issued in writing by the Zoning Administrator to the owner of such sign, or of the building or premises on which such sign is located, to comply within a stated period of time not less than thirty (30) days. Upon failure to comply with such notice, the Zoning Administrator may authorize removal of the sign and any costs of removal may be collected by the Town in accordance with South Carolina law.

3. Temporary signs shall be removed within two (2) weeks following completion of the event or project for which they were displayed.
4. Any nonconforming sign which is not permanently mounted shall be removed or brought into conformity no later than the effective date of this ordinance.

(H) Permitted Signs

Table 8-1, Permitted Sign by Type, Use, and Zone

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
Use or Zoning District	**Free Standing**	**Canopy**	**Identification**	**Marquee**	**Wall**	**Projecting Sign**	**Roof Sign**	**Window**	**Banner**	**Flag**	**Portable**	**Electronic Readerboard**	**Flashing Sign**	**Changeable Copy**	**Balloon Sign**	**Temporary**
Single Family Dwelling Units (R-1, R-2)	A	--	A	--	--	--	--	--	--	A	--	--	--	--	--	A
Duplex Residential (R-2)	A	--	A	--	--	--	--	--	--	A	--	--	--	--	--	A
Multi-Family Residential (R-3)	A	--	A	P	P	P	--	--	--	A	--	--	--	--	--	A
Residential Mixed Use (RMU)	A	--	A	--	--	--	--	--	--	A	--	--	--	--	--	A
Residential Office (RO)																
General Commercial (C-2)	P	P	P	P	P	--	--	A	A	A	P	P	--	P	--	A
Principle Commercial (C-1)	P	P	P	P	P	P	--	A	--	A	--	--	--	P	--	A
Limited Industrial (LI)	P	P	P	P	P	--	--	A	--	A	P	P	--	--	--	A

Notes to Table 9-1

a. "A" means that the sign is allowed without a sign permit.
b. "P" means that the sign is allowed if a sign permit is issued and is not allowed without a sign permit.
c. "--" means that the sign is not allowed.
d. (1) The term "Institutional" means uses where general public access is allowed and the uses are located in residential districts. Institutional uses include schools, churches, parks, etc.

(I) Descriptions of Sign Types

Column A – Use or Zoning District

Zoning district applies to the district as established in Article 4, Base Zoning Districts. Use is more precise than the zoning district. If there is a conflict between district and use, use shall prevail.

Column B – Freestanding Signs

A "Freestanding Sign" means any sign supported by one (1) or more upright poles, columns or braces placed in or on the ground and not attached to any building or structure. For the purposes of Tables 9-1 and 9-2, a freestanding sign includes ground and monument signs and does not refer to an off-premise sign or billboard.

Freestanding signs are subject to the following additional restrictions:

1. Not more than one (1) freestanding sign is permitted for any developed site, lot or parcel; and
2. Freestanding signs are not permitted on undeveloped lots or parcels, except as permitted in Section 9.6.

Within nonresidential districts, a freestanding sign shall contain only noncommercial messages, the address and name of the occupant, or a commercial message drawing attention to an activity legally offered on the premises. Within residential districts, freestanding signs are limited to address signs and temporary signs advertising "property for sale", "yard sale", "garage sale" or signs displaying a noncommercial message

Column C – Canopy Signs

A "Canopy Sign" means any sign attached to or constructed in or on a canopy.

Column D – Identification Signs

An "Identification Sign" means any wall sign which is limited to the name, address and street number of a building, institution or person and to the activity carried on in the building or institution. Identification signs include nameplates and building name signs. A "nameplate" means a sign affixed to a building in such a manner as to become an integral part thereof, and which provides the name or address, or both, of the owner or occupant of a building or premises.

Column E – Marquee Signs

A "Marquee Sign" is a sign painted on, attached to or hung from a marquee. A "marquee" means a hood or awning of permanent construction without pillars or posts which is supported from a building wall and extends beyond the building, building line or property line.

Column F – Wall Signs

A "Wall Sign" means any sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building. A wall sign may be internally illuminated.

Column G – Projecting Signs

A "Projecting Sign" means any sign affixed to, projecting from, and supported by a building. Such sign shall be extended no more than six (6) feet from the building to which it is affixed. Only one (1) projecting sign is permitted per building frontage, provided, however, that multi-tenant buildings in non-residential districts may include one (1) projecting sign per tenant in addition to wall signs, and provided that such signs are spaced not closer than twenty (20) feet horizontally from another projecting sign.

Column H – Roof Signs

A "Roof Sign" means any sign erected upon, against or directly above a roof or roof eaves, or on top or above the parapet, or on a functional architectural appendage above the roof.

Column I – Window Signs

A "Window Sign" means any sign installed inside a building within six (6) inches of a window or on the inside surface of a window that is visible from outside the building. This term does not

include merchandise located in a window. Window signs are limited in size to ten percent (10%) of the window area through which it is visible.

Column J – Banners

A "Banner" means any sign of lightweight fabric, plastic or similar material mounted at one (1) or more edges to a pole or other structure. National flags, state and municipal flags, and official flags of businesses, institutions or other organizations shall not be considered banners. Banners are prohibited. However, signs constructed as banners of flexible material may be securely affixed on all four sides to a rigid and stable surface or sign frame and utilized as a temporary sign.

Column K – Flags

A "Flag" means any flag, including a flag of the United States, the state of South Carolina, and any other flag sanctioned by these regulations, provided that such a flag shall not exceed twenty-four (24) square feet in area and shall not be flown from a pole more than the maximum height permitted in the district or forty-five (45) feet, whichever is less). Flags must be flown in accordance with the protocol established by the Congress of the United States for the Stars and Stripes or the state of South Carolina for the state flag. Any flag not meeting these conditions shall be considered a banner sign and shall be subject to regulations as such. One (1) flag and flagpole is allowed on a parcel without consideration of total signage allowed. Flags and flagpoles in excess of one (1) shall be included in the maximum square footage of allowable signage. All flagpoles shall comply with the setback requirements for freestanding signs.

Column L – Portable Signs

A "Portable Sign" means any sign not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the express purpose of advertising a business establishment, product, service or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian public. Portable signs may not be lighted and may be used as temporary signs only.

Column M – Electronic Readerboards

An "Electronic Readerboard" means a sign which displays messages in alternating light cycles. Electronic readerboards shall consist of a black or dark background with white, red or yellow letters or numbers. Changes to the light pattern shall occur no more than once in any ten (10) second period and shall not include fading, flashing, scrolling or sliding transitions or moving animation. The changeable message portion of the sign may occupy up to fifty percent (50%) of the area of the sign of which it is a part.

Column N – Flashing Signs

A "Flashing Sign" means a sign that contains an intermittent or sequential flashing light source.

Column O – Changeable Copy Signs

A "Changeable Copy Sign," also known as a "readerboard," means any sign designated so that letters or numbers attached to the sign can be periodically changed to a different message. Changeable copy signs must be a part of a larger wall or freestanding sign and are allowed to occupy up to thirty percent (30%) of the area of the sign of which it is a part.

Column P – Balloon Signs

A "Balloon Sign" means any lighter than air or gas filled inflatable object attached by a tether to a fixed place.

Column Q – Temporary Signs

Permissible temporary signs are specified in Section 9.6. Temporary signs include signs advertising property for sale, special events, grand openings and political campaigns.

(J) Permitted Sign Characteristics

Table 8-2, Sign Characteristics

Zoning District	R-1	R-2	R-3	RMU	C-1	C-2	RO	LI
Electronic Animated					P (a)	P (a)		P (a)
Non-electronic changeable copy	P	P	P	P	P	P	P	P
Electronic changeable copy					P (b)	P (b)		P (b)
Indirect illumination	P	P	P		P	P	P	P
Internal Illumination	P	P	P		P	P	P	P
Exposed bulb illumination								
Signs with physically moving parts								

P=Permit Required

Notes to Table 8-2

- **a.** Signs with electronic animation characteristics are permitted on free standing signs only as allowed in applicable zoning districts provided sign graphics and/or text remain static for no less than ten (10) seconds.
- **b.** Signs with electronic changeable copy characteristics are permitted on free standing signs only in applicable zoning districts provided text remains static for no less than ten (10) seconds.

(K) Number, Dimension and Location of Permitted Signs

Table 8-3, Number, Dimension and Location of Permitted Sign

Zoning District	R-1/ R-2	R-3	RMU	C-1	C-2	RO	LI
Sign Type							
Free Standing Signs (not including Sandwich Board signs)							
Number permitted per lot	(a)	(a)	(a)	1	1	1	1 per street entrance
Maximum sign area (Sq. Ft.)	12 ft.	12 ft.	12 ft.	50 ft. (b)	75 ft. (b)	12 ft. (b)	75 ft. (c)
Minimum setback from property line	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.

Maximum Height	8 ft.	8 ft.	8 ft.	35 ft.	35 ft.	12 ft.	35 ft.
Off Premise Signs							
Number permitted per lot				(d) (e) (f)	(d) (e) (f)	(d) (e) (f)	(d) (e) (f)
Maximum sign area (Sq. Ft.)				250 ft.	300 ft.		250 ft.
Minimum setback from property line				10 ft.	10 ft.	10 ft.	10 ft.
Maximum Height				25 ft.	35 ft.	35 ft.	35 ft.
The maximum allowable sign area for signs with electronic animation and electronic changeable copy characteristics is 25% of the maximum allowable sign for the zoning district of which the sign will be located.							
Building Signs							
Number permitted (per business)	1	1	1	1	1	1	1
Maximum sign area (Sq. Ft.)	5 ft.	5 ft.	5 ft.				
Maximum sign area (% of wall area)				15 (g) (i)	10 (h) (i)	10 (h) (i)	15 (g) (i)
Maximum Height (Roof Signs)				20 ft. from the base of the roof	10 ft. from the base of the roof	10 ft. from the base of the roof	20 ft. from the base of the roof

Notes to Table 8-3

One (1) subdivision, manufactured home park, and multi-family development monument sign per street entrance into such development is allowed in applicable zoning districts provided the sign meets all applicable requirements of the Winnsboro Zoning Ordinance and a sign permit is approved by the Zoning Administrator.

1. One (1) monument sign for a church, institutional, public facility or permitted commercial use (not including home occupational uses) are allowed in the applicable zoning districts provided the sign meets all applicable requirements of this Ordinance and a sign permit is approved by the Zoning Administrator.

2. The maximum sign area for multi-tenant signs in Commercial zoning districts displaying the names of two (2) or more businesses may be increased by fifteen (15) square feet.

3. The maximum sign area for multi-tenant signs in and LI zoning districts displaying the names of two (2) or more businesses may be increased by twenty (20) square feet.

4. Off Premise signs are only allowed along US 176 frontages.

5. No Off Premise signs shall be located less than one thousand (1,000) feet from another such off-premise sign on the same side of the highway.

6. No Off Premise signs shall be located less than two hundred (200) feet from any residential zoning districts.

7. A maximum sign area of 15 % of the total wall area (not including the roof) of the building

side facing the primary street frontage is permitted to be displayed on the wall or roof facing the primary street frontage.

8. A maximum sign area of 10 % of the total wall area for per wall for each remaining side is permitted to be displayed one each of the remaining building walls or roofs.

9. A projecting sign may extend outward from the wall of a building not more than six and one-half (6 ½) feet, but shall not be closer than eighteen (18) inches to the vertical plane at the street curb line.

(L) Signs in PD Zoning District

Signs located in PD districts will be approved in the overall site plan approval process for such a development.

(M) Sign Permit Procedures

Permits for all allowed signs are required. Unless otherwise provided for in this ordinance, no sign or sign structure, regardless of its cost of construction, shall be erected, replaced, relocated, constructed, changed or altered until after a permit for the same has been issued by the Zoning Administrator.

All applications for sign permits shall be made with the Town of Winnsboro Zoning Administrator. The following information shall be submitted with an application for a sign permit:

- **a.** Identification of ownership of property on which sign is to be erected.
- **b.** Name and address of the owner of the sign.
- **c.** Site plan sketch showing the location of the sign with respect to the property and right-of way lines and any buildings, parking areas, and other improvements to the property.
- **d.** Exact size, shape, configuration, design, area, height, number, and type of sign to be erected.
- **e.** The value of the sign or sign structure.
- **f.** Any other information, specifications, photographs or the like deemed necessary by the Zoning Administrator in order to assure compliance with the Town Ordinance.

Permit applications shall be acted upon by the Zoning Administrator within thirty (30) days of receipt, excluding holidays and weekends. Before issuing a permit, the Zoning Administrator shall collect the fees as established by Town Council.

(N) Signage Plan Required

A Signage Plan shall be a prerequisite to the issuance of any sign permit involving:

1. Two (2) or more contiguous lots or parcels under the same ownership,
2. A single lot or parcel with more than one (1) principal use or building (not including accessory uses or buildings) or qualifying on the basis of street frontage for more than one (1) free-standing sign, and
3. The identification or announcement of a land subdivision or development project.

The plan shall contain all information required for sign permits as outlined in Section 9.10 and shall specify standards for consistency among all signs on the lot or parcel affected by the plan with regard to:

1. Lettering or graphic style;
2. Lighting;
3. Location of each sign on the buildings;
4. Material; and

5. Sign proportions.

(O) Requirements for Signage Plan

The Signage Plan for all zone lots with multiple uses or multiple users, shall limit the number of free-standing signs to a total of one (1) for each street on which the zone lots included in the plan have frontage and shall provide for shared or common usage of such signs; however the maximum sign area may be increased by 25%.

Once approved by the Zoning Administrator, the Signage Plan shall become binding on all business and uses occupying the affected zone lots, but may be amended by filing a new or revised plan that conforms with all requirements of this Ordinance.

If any new or amended Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three (3) years, all signs not conforming to the proposed amended plan or to the requirements of this Ordinance in effect on the date of submission.

ARTICLE 9: LAND DEVELOPMENT REGULATIONS

9.1: Intent

Intent: To govern all types of land development activities including site plans, subdivisions, any change in land characteristics through redevelopment, construction of buildings or other facilities, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, or similar developments for sale, lease or any combination of owner and rental characteristics.

9.2: General Provisions

(A) Authority: This ordinance, "Land Development Regulations,", originally adopted as Section _____of the Town Codes of Winnsboro, is hereby incorporated into the Winnsboro Zoning and Land Development Regulations. The Zoning Administrator is vested with the authority to review, approve, conditionally approve, and disapprove applications for the subdivision and development of land, which shall include Site Development Plans, Sketch Plans, Preliminary and Final Plats. If the subdivision includes a change in zoning, the Planning Commission is vested with the approval of such change in accord with the procedures in Section _____.

(B) Policy: It is declared to be the policy of the Town of Winnsboro to consider all land development as subject to the control of the Town pursuant to the adopted Comprehensive Plan for the orderly, planned, efficient, and economical development of Winnsboro.

1. Land to be developed shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided or developed until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities, and other improvements. The determination of the presence or absence of adequate public facilities, or provision thereof, shall be evaluated by the Zoning Administrator upon review of a complete permit application and a completed 'Community Impacts Assessment Form for Proposed Subdivision or Land Development Project.'

2. The existing and proposed public improvements shall conform to and be properly related to the policies shown in the Comprehensive Plan, official map, and capital budget and program of the Town, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, the Comprehensive Plan, and the capital budget and program.

3. Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of the regulations.

9.3: Applicability and Jurisdiction

These regulations shall apply to all land development and subdivisions of land located within the corporate limits of the Town of Winnsboro.

(A) No land may be subdivided or developed through the use of any legal description other than with reference to a plat approved by the Town in accordance with these regulations.

(B) No land shall be subdivided or developed until each of the following conditions has occurred in accordance with these regulations:

1. The development applicant or his agent has submitted a conforming Site/Sketch Plan of the proposed land development to the Zoning Administrator;

The development applicant or his agent has obtained approval of the Site/Sketch Plan, a Preliminary Plat when required, and a Final Plat from the Zoning Administrator; and

2. The development applicant or his agent files the approved plats with the Clerk and Recorder for Fairfield County.

(C) No Building Permit or Certificate of Occupancy shall be issued for any land development after the effective date of, and not in substantial conformity with, the provisions of these land development regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.

(D) Modifications of Standards.

1. Findings. Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve modifications of these land development regulations so that substantial justice may be done and the public interest secured, provided that the proposed modification, with or without conditions, shall not have the effect of nullifying the intent and purpose of these regulations; further provided, the Planning Commission shall not approve modifications of these standards unless it shall make findings based upon the evidence presented to it in each specific case that:

a. The granting of the modification will not be detrimental to the public safety, health, or welfare or injurious to other property;

2. **Conditions.** In approving a modification request, the Planning Commission may require such conditions as will, in its judgment, secure substantially the purposes of the standard requirement.

3. Procedures. A proposed modification shall be submitted in writing by the developer when a Preliminary Plat is filed for the consideration with the Zoning Administrator. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

(E) Enforcement and Penalties

1. General.

a. No owner, or agent of the owner, of any parcel of the land located in a proposed subdivision, shall transfer or sell any part of the parcel before the Final Plat of the subdivision has been approved by the Zoning Administrator in accordance with the provisions of the regulations and filed with the Register of Mesnes Conveyance of Fairfield County.

b. No Building Permit shall be issued for the construction of any building or structure

located on a lot or plat subdivided or sold in violation of the provisions of these regulations, nor shall the municipality have any obligation to issue Certificates of Occupancy or to extend utility services to any parcel created in violation of these regulations.

c. It shall be the duty of the Zoning Administrator to enforce these requirements and to bring to the attention of the Town Attorney or his designated agent any violations of these regulations.

2. Penalty. Any violation of these regulations or amendments thereof shall be a misdemeanor under the laws of the State; the offender, upon conviction, shall be punished as for a misdemeanor; the Fairfield County court having jurisdiction of misdemeanor cases shall have jurisdiction to try such offenders and, upon conviction, to so punish them; each day that any structure or land is used in violation of these regulations shall constitute a separate offense.

3. Civil enforcement. Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, and to prevent illegal occupancy of a building, structure, or premises. These remedies shall be in addition to the penalties described above.

9.4: Land Development Application Procedure and Approval Process

(A) General procedure.

1.Applicability. Whenever a land development application or subdivision application entails the improvement or division of the land for the purpose of offer, sale, lease, or development, whether residential or non-residential, approval by the Zoning Administrator shall be required in addition to all other procedures and approvals required in the Zoning Ordinance, whether or not applicable zoning procedures also require Zoning Administrator approval, review, or recommendation. No Zoning Permits, Building Permits, or Certificates of Occupancy shall be issued for the project until the development or subdivision is approved and/or the applicable plat has been recorded with the Register of Mesne Conveyance of Fairfield County.

(B) Classification of land developments.

1. Land Development. A change in land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, or similar developments for sale, lease, or any combination of owner and rental characteristics.

2. Minor Land Development Subdivision. Any development containing three (3) lots of less fronting on an existing street; not involving any new street or road, the extension of municipal facilities, nor the creation of any public improvements; not adversely affecting the remainder of the parcel or adjoining property; and not in conflict with any provision or portion of the Zoning Ordinance, Comprehensive Plan, or these regulations.

3. Major Land Development Subdivision. All developments not classified as minor land developments, including but not limited to subdivisions of ten (10) or more lots, or any size subdivision requiring any new street or extension of the local government facilities or the creation of any public improvements.

(**C) General Process.** Before any land is developed or subdivided, the owner/applicant of the property

proposed for land development or his authorized agent shall apply for and secure approval of the proposed development in accordance with the following procedures.

1. Minor Land Development Subdivision

a. Sketch Plan

2. Final Subdivision Plat

a. Final Subdivision Plant

3. Major Land Development Subdivision.

a. Sketch Plan

b. Preliminary Plat

c. Final Subdivision Plat

4. Land Development

a. Sketch Site Plan

b. Site Plan

c. Landscape Plan

d. Building Elevations (all four sides)

e. Tree Survey

f. Signs (if any)

(B) Official Submission Date. The date of receipt of development plans or subdivision plats, with all documentation required in this ordinance, by the Zoning Administrator shall be the official submission date of the requested review. This date shall be stamped as received on the application.

(C) Sketch Plan.

Submission. Prior to the filing of any Preliminary or Final Plat, a Sketch Plan shall be submitted to the Zoning Administrator. The purpose of the Sketch Plan is to enable the Zoning Administrator to assist the applicant in determining what requirements apply prior to extensive site planning and engineering work necessary for the preparation of the Preliminary Plat and Final Plat required herein. The Sketch Plan of a proposed development shall be drawn at a scale and on a sheet size as required for Preliminary Plats and shall contain at least the following data, legibly drawn to scale, but not necessarily showing precise dimensions:

1. North arrow, written and graphic scales, and a location map showing the relationship between the proposed development and the surrounding properties;

2. Tract boundaries and total acreages;

3. Tentative street and lot arrangement showing average lot size and the number of lots;

4. Existing and proposed land use throughout the development;

5. Zoning classification(s); and

6. Phasing schedule plan if development is to be developed in phases.

(D) Conference. With the submission of the Sketch Plan to the Zoning Administrator, the applicant shall schedule an appointment to meet with the Zoning Administrator. This conference is designed to advise the applicant of the following:

1. Land development procedures,

2. Requirements of this Ordinance, and

3. Requirements of other departments.
4. Filling out the Community Assessment Form

The Zoning Administrator may invite officials from other departments who must eventually approve aspects of the plat to attend this conference or advise the applicant of the officials who may need to be contacted.

Determination of subdivision type. After the conference, the Zoning Administrator shall notify the applicant in writing of the decision on the classification of subdivision within ten (10) days from the date that the Sketch Plan is submitted to the Zoning Administrator.

(E) Preliminary Plat.

The applicant, when required, shall prepare and submit a Preliminary Plat to the Zoning Administrator to be used for the purpose of determining the conformance of the development to design standards and improvement requirements. An application requesting approval of the Preliminary Plat, together with three (3) copies of the plat and required supplemental material, shall be submitted to the Town Clerk not less than thirty (30) days prior to the meeting at which it is to be considered by the Zoning Administrator.

1. **General.** The Preliminary Plat of a proposed development shall be clearly and legibly drawn to a scale not smaller than one inch equal to one hundred feet (1" =100') and shall be on a sheet twenty-four by thirty-six inches (24" x 36") or of an approved size by the Zoning Administrator. If the Preliminary Plat requires more than one sheet, a key diagram showing the relative location of the several sections shall be drawn on each sheet.
2. **Requirements.** The Preliminary Plat shall contain or be accompanied by the following information:
    a. **General information**
        i. Proposed name of development. The name shall not duplicate or too closely approximate, phonetically or otherwise, the name of any development within the jurisdiction.
        ii. Name of record owner, surveyor, and/or engineer
        iii. True-north arrow, graphic scale, written scale, and date, including the month, day, and year that the original drawing was completed and the month, day, and year for each revision of the original drawing.
        iv. Name of the landowner(s), developer(s), if different, and location and ownership of adjoining properties.
        v. Existing zoning classification of the tract within the tract.
        vi. A vicinity map, for the purpose of locating the property being developed, drawn at a scale of one-inch equals two thousand feet (1" =2,000') and showing the relation of the property to surrounding properties, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, and landmarks existing within two thousand feet (2,000') of any part of the property.
    b. **Existing site data.**
        i. The distance and bearing of one of the corners of the boundary of the development to the nearest intersection of existing streets or roads.

ii. Total tract boundaries of the property being developed, showing bearing and distances, and a statement of the total acreage of the property.

iii. All existing municipal boundaries, property lines, rights of way, easements, railroads, sewer lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, storm drainage ditches, water courses, buildings, and wooded areas.

iv. All existing streets, including streets of record (recorded but not constructed) on or abutting the tract, including the names, right-of-way widths, pavement widths, and approximate grades.

c. Proposed site data.

i. Street rights of way, pavement widths, and grades. Street profiles and cross-sections shall be provided when requested by the Zoning Administrator.

ii. Lot lines, lot dimensions, and lot and block numbers.

iii. Preliminary plans for utilities (i.e. – sewer, water, electricity, gas lines, and storm drainage). Storm and sanitary sewer profiles, cross sections, and sizes shall be provided when required by the Zoning Administrator.

iv. Plans for the protection of soils on the site from wash, erosion, and other drainages during construction.

v. Other easements and rights of way, including locations, dimensions, and purposes.

vi. Any contour changes to be made by grading.

vii. Parks, school sites, and other areas designated for public use, if any.

viii. Areas to be used for purposes other than detached single-family residential and public, if any, with the purpose, location, footprint, and dimensions of each indicated.

d. Platting information.

i. The total tract boundary lines of the area being developed shall be in accordance with the most recent edition of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, as promulgated by the Code of Laws of South Carolina, 1976, Title 40, Chapter 22.

ii. The Preliminary Plat shall meet all the standards and requirements as set forth in the laws of the State of South Carolina and these regulations.

e. Supplemental data.

i. Copies of approval of the Department of Health and Environmental Control whenever individual sewage disposal or water supply systems are required.

ii. Any other information considered by the applicant or the Zoning Administrator to be pertinent to the review of the Preliminary Plat.

f. Improvement plans and data.

i. The applicant shall submit construction plans and specifications for all public improvements required by this Ordinance and installation of such.

3. Application fee. To defray the cost of inspection, review of the plat for conformance, and notification of the interested parties, the applicant shall pay fees, as specified in the Schedule

of Fees and Fines of the Town of Winnsboro, to the Town Clerk at the time of filing for the Preliminary Plat approval.

4. **Zoning Administrator procedure.** The Zoning Administrator shall act on the submitted plan or plat within sixty (60) days of the official submission date. Failure to act within sixty (60) days shall constitute automatic approval, and the applicant/developer shall be notified of this in writing. The sixty-day time limit may be extended by mutual agreement between the developer and the Town.
    - **a.** Notification of Action. Action taken by the Zoning Administrator shall be at a regularly scheduled Planning Commission meeting and notice of the time and place of said meeting shall be sent to the applicant whose name and address appear on or accompany the Preliminary Plat. Such notice shall be sent not less than five (5) days before the date fixed for the meeting.
    - **b.** Preliminary Plat approval. The Zoning Administrator shall review and approve the Preliminary Plat. and any other municipal recommendations, testimony, and exhibits submitted. The Zoning Administrator shall tentatively approve, approve conditionally, or disapprove the Plat. One (1) copy of the proposed Preliminary Plat shall be returned to the applicant while one (1) copy is retained by the Town for its records bearing the date of approval, conditional approval, or disapproval and written reasons for such actions signed by the Zoning Administrator.
    - **c.** Standards for approval of Preliminary Plats. No Preliminary Plat of a proposed development shall be approved by the Zoning Administrator unless the applicant/developer proves by clear and convincing evidence that:
        - **i.** The proposed development is consistent with the policies in the Comprehensive Plan;
        - **ii.** The proposed development meets the requirements of the Zoning Ordinance and these Land Development Regulations;
        - **iii.** Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of development;
        - **iv.** If a public sewage system is proposed, adequate provision has been made for such a system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and regulations;
        - **v.** All areas of the proposed development which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the applicant and the proposed uses of these areas are compatible with such conditions;
        - **vi.** The applicant has taken every effort to mitigate the impact of the proposed development on public health, safety, and welfare; and
        - **vii.** Adequate public access is provided to all proposed lots.
    - **d. Site improvements**. No improvements shall be made nor shall permanent markers or monuments be installed prior to a granting of approval of the Preliminary Plat by the Zoning Administrator. Preliminary Plat approval shall be authorization for the

applicant to proceed with the installation of site improvements and to proceed with the preparation of the Final Plat but shall not authorize the sale or transfer of lots.

5. Effective period of Preliminary Plat Approval. The approval of a Preliminary Plat shall be effective for a period of two (2) years from the date that the Preliminary Plat is approved by the Zoning Administrator. By the end of that time, the applicant shall submit a Final Plat for approval. If a Final Plat is not submitted within the two-year period, preliminary approval shall be null, and the applicant shall be required to submit a new Sketch Plan for review subject to the then-existing zoning and land development restrictions.

(F) Final Plat

The applicant shall prepare and submit a Final Plat to the Zoning Administrator to be used for the purpose of determining the conformance of the development to design standards and improvements requirements. An application requesting approval of the Final Plat, together with three (3) copies of the plat plus any additional copies which the applicant desires to be stamped and returned shall be submitted to the Town Clerk not less than thirty (30) days prior to the meeting at which it is to be considered by the Zoning Administrator. Submission details will include the following:

5. The Final Plat shall meet or exceed the standards set forth for the Preliminary Plat, presenting the equivalent information, revised or updated, as applicable.

6. Requirements. The Final Plat shall conform to the greatest extent possible with the approved Preliminary Plat, including all conditions for approval noted thereon, and shall contain or be accompanied by the following information in addition to that required on the Preliminary Plat.

a. General, existing, and proposed information.

i. The month, day, and year that the original drawing (generally the Preliminary Plat) was completed and the month, day, and year for each revision of the original drawing.

ii. All installed public improvements required, documented to the standards set forth for Preliminary Plat approval.

iii. If no Preliminary Plat was prepared (i.e. – in the instance of a minor subdivision), the information shall be provided on such plat in conformance with and contain the information found in Section 17.3.3 – Preliminary Plat.

b. Platting information

i. The total tract boundary lines of the area being developed shall be in accordance with the most recent edition of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, as promulgated by the Code of Laws of South Carolina, 1976, Title 40, Chapter 22.

ii. The Final Plat shall meet all the standards and requirements as set forth in the laws of the State of South Carolina and these regulations.

c. Supplemental data

i. Copies of approval of the Department of Health and Environmental Control whenever individual sewage disposal or water supply systems are required.

ii. Any other information considered by the applicant, the Planning Commission, or the Zoning Administrator to be pertinent to the review of the Preliminary Plat.

d. Certification. The following certificates shall be lettered, printed, and/or stamped on the face of the Final Plat.

i. Surveyor or Engineer Certification of Accuracy. The signature, seal, and certification of a registered professional land surveyor or engineer to the effect that the Final Plat accurately reflects a survey made by him, that any changes from the description appearing in the last recorded transfer of land contained in the Final Plat are so indicated, that
all monuments shown thereon actually exist or will be installed and their position is accurately shown.

ii. Certification of Ownership and Dedication. A notarized certification of title showing that the applicants are the owners, and statements by such owners acknowledging any offers of dedication of land for public use and restricting land by protective covenants.

iii. Certification of the Approval of Water and/or Sewer Systems (where applicable). The South Carolina Department of Health and Environmental Control (DHEC) and the appropriate service district shall certify that the water supply and/or sewer disposal system(s) installed or proposed for installation fully meet DHEC requirements.

iv. Certification by Subdivider's Engineer (where applicable). The signature, seal, and approval of the subdivider's engineer shall indicate that required infrastructure improvements have been satisfactorily installed or that adequate financial guarantees have been provided.

v. Recording Notations. Appropriate notations for transfer and recording by the County Clerk and Recorder's Office, indicating the date and time of recording, the plat book location thereof, and the instrument number.

7. For Minor Land Development.

a. Application fee. To defray the cost of inspection, review of the plat for conformance, and notification of the interested parties, the applicant shall pay fees, as specified in the Schedule of Fees and Fines of the Town of Winnsboro, to the Town Clerk at the time of filing for the Final Plat approval.

b. Final Plat approval. The Zoning Administrator shall review the Final Plat and any other municipal recommendations, and testimony and exhibits submitted. The Zoning Administrator shall tentatively approve, approve conditionally, or disapprove the plat. One

(1) copy of the proposed Final Plat shall be returned to the applicant while one (1) copy is retained by the Town for its records bearing the date of approval, conditional approval, or disapproval and written reasons for such actions signed by the Zoning Administrator.

c. Standards for approval of Final Plats. No Final Plat of a proposed development shall be approved by the Zoning Administrator unless the applicant proves by clear and convincing evidence that:

i. The proposed development is consistent with the policies in the Comprehensive Plan;

ii. The proposed development meets the requirements of the Zoning Ordinance and these Land Development Regulations;

iii. Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of development;

iv. If a public sewage system is proposed, adequate provision has been made for such a system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and regulations;

v. All areas of the proposed development which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the applicant and that the proposed uses of these areas are compatible with such conditions;

vi. The applicant has taken every effort to mitigate the impact of the proposed development on public health, safety, and welfare; and

vii. Adequate public access is provided to all proposed lots.

d. **Zoning Administrator procedure.** The Zoning Administrator shall act on the submitted plan or plat within sixty (60) days of the official submission date. Failure to act within sixty (60) days shall constitute automatic approval, and the applicant/developer shall be notified of this in writing. The sixty-day time limit may be extended by mutual agreement between the developer and the Town.

e. **Notification of Action.** Action taken by the Zoning Administrator shall be at a regularly scheduled Planning Commission meeting and notice of the time and place of said meeting shall be sent to the applicant whose name and address appear on or accompany the Preliminary Plat. Such notice shall be sent not less than five (5) days before the date fixed for the meeting.

f. **Final approval.** If the Final Plat and all supplementary data comply with all applicable requirements of this Ordinance and the Zoning Ordinance, the Zoning Administrator shall approve said plat, and approval shall be noted in writing on each copy of the Final Plat. If the Final Plat is denied, the reasons for such action shall be stated in writing and signed by the Zoning Administrator. If deemed necessary, any modifications required by the Zoning Administrator as prerequisites to the approval of the Final Plat shall be noted on the plat. Two copies of the executed plats shall be retained by the Town and the remaining copies returned to the applicant.

g. **Recording of Final Plat**

1. **Signing of the plat.**

a. When a subdivision agreement and security are required, the Zoning Administrator shall endorse approval on the Final Plat after the agreement and security have been approved and all the conditions of the resolution pertaining to the Final Plat have been satisfied.

b. When the installation of improvements is required prior to recording the Final

Plat, the Zoning Administrator shall endorse approval on the Final Plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed.

2. Recordation of plat.

a. No subdivision plat shall be recorded unless it bears the endorsement of the Zoning Administrator

b. The plat shall be filed at the Fairfield County Clerk of Court's Office by the applicant within twelve (12) months of Final Plat approval or the action of the Town shall be null and void unless an extension of time is granted in writing by the Zoning Administrator upon written request of the applicant.

c. Lot Line Adjustments and Combination or Recombination of Lots.

i. The Zoning Administrator will allow plat approval procedures to be bypassed and grant Final Plat approval to the subdivider in the following situations:

ii. The adjustment of lot lines where the total number of lots is not increased and the resultant lots are equal to the standards of this Ordinance and the Zoning Ordinance provided that in making such changes:

iii. No lot or tract of land shall be created or sold that is smaller than the minimum dimensions required by Town regulations,

iv. Easements or rights of way shall not be changed,

v. Street locations and block sizes shall not be changed, and

vi. No lot shall be created which does not abut a public street.

vii. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this Ordinance and the Zoning Ordinance provided that in making such changes:

viii. No lot or tract of land shall be created or sold that is smaller than the minimum dimensions required by Town regulations,

ix. Easements or rights of way shall not be changed,

x. Street locations and block sizes shall not be changed, and

d. No lot shall be created which does not abut a public street.

e. In the case of the above exceptions, the applicant shall submit to the Zoning Administrator three copies of the proposed plat changes along with the application fee.

f. Appeals.

If the Zoning Administrator is designated as the approving authority, a party may appeal a staff action to the Planning Commission. The Planning Commission shall act on the appeal within sixty (60) days. The Planning Commission's action is final. A party may appeal the decision to the circuit court within thirty (30) days of actual notice of the decision.

9.5: Assurance for Completion and Maintenance of Improvements

(A) Completion of improvements.

Before the Final Plat is signed by the Zoning Administrator, all applicants shall be required to complete, in accordance with the Zoning Administrators' decision and to the satisfaction of the Town Engineer, all public improvements, including lot improvements on the individual lots of the development, as required

in these regulations, and to dedicate those public improvements to the Town, free and clear of all liens and encumbrances on the dedicated property and public improvements.

(B) Improvement Agreement and Guarantee

1. Agreement. The Zoning Administrator in collaboration with the Town Administrator, may waive the requirement that the applicant complete and dedicate all public improvements prior to the approval of the Final Plat and, as an alternative, permit the applicant to enter into a subdivision improvement agreement by which the covenants to complete all required public improvements shall be fulfilled no later than two (2) years following the date on which the Zoning Administrator signs the Final Plat.

2. Security. Whenever the Zoning Administrator permits an applicant to enter into a subdivision improvement agreement, it shall require the applicant to provide a performance bond, cashier's check, letter of credit, or cash escrow as security for the promises contained in the subdivision improvement agreement.

- **a.** The security shall be in an amount equal to one hundred and fifty percent (150%) of the cost as estimated by the Town of any improvements which have not been constructed, installed, and completed in compliance with the requirements of this Ordinance prior to the posting of said security and for which sufficient certification has been furnished.
- **b.** In the event that any or all the required improvements are not completed within the time specified by the Commission, the Town may let or re-let the contract, using the posted security to defray the costs of such required improvements.

3. Certificate of satisfactory completion. The governing body will not accept dedication of required improvements, nor release or reduce the amount of any security posted by the applicant until:

- **a.** The Zoning Administrator has submitted a certificate stating that all required improvements
- **b.** have been satisfactorily completed;
- **c.** The applicant's engineer or surveyor has certified, through submission of a detailed survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the Zoning Administrator, that the layout of the line and grade of all public
- **d.** improvements is in accordance with the construction plans; and
- **e.** A title insurance policy has been furnished to and approved by the Town Attorney indicating that the improvements have been completed, are ready for dedication to the Town or other appropriate entity, and are free and clear of any and all liens and encumbrances.

4. Acceptance of dedication offers

Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the Town before Final Plat approval. The approval of a subdivision plat by the Zoning Administrator, whether preliminary or final, shall not be deemed to constitute or imply the acceptance by the Town of any street, easement, or park shown on the plat. The Zoning Administrator may require the plat to be endorsed with appropriate notes to this effect.

5. Maintenance of improvements

The applicant shall make such adequate provisions as shall be required by the Zoning Administrator for the perpetual maintenance of all public facilities in the subdivision until such obligations have been assumed by another entity.

6. Issuance of Building Permits and Certificates of Occupancy.

When a subdivision improvement agreement and security have been required for a development, no Certificate of Occupancy for any building in the subdivision shall be issued prior to the completion of the required public improvements and the acceptance of the dedication of those improvements by either the Town or the County, as required in the Zoning Administrator's approval of the Final Plat. If a subdivision is to be phased in, building permits and certificates of occupancy may be issued upon completion of required public improvements for the active phase only.

ARTICLE 10: DEVELOPMENT DESIGN STANDARDS

9.6: General

The design standards contained herein shall be considered minimum standards. Higher standards are to be encouraged in subdivision design. The following standards shall be applied toward that end.

(A) Lots

1. All lots shall be accessible by public streets.

2. The lot size, width, shape, grade, and orientation shall be in relation to the street and block design, existing and proposed topographical and natural vegetative conditions, and the type of development and use contemplated.

3. All lots shall meet the minimum area requirements for the zoning district within which they are located.

4. Corner lots shall be of sufficient size and shape to permit the required building setback and orientation to both streets.

5. When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be dedicated to the Town and recorded with the deed.

(B) Flag lots

1. Flag lots shall not be permitted when their effect would be to increase the number of properties requiring direct and individual access connections to State Highway System or other major thoroughfares.

2. Flag lots may be permitted for residential development when deemed necessary to achieve planning objectives, such as preserving natural or historic resources, under the following conditions:

a. Flag lot driveway shall be separated from other driveways by at least the minimum lot width requirement.

b. The flagpole shall have a minimum width of twenty feet (20').

c. In no instance shall flag lots constitute more than ten percent (10%) of the total number of building sites in a subdivision.

d. The lot area of the flagpole shall not be counted as part of the required minimum lot area of that zoning district.

of the zoning district

(C) Streets and roads.

1. General requirements

a. Frontage on approved roads. Major subdivisions shall not be approved unless the pre- subdivided parcel/development has frontage on and/or access from a public street.

b. Classification. All roads shall be classified as arterial, collector, or local. US Highways 321 is classified as arterial roads.

2. Intersections

a. Not more than two (2) streets shall intersect at any one point.

b. All streets shall intersect at right angles as nearly as possible, subject to variations approved by the Town Engineer upon evidence of good cause. In no case shall streets intersect at an angle of less than seventy-five (75) degrees.

c. Street intersections shall be one hundred fifty feet on center (150' o.c.), min., measured along the centerline of the street being intersected.

d. Street intersections shall be located at least one hundred fifty feet (150') from the right of way of any railroad, measured from the center point of the intersection to the railroad right-of-way line nearest the intersection.

e. Right-of-way and pavement widths. Public-street rights of way and pavement widths shall be not less than:

Required Right-of-Way and Pavement Widths

Street Classification	Pavement Width	Right-of-Way Width
Local Street	20-24 feet	40-50 feet
Collector Street	24-30 feet	50-70 feet
2-Lane	24-36 feet	60-80 feet
3-Lane	36-40 feet	70-90 feet
Arterial	Per State Requirements	

3. Blocks. Block size and shape shall reflect the physical characteristics of the site regarding topography, applicable zoning requirements, natural growth, and soil conditions and shall permit lot access, traffic circulation, and control and safety of traffic.

a. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets (arterials), railroads, or waterways.

b. No block shall be less than two hundred feet (200'). For local streets, no block shall be more than one thousand feet (1,000') in length. Where

practicable, blocks along highways and arterials, and collector streets shall be no more than one thousand feet (1,000') in length. Minimum on-center spacing of public street intersections with arterials shall conform to SCDOT standards.

c. Blocks in commercial and industrial areas may vary from the elements of design previously detailed if required by the nature of the use, subject to the approval of the Zoning Administrator.

4. Road names. Names shall be sufficiently different in sound and spelling from other road names in the municipality so as not to cause confusion. A road that is (or is planned as) an extension of an existing road shall bear the same name.

5. Joint and cross-access.

a. Adjacent commercial or office properties shall provide a cross- access drive and pedestrian access to allow circulation between sites.

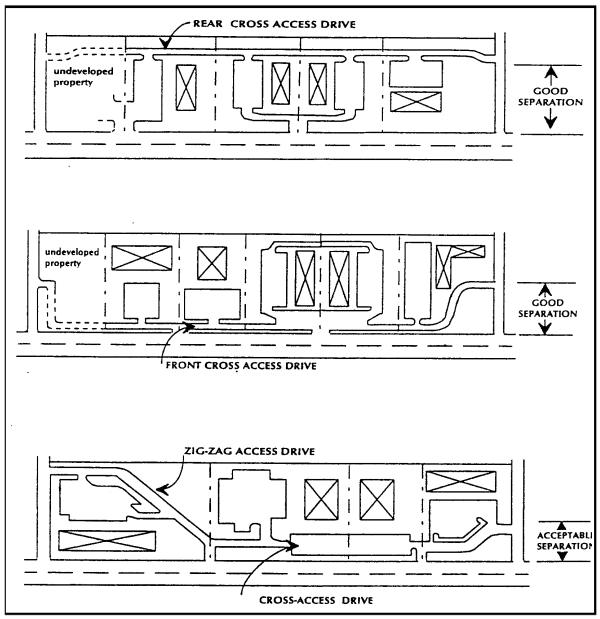
b. A system of joint-use driveways and cross-access easements as shown in the figure below shall be established wherever feasible along arterial roads, such as US Highway 321, and the building site shall incorporate the following:

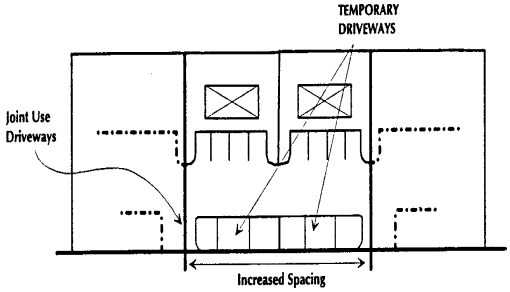
- A continuous service-drive or cross-access corridor extending the entire length of each block served to provide for driveway separation.
- A design speed of ten miles per hour (10 mph) and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles.
- Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.
- A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.

c. Pursuant to this section, property owners shall:

- Record an easement with the deed allowing cross-access to and from other properties served by the joint- use driveways and the cross-access or service drive;
- Record an agreement with the deed that remaining access rights along the thoroughfare will be dedicated to the Town and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
  Record a joint maintenance agreement with the deed defining the maintenance responsibilities of property owners.

d. The Zoning Administrator may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make the development of a unified or shared access and circulation system impractical.





7. Shared access.

a. Subdivisions with frontage on the state highway system shall be designed with shared access points to and from the highway. Normally a maximum of two (2) accesses shall be allowed regardless of the number of lots or businesses served.

b. Direct access to individual one- and two-family dwellings (private driveways) shall be prohibited on the state and federal highways to residential lots of less than one (1) acre.

8. Connectivity.

a. The street system of a proposed subdivision shall be designed to coordinate with existing, proposed, and planned streets outside of the subdivision.

b. Whenever a proposed development abuts unplotted land or a future development phase of the same development, street stubs shall be provided as deemed necessary by the Town to provide access to abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be provided with temporary turnarounds unless specifically exempted by the Town, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.

c. Collector streets shall intersect with other collector or arterial streets at safe and convenient locations.

d. Sub-collector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods and to facilitate emergency access and evacuation, but such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

e. Subdivisions on a single residential access street ending in a cul-de-sac shall not exceed twenty-five (25) lots or dwelling units, and the cul-de-sac shall have a minimum cartway radius of thirty feet (30').

(D) Sidewalks

1. Sidewalks Required: Concrete sidewalks shall be installed on both sides of new streets in residential and commercial subdivisions. Sidewalks shall be a minimum of 5 feet wide or as noted on the applicable street section in Article 11, meet all American with Disability's Act (ADA) Standards and shall be in accordance with the South Carolina Department of Transportation Standard Specifications for Highway Construction, latest edition.

2. Multi-use Paths: Where shown on an adopted plan, a multi-use path a minimum of 10-12 feet in width shall be provided. The multi-use path shall be in lieu of any required sidewalk on that side of the street.

3. Timing of Sidewalk and Multiuse Path Construction: All sidewalks must be constructed before each house or structure receives a final Certificate of Occupancy or, if the street is already constructed, prior to acceptance of any improvements. Exceptions to or partial waiver of this requirement may be granted by the Zoning Administrator if:

4. Alternative pedestrian paths/bikeways have been or will be provided outside of the normal right-of-way; or

5. There are unusual topographic, vegetative, or other natural conditions to the extent that strict adherence to said requirements would be unreasonable and not consistent with the purposes and goals of the UDO.

6. Design Standards – 4-inch-thick concrete

7. Where existing sidewalk abuts an area where new sidewalk is to be developed, the new sidewalk shall be the same width as the existing sidewalk.

8. Within commercial areas and places with high pedestrian volumes, sidewalks should be designed to meet the anticipated pedestrian/traffic volume as well as accommodate outdoor seating.

9. Multi-family and planned developments shall provide sidewalks for interior movement of pedestrians and for interior to connect to public sidewalk system.

10. Sidewalks shall be constructed of concrete or other approved materials and built in accordance with applicable ADA provisions.

11. Where a sidewalk must be constructed at the back of curb and can't accommodate a street tree planting area because of right-of-way, topographic or existing building limitation the minimum width shall be increased by 2 feet. Where a sidewalk abuts a wall the minimum width shall increase by 1 foot.

12. Alternative Compliance: Alternative provisions for pedestrian movement meeting the intent of this section may be used where unreasonable or impractical situations would result from application of these requirements. Such situations may result from significant street trees, impending road widening, topography, utility easements, lot configuration

or other unusual site conditions. In such instances, Town Staff may approve an alternate plan that proposes different pedestrian amenities provided that the intent of this section is fulfilled.

13. Payments in Lieu: In lieu of alternative compliance in D above, Town Staff may approve a payment in lieu (in accordance with an adopted annual fee schedule) where any one or a combination of factors render compliance impractical:

14. Steep slopes

15. Absence of existing sidewalks along the corridor and in the general neighborhood

16. Where sidewalks are not shown on the Town's adopted Comprehensive Plan or other adopted plan.

(K) Recreation Sites

1. **Required dedication.** For major subdivisions, the Zoning Administrator shall require the provision of three (3) acres of recreation area for every one hundred (100) dwelling units.

2. Minimum size. In general, land reserved for recreation purposes shall have an area of at least two (2) acres. When the ratio of dwelling units to the recreational area would create a park less than two (2) acres, the Zoning Administrator may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall land less than one-half (0.5) acre be reserved.

3. Location. The recreation site shall be on land suitable for use as a playground, playfield, or for other recreational purposes. The developer shall improve the site to the standards required by the Zoning Administrator. The recreational site shall front on at least one (1) road.

4. Money in lieu of land. Where, with respect to a particular subdivision, the reservation of land required pursuant to the requirements of this section does not equal the minimum required size of the recreation area, the Zoning Administrator shall require, before final approval of the subdivision plat, that the applicant deposit with the Town a cash payment instead of dedication. Such deposit shall be placed in a Neighborhood Park and Recreation Improvement Fund to be established by the Town. The fund shall be used for the improvement of a neighborhood park, playground, or recreation area, including the acquisition of the property. The Zoning Administrator shall determine the amount to be deposited, based on the following formula: two hundred dollars ($200) multiplied by the number of lots the parcel can be divided into by the required minimum lot size of the zoning district in which it is located using net developable land, less a credit for the land actually reserved for recreation purposes if any.

(G) Stormwater drainage.

1**.** Drainage easements shall be provided so that hazards to properties within the proposed subdivision are minimized and neighboring properties will not be adversely affected by the increased run-off after development. All new development shall meet the stormwater

requirements and best management practices for the South Carolina Department of Environmental Services.

2. Location.

a. Where conditions make impractical the inclusion of drainage facilities within road rights of way, perpetual, unobstructed easements at least fifteen feet (15') in width for drainage facilities shall be provided across the property with satisfactory access to the nearest roadside drainage ditch/culvert. Easements shall be indicated on the plat. Drainage easements shall extend from the road to a natural watercourse or other drainage facilities.

b. Where practicable, drainage easements shall center along or be adjacent to a common property line.

c. When a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right of way conforming substantially to the lines of such watercourse, and of such width and, where applicable, construction as will be adequate for the purpose.

d. Wherever possible, in the event of artificial drainage ways, the drainage should be maintained by an open channel with landscaped banks and adequate width for the maximum potential volume of flow.

e. Natural drainage ways shall be preserved in their natural state.

f. Low-lying lands along watercourses subject to flooding or overflowing during storm periods shall be reserved as drainage ways.

2. **Maintenance**. Unless otherwise specified, the applicant shall be responsible for the general maintenance of easements. The Town or utility companies with lines in such easements shall have full right of access.

3. **Clearance.** All stumps, debris, trash, and fallen trees within the easement right of way shall be cleared and removed.

(H) Utilities.

1. Easements. Adequate areas of suitable size and location shall be allocated for utility easements. The location and size of such easements shall be worked out with the public and private utilities, shall center along or be adjacent to a common property line where practicable, and shall be installed underground except where unusual circumstances prohibit such practice. Each cul- de-sac or dead-end street shall have provisions for a fifteen-foot (15') utility easement **extending along the property line to prevent dead-end utilities.**

2. Maintenance. Unless otherwise specified, the applicant shall be responsible for the general maintenance of easements. The Town or utility companies with lines in such easements shall have full right of access.

3. Clearance. All stumps, debris, trash, and fallen trees within the easement right of way shall be cleared and removed.

(I**) Water supply and sewer connections.** Where a public water supply or public sewage system is reasonably accessible, the developer shall indicate a connection with such water supply or

sewage system and a water and sewage connection for each lot with such material and to such size and length as shall be approved by the Public Works Department. Where a public water supply or public sewage system is not reasonably accessible or not planned for in the future, an alternate method of water supply or sewage disposal may be indicated and shall be approved in writing by the Department of Environmental Services.

1. Any Major Subdivision within one thousand (1,000) feet of water and sewer lines shall be required to tap into such lines, and such connections shall be shown on Preliminary and Final Plats with appropriately sized pipes as approved by the Public Works Department. Such infrastructure shall be in place per the public improvement requirements of the Final Plat.

2. Fire hydrants. Fire hydrants shall be required for all subdivisions connected to a public water system. Fire hydrants shall be located no more than 1,000 feet apart and within 500 feet of any structure and shall be approved by the fire department.

ARTICLE 11: IMPROVEMENT STANDARDS

11.1: General

(A) Intent. Assurance of completion of improvements is necessary to protect the prospective lot buyer and the Town from the liability of the creation of lots without the provision of necessary services. To protect both the lot buyer and the Town and to ensure that the subdivision is an asset to the community, the improvements required by these regulations shall be installed prior to the approval of the Final Plat.

(B) General Conformance. Improvements shall be installed per the requirements and standards outlined in this Ordinance and other specifications and policies of the Town of Winnsboro, Fairfield County, the State of South Carolina, and other public agencies of jurisdiction.

(C) Commencement. No construction or installation of improvements shall begin in a proposed subdivision until the Preliminary Plat has been approved by the Zoning Administrator and unless all applicable permits have been issued.

(D) Access. All public agencies shall have access to the premises and structures of a subdivision under this Ordinance during reasonable hours to make those inspections as deemed necessary by them to ensure compliance with the provisions of this Ordinance.

(E) Inspection. Before beginning any work within the subdivision, the developer and/or developer's contractors shall make arrangements with those public agencies charged with the enforcement of the provisions of this Ordinance to provide for adequate inspection of the improvements.

(F) Final Plat Approval. Approval of the Final Plat for recording shall not be given by the Zoning Administrator unless the developer has installed the required improvements as specified and required herein or has provided a financial guarantee as explained in this Ordinance.

(G) Changes in the approved plans and specifications. If exigencies of construction necessitate changes in the approved plans and specifications, the developer shall request approval of such changes from the Zoning Administrator.

(H) Markers

1. Markers shall be constructed of steel rods or iron pipes one-quarter of an inch (1/4") or three- quarters of an inch (3/4") in diameter, minimum respectively, and not less than twenty-four (24") inches long, shall be placed vertically in the ground to extend twelve inches (12") above the finished grade and shall be flagged with durable, colored material of six square inches (6"2) of surface area per side, min.
2. Markers shall be installed at the following locations:
    a. All angles formed by the intersection of lot lines and
    b. All exterior corners of the subdivision.

(I) Roads

1. Roadway clearance. All stumps, debris, trash, and fallen trees within the road right of

way shall be cleared and removed. All paved areas shall be cleared of significant soil sedimentation.

2. **Paved roads.** All paved streets shown on the Final Plat shall be graded, constructed, and surfaced per the following details and specifications. Any subdivision or development of land for purposes of sale or lease or any other purpose not specifically exempted shall have only paved roads complying with the South Carolina Department of Highways and Public Transportation Standards. Paved public streets must be properly dedicated and accepted by the County for maintenance. The donor and the contractor who have constructed the road shall submit an affidavit stating that all construction costs have been paid and that the road is free of all encumbrances. This affidavit is required by Section 57-1-110 of the Code of Laws of South Carolina, 1976, as amended.
3. **Clearing and grubbing.** Clearing and grubbing of the required right of way shall be completed per specifications contained in the South Carolina Department of Highways and Public Transportation, Standard Specifications for Highway Construction, latest edition.
4. **Subgrade**. Subgrade work shall be completed per specifications contained in the South Carolina Department of Highways and Public Transportation, Standard Specifications for Highway Construction, latest edition.
5. **Roadway base and surfacing.** Roadway base work and surfacing shall be carried out per one of these alternatives (based on asphalt concrete surface course weight of 125.3 lbs./ft3) acceptable to the South Carolina Department of Highways and Public Transportation.
6. **Indemnification and hold-harmless agreements.** The developers must require and receive a hold-harmless agreement and indemnification agreement signed by each landowner. These agreements shall be presented to and approved by the Town Attorney prior to Final Plat approval and shall operate to relieve the Town of any liability or responsibility arising from the construction and use of the said private road. This release shall be in favor of the Town for any harm that may result from the use of the private road by adjoining landowners, visitors, or any user of the road, including the public at large. Each signed agreement will be recorded with the plat, and reference shall be made as to the character of the road on the plat.
7. **Maintenance of Private Roads.** A system or means shall be established to provide for the continued maintenance of the road and associated storm drainage system.
    a. This agreement must be approved before Final Plat approval and may include but not be limited to the following methods:
        - **i.** Perpetual Maintenance Agreement,
        - **ii.** Homeowners Association,
        - **iii.** Landowners Agreement, and/or
        - **iv.** Creation by the developer of a performance bond or other form of security as determined appropriate by the Zoning Administrator.
    b. Disclosure of private-road status.

i. Roads approved must be distinguished as private roads and not a maintenance responsibility of the Town, County, or State. Plats, street signs, and other references, as required, shall serve to put persons on notice as to the privacy of the road.

ii. The developer shall install signs at the beginning of the private road reading "State Maintenance Ends."

iii. The maintenance system as provided must be adequately described to potential purchasers and become a responsibility of each landowner as evidenced by recordation with each deed, plat, or restrictive covenant.

8. Shoulders and ditches.

a. All shoulders and slopes shall be prepared in compliance with the South Carolina Department of Highways and Public Transportation, Standard Specifications for Highway Construction, latest edition.

b. All shoulders and slopes shall be protected from erosion.

c. Street name signs. Street name signs shall be installed at all intersections by the subdivider. The design, construction, materials, and placement of all street name signs shall conform to the requirements of the Town or a comparable Street Name and House Numbering Plan approved by the Fairfield County E11.

9. Stop signs. Stop signs shall be placed at all cross-type and "T" type intersections – except those at which SCDOT places three-light traffic signals – in conformance with the requirements contained in the South Carolina Manual on Uniform Traffic Control Devices for Streets and Highways.

(J) Easements. Easements shall be provided as required in Design Standards for this Ordinance for road rights of way and as required for the installation and maintenance of all utility systems.

(K) Drainage. A drainage system shall be designed and constructed by the subdivider consistent with the design principals and standards contained in the Design Standards of this Ordinance and adequate to provide proper drainage of the surface water of the subdivision, the drainage area of which it is a part, and the protection of downstream property owners from any increased runoff due to development.

(K) Sanitary sewage disposal system. A sanitary sewage disposal system shall be designed and constructed by the subdivider consistent with the design principles and standards contained in the Design Standards of this Ordinance.

(L) Water supply system. A water supply system shall be designed and constructed by the subdivider consistent with the design principles and standards contained in the Design Standards of this Ordinance.

11.2: Traffic Impact Analysis

(A) General. All Land Development or Major Subdivision developments shall have a Traffic Impact Analysis, based on Sec. 11.2.b below, performed by an on-call consultant hired by the Town at the

expense of the applicant. This analysis shall be undertaken to ensure that access to all proposed developments and subdivisions is accomplished in a safe manner.

1. The standards in the South Carolina Department of Transportation's Access and Roadside Management Standards Manual shall serve as a guide for this Analysis, which shall include identification of the following:

2. Access improvements that the applicant must install at his or her expense, such as deceleration lanes.

3. The location of any curb cuts based on, but not limited to sight distances, existing roadway infrastructure, opposing driveways locations and shared access.

4. Requirements for adequate driveway design, including but not limited to, turning radius and throat length.

5. The access requirements approved by the Town Engineer or designee shall be incorporated on development or subdivision plans prior to their approval.

6. If an applicant is required to provide site-related traffic improvements, the cost of implementing such improvements shall be borne by the applicant and no such costs shall be eligible for a credit or offset from any transportation impact fees.

(B) Traffic Impact Analysis Required

1. Applicability: A Traffic Impact Analysis (TIA) shall be required for any development that would generate more than 50 trips during the peak hour on the adjacent street in accordance with the ITE Trip Generation Manual, latest edition.

2. A second phase, second subdivision, or addition that generates traffic beyond this threshold when taken as a whole shall also require a TIA, even though that development does not qualify on its own.

3. Change of Use: A new TIA will be required if the new use would generate traffic beyond the 50 trips during peak hour threshold.

4. A TIA can be required at any time as determined by the Town Engineer or designee in his/her discretion and judgment when there is a belief that the development may have an adverse impact to the surrounding area.

5. Thorough and complete TIA's are the responsibility of the applicant. Failure by the applicant to provide a complete TIA may result in review delays for their plat or plan.

(C) Traffic Impact Analysis Plan Preparation

1. The TIA shall be conducted by an engineer registered in South Carolina that is experienced in the conduct of traffic analysis, whom is one of the consultants the Town has previously selected for on-call traffic study services.

2. Prior to beginning the traffic impact analysis plan, the applicant shall supply the Town with the following:

3. A written narrative describing the proposed land use(s), size and projected opening date of the project and all subsequent phases;

4. A site location map showing surrounding development within a one-half mile of the property under development consideration; and

5. A proposed site plan or preliminary subdivision plat illustrating access to public or private roads and connectivity to other contiguous developments.

6. The Town will rely upon the most current edition ITE trip generation manual or any alternative acceptable to the Engineering Department, and available information on land use, travel patterns and traffic conditions. After consulting with the SCDOT, the Town Engineer or designee will supply in writing to the applicant and/or his engineer the parameters to be followed in the study including the directional split of driveway traffic, trip distribution, background traffic growth rate, previously approved but not completed projects and the intersections to be analyzed along with any associated turning movement counts which are available or discussed and approved by the Town.

7. After determination of the TIA's scope of services, the applicant shall provide a cost estimate of such services to the Town for review and concurrence, The applicant shall provide an amount equal to the estimate to the Town Engineer or designee, who will deposit the amount in an escrow or special account set up for this purpose before the consultant's services are obtained. Any funds not used shall be returned to the applicant in a timely manner without interest.

8. Additional fees for the TIA may be required if: the applicant substantially amends the application; additional meetings involving the consultant are requested by the applicant; the consultant's appearance is requested at Planning Commission or Town Council meetings beyond what was initially anticipated; or the consultant's attendance is required at meetings with regional, state, or federal agencies or boards which were not anticipated in the earlier scope of services. The applicant must reimburse the Town these costs prior to the development plan or plat approval.

(D) Plan Contents

1. All phases of a development are subject to review, and all traffic plans for the entire development shall be integrated with the overall traffic analysis. A traffic impact analysis plan for a specific phase of development shall be applicable to the phase of development under immediate review. However, each phase of development shall expand and provide detailed analysis at the development plan stage beyond the estimates provided for at the concept plan or master plan stage.

2. Efficient traffic operations, safety and pedestrian accessibility are to be considered in the development plan. The adequacy of the roads to which the development takes access shall be assessed in the TIA. Recommendations for improvements shall be made where operational or safety concerns exist and installation of these improvements shall be required as a condition of any approval from the Town. The relative share of the capacity improvements needed shall be broken down as follows: development share, other developments share, any existing over capacity, and capacity available for future growth.

The following elements shall be included in a traffic impact analysis plan:

a. Study Area - Description of the study area including surrounding land uses and expected development in the vicinity that would influence future traffic conditions. The study area shall include the intersections immediately adjacent to the development and those identified by the Town Engineer. These intersections may include those not immediately adjacent to the development if significant site traffic could be expected to impact the intersection. If intersections impacted by the

development are within a coordinated traffic signal system, then the entire system shall be analyzed. If the signal system is very large, a portion of the system may be analyzed if approved by the Town Engineer and SCDOT. A study area site map showing the site location is required.

b. Proposed Land Use - Description of the current and proposed land use including characteristics such as the number and type of dwelling units, gross and leasable floor area, number of employees, accompanied with a complete project site plan (with buildings identified as to proposed use). A schedule for construction of the development and proposed development stages should also be included.

c. Existing Conditions - Description of existing traffic conditions including existing peak¬ hour traffic volumes adjacent to the site and levels of service for intersections in the vicinity, which are expected to be impacted. Existing traffic signal timings should be used. In general, AM and PM peak hour counts should be used, but on occasion other peak periods may need to be counted as determined by the Town Engineer or designee. In some cases, pedestrian counts will be required. Data should be adjusted for daily and seasonal variations. Existing counts may be used if taken within 12 months of the submittal of the TIS. In most cases, counts should be taken when school is in session unless otherwise determined by the Town Engineer or designee. Other information that may be required may include, but not limited to, crash data, stopping sight distances, and 50th and 85th percentile speeds.

d Future Background Growth - Estimate of future background traffic growth. If the planned completion date for the project or the last phase of the project is beyond 1 year of the study an estimate of background traffic growth for the adjacent street network shall be made and included in the analysis. In general, the growth factor will be determined from local or statewide data. Also included, is the state, local, or private transportation improvement projects in the project study area that will be underway in the build-out year and traffic that is generated by other proposed developments in the study area.

e. Estimate of trip generation - The site forecasted trips should be based on the most recent edition of the ITE Trip Generation Manual. A table should be provided in the report outlining the categories and quantities of land uses, with the corresponding trip generation rates or equations, and the resulting number of trips. The reason for using the rate or equation should be documented. For large developments that will have multiple phases, the table should be divided based on the trip generation for each phase. Any reductions due to internal trip capture and pass-by trips, transit use, and transportation demand management should be justified and documented. All trip generation and trip reduction calculations and supporting documentation shall be included in the report appendix.

f. Trip Distribution and Traffic Assignment - The distribution (inbound versus outbound, left turn versus right turn) of the estimated trip generation to the adjacent street network and nearby intersections shall be included in the report and the basis should be explained. The distribution percentages with the corresponding volumes should be provided in a graphical format.

g. Analysis and Estimate of lmpact - A capacity analysis should be performed at each of the study intersections and access intersection locations (signalized and

unsignalized) in the vicinity of the development. Intersection analysis shall include LOS determination for all approaches and movements. The levels of service will be based on the procedures in the latest edition of Transportation Research Board's

h. Highway Capacity Manual. Coordination analysis will be required for the signal systems or portion of the signal systems analyzed.

i. Access Management Standards - The report shall include a map and description of the proposed access including any sight distance limitations, adjacent driveways and intersections, and a demonstration that the number of driveways proposed is the fewest necessary and that they provide safe and efficient traffic operations.

j. Traffic signalization: If a traffic signal is being proposed, a signal warrant analysis shall be included in the study. The approval of a traffic signal on projected volumes may be deferred until volumes meet warrants given in the MUTCD, in which the developer shall provide funds for the future signal(s) to the Town to deposit in an escrow or special account set up for this purpose. The developer should make any laneage improvements during construction so that if in the horizon year a signal is warranted, one may be installed with little impact to the intersection.

k. Mitigation and alternatives - The traffic impact study should include proposed improvements or access management techniques that will mitigate any significant changes in the levels of service. The Town Engineer will be responsible for final determination of mitigation improvements required to be constructed by the applicant.

(E)Traffic Impact Analysis Plan Review: The Town Engineer or designee shall review all traffic impact analysis plans as part of the initial approval for the concept plan or master plan. Final traffic impact analysis plans shall be approved at the development plan phase.

(F) Action on Traffic Impact Analysis Plan: The Town Engineer or designee must first approve the TIA in regard to completeness and accuracy. Following review of the required impact analysis plan, Town Engineer or designee shall recommend action as follows:

1. Approval of the traffic impact analysis as submitted;

2. Approval of the traffic impact analysis plan with conditions or modifications as part of the development review and approval process. An acceptable traffic impact analysis plan with traffic mitigation measures may include the reduction of the density or intensity of the proposed development; phasing of the proposed development to coincide with state and/or county- programmed transportation improvements; applicant provided transportation improvements; fees in lieu of construction, or any other reasonable measures to ensure that the adopted traffic service level goals are met. If mitigation is required, it shall be required as a condition of any approval from the Town.

3. Timing of lmplementation: If a traffic mitigation program is part of an approved traffic impact analysis plan, the developer may be required to place a performance bond on all traffic mitigation improvements required as a result of his project. This requirement may arise if the timing of the improvements needs to be synchronized with other scheduled improvements anticipated for the area. The amount of the performance bond shall be equal to 150% of the estimated construction cost for the required traffic mitigation improvements.

4. Responsibility for Costs of Improvements: The costs of implementation of an approved mitigation program shall be the responsibility of the applicant. No certificates of zoning compliance or building permits shall be issued unless provisions of the transportation impact analysis are met.

5. Traffic Goals: The average stop time delay in seconds per vehicle for each intersection determined to be critical to the traffic impact analysis for the proposed development shall be compared to the Town's adopted traffic service level goal of "D" for the average delay for all vehicles at any intersection and all movements and approaches to the intersection during the a.m. and p.m. peak hours.

6. Function and Safety Improvements: The Town Engineer or designee may require improvements to mitigate and improve the safety and function of multiple transportation modes the site traffic may impact. These improvements may not be identified in the TIA, but improvements to benefit the function and safety of the transportation system of the development site. These improvements may include but are not limited to center medians, sidewalks and/or bicycle accommodations, modifications to ingress and egress points, roadside shoulders, pavement markings, traffic calming and other traffic control devices.

ARTICLE 12: DEFINITIONS

12.1: Intent

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

(B) Interpretation

1. Words used in the present tense include the future tense.

2. Words used in the singular number include the plural, and words used in the plural number include the singular.

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

4. The word "lot" includes the word "plot" "parcel" or "tract."

5. The word "shall" is always mandatory.

6. The word "structure" shall include the word "building."

7. The word "used" or "occupied" as applied to any land or building shall include the words "intended, arranged, or designed to be used or occupied."

8. Any word denoting gender includes the female and the male.

12.2: Words and Terms Defined

Accessory. As applied to a use or structure, means customarily incidental and subordinate to the principal use or structure, and on the same premises of such use or structure.

Alley. A public or private right of way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Alteration of Buildings. Any change in the supporting members of a building, such as load bearing walls, beams, columns, or girders, except for its safety; any addition to a building; any change in use from that of one district classification to another; or of building from one location to another.

Applicant. The owner of the land proposed to be subdivided or it's representative who shall have express written authority to act on behalf of the owner. The consent shall be required of the legal owner. The terms "subdivider" and "developer" can mean the applicant.

Arterial road. A road intended to move through-traffic to and from major attractors such as central business districts, regional shopping centers, and major industrial areas; and/or as a route for traffic between communities or large areas; and/or which carries high volumes of traffic.

Board of Zoning Appeals (BZA). The Town of Winnsboro Board of Zoning Appeals.

Building. Any structure, except a mobile home, having a roof supported by columns or walls and

which is designed for shelter, support, or enclosure of persons, animals, or property of any kind.

Building, Accessory. A detached building subordinate to the main building on a lot and used for purposes customarily incidental to that of the main or principal building and located on the same lot therewith. Uses customarily accessory to dwellings are:

a. Private garage not to exceed the following storage capacities:
One or two family dwelling---------- 4 automobiles
Multiple-family dwelling---------- 2 automobiles per dwelling unit
Group dwelling ---- 1.5 automobiles per sleeping room

b. Shed or tool room for the storage of equipment used in grounds or building maintenance.

c. Private kennel for no more than three (3) dogs or three (3) cats, or any combination thereof four (4) months of age or older.

d. Private swimming pool and bath house or cabana.

e. Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.

f. Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or smokehouse not over twelve (12) feet in height.

Building, Height of. The vertical distance from the mean elevation of the finished grade adjoining all exterior walls of the building to the highest part of the coping of a flat room, or to the highest point of a gable, pitch or hip roof. (See Section 5-9 for exclusions from height limits)

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

Building Site. The land area occupied or to be occupied by a building and its accessory buildings and including such open spaces, yards, minimum area off-street parking facilities, as are required by this Ordinance

Block. Land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights of way, shorelines of waterways, or boundary lines of municipalities.

Bond. Any form of a surety bond in an amount and form satisfactory to the Governing Body. All bonds shall be approved by the Town Council whenever a bond is required by these regulations.

Centerline of Streets: A line surveyed and monumented as such, or if a centerline has not been surveyed and monumented, it shall be that line running midway between the outside lines of right-of-way of the street.

Completely Enclosed Structure: A building enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrance and exit doors.

Collector road. A road intended to move traffic from local roads to arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

Construction plan. The maps or drawing accompanying a subdivision plat and showing the

specific location and design of public/infrastructure improvements to be installed in the subdivision in accordance with the requirements of the Zoning Administrator as a condition of the approval of the plat.

Contiguous. Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of the other lot.

Coverage. That percentage of the lot area covered by the building area.

Cul-de-sac. A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Design criteria. Standards that set forth specific improvement requirements.

Developer. The owner of the land proposed to be subdivided or its representative who is responsible for any undertaking that requires review and/or approval under these regulations. See Subdivider.

District. One of any number of continuous and contiguous geographic areas within which the provisions and regulations of this Ordinance apply uniformly to each class or kind of structure or land.

Easement. Authorization by a property owner for another to use the owner's property for a specified purpose.

Escrow. A deposit of cash with the local government or escrow agent to secure the promise to perform some act.

Family. One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such unit shall contain over four persons, but further provided that no more than three domestic servants employed on the premises may be housed within the single dwelling unit without being counted as family or families.

Final Plat. The map of a subdivision to be recorded after approval by the Zoning Administrator and any accompanying material as described in these regulations.

Flag lot. A mostly landlocked lot, surrounded by lots on all sides, that accesses a public right of way by means of a narrow strip of property projecting from the main body of the block.

Flagpole. A narrow strip of property joining a flag lot to a public right of way for means of access.

Frontage. That side of a lot abutting a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Frontage road. A public or private drive that generally parallels a public street between the right of way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street.

Highway. See Arterial Road.

Grandfathered. To allow certain situations to exist or continue based on an older rule even though a new rule is now in place. The continued use of property as it was when restrictions or zoning ordinances were adopted. **Gross Floor Area:** The total horizontal area of all floors of a building including interior balconies and mezzanines, measured from the exterior faces of the exterior walls of a building including the walls of roofed porches having more than one wall. The gross floor area of a building shall include the floor area of accessory buildings on the same building site measured in the same way.

Group Housing Development. A single lot of record upon which is erected more than one

building containing dwelling units, and all the structures thereon; or a single lot upon which is erected a single structure designed to contain more than four dwelling units on the first floor thereof or designed to contain more than eight dwelling units throughout.

Home Occupation. An occupation, profession, or trade customarily, and commonly, carried out by an occupant in a dwelling unit as a secondary use which is clearly incidental and subordinate to the residential character of the dwelling unit, and which, for purposes of this Ordinance, shall in all cases comply with the provisions of Section 7-7.

Homeowners' association. An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision (be it a lot, parcel site, unit plot, condominium, or any other interest) is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated share of expenses of the association which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.

Improvements. See Public Improvements.

Land Development. A change in land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, or similar developments for sale, lease, or any combination of owner and rental characteristics.

Local road. A road whose sole function is to provide access to abutting properties and to other roads from individual properties.

Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or possession or for development.

Lot, corner. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees with frontage on two streets.

Lot of Record: A lot defined by plat or described by metes and bounds which has been duly recorded with the Clerk of Court of the County of Fairfield, South Carolina.

Lot Lines: The lines bounding a lot.

Lot Measurements:

(a) Depth of a Lot: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

(b) Width of a Lot: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width; in the case of lots fronting on a cul-de-sac, the width between side lot lines at their foremost points shall not be less than 20 feet.

(c) Lot frontage: The front of an interior lot shall be constructed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided upon that basis. The phrase "street frontage" shall be interpreted to have the same meaning as the phrase "lot frontage".

Lot Types: The following describes the terminology used in this chapter with reference to corner lots:

(a) Corner Lot: The lot located at the intersection of two or more streets. For the purposes of this

chapter, a lot abutting upon a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the side lot lines to the foremost point of the lot (or an extension of the lot where it has been rounded by a street radius) meet at an interior angle of less than 135 degrees.

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

Through Lot: A lot other than a corner lot, with frontage on more than one street

Major Land Development. All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the local government facilities or the creation of any public improvements.

Minor Land Development. Any subdivision containing not more than three (3) lots fronting on an existing street not involving any new street or road or the extension of municipal facilities or the creation of any public improvements, not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Zoning Ordinance, or these regulations.

Manufactured Home: Factory built, single-family structures that meet the Federal Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401) of 1974, and the acceptable similarity standards of this ordinance.

Mobile Home: A movable or portable dwelling, constructed to be towed on its own chassis and designed without a permanent foundation for long- term occupancy, which includes a double wide or expandable mobile home as defined below, as well as a portable dwelling composed of a single unit. The term "mobile home" as used in this Ordinance shall not include prefabricated, manufactured, modular or unitized dwellings placed on permanent foundations, nor shall it refer to travel trailers, campers or similar units designed for recreation or other short term uses. A Mobile Home may or may not be permanently attached to the ground, and its transport features may or may not be removed. Mobile Home activity shall be permitted only in a Mobile Home Park. A Mobile Home Park must meet the requirements of the Mobile Home Park regulations in Section 7-6.

(a) Double-wide Mobile Home: A double-wide mobile home is a mobile home with two or more units separately towable but designed to be joined into one integral unit at the site.

(b) Expandable Mobile Home: An expandable mobile home is a mobile home with one or more sections that fold, collapse or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

Mobile Home Park: A lot used, designed, or intended to be used for the purposes of supplying parking space for two (2) or more mobile homes for non-transient occupation, and includes any buildings, structures, vehicles, or enclosures used or intended to be used as part of such mobile home park. Sales or storage lots for unoccupied mobile homes are not considered to be mobile home parks.

Modular Building Unit: A building including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site. This term is not to be limited to residential buildings. The definition of modular building unit does not include mobile or manufactured homes.

Modular Home: A structure intended for residential use and manufactured off-site in accord with the Southern Building Code and BOCA Basic Building Code, as defined within the South Carolina

Modular Buildings Construction Act of 1976. Modular residential construction shall be included in the Residential Detached or Residential Attached activity types, as appropriate.

Nonconforming: A term applied to lots, structures, uses of land or structures, and characteristics of use of land or structures which were lawful before the passage or amendment of this Ordinance, but which are prohibited by this Ordinance or which are not in compliance with the requirements of this Ordinance.

Money in lieu of land. Payment of money into a municipally earmarked fund to provide for the acquisition of facilities off-site in place of dedicating land or providing such facilities on- site.

Non-residential subdivision. A subdivision whose intended use is other than residential (e.g. – commercial or industrial).

Ordinance. Any legislative action, however, denominated, of a local government that has the force of law, including any amendment or repeal of any ordinance.

Park: An area or facility intended to be used for recreation, exercise, sports, or similar activities, or an area intended to enhance the enjoyment of natural features or natural beauty, but specifically excluding commercially operated amusement parks.

Parking Space, Off-Street: An area adequate for parking an automobile with room for opening doors on both sides, which is not located in the right-of-way of any street.

Parking Space, Loading Space: A space at least ten (10) feet in width and twenty-five (25) feet in length, with fourteen (14) feet minimum vertical clearance, accessible from a street or alley.

Permitted Structure: A structure meeting all of the requirements established by this Ordinance for the district in which the structure is located.

Planned development. A development constructed on a tract of a minimum specified size is planned and developed as an integral unit.

Planning Commission: Town of Winnsboro Planning Commission.

Preliminary Plat. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Zoning Administrator for approval.

Public hearing. An adjudicatory proceeding held by the Planning Commission preceded by published notice and actual notice to certain persons, at which certain persons, including the applicant, may call witnesses and introduce evidence for the purpose of demonstrating that plat approval should or should not be granted.

Principal Structure: Same as principal building (see building, principal definition).

Principal Use: The significant or primary activity carried out within a structure or upon land (such as retail sales within a store or occupancy of a dwelling unit as a residence) as contrasted to accessory uses which are

incidental or subordinate to primary uses (such as sale of soft drinks at an automobile service station). Certain uses may be either principal or accessory depending upon their relationship with other uses (as for example a newsstand as an accessory use within a hotel lobby or as a principal use within a separate structure).

Public improvement. Any drainage ditch, roadway, parkway, sidewalk, or another facility for which the local government may ultimately assume responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public meeting. A meeting of the Planning Commission preceded by notice, open to the public

and at which the public may, at the discretion of the body holding the public meeting, be heard.

Right of way. Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility, or another public purpose.

Road, dead-end. A road or a portion of a road with only one (1) vehicular traffic outlet.

Road, right-of-way width. The distance between property lines is measured at right angles to the centerline of the street.

Setback Line: The setback line is the same as the depth or width of any required yard.

Sign: Any device designed to inform or attract the attention of persons not on the premises on which the device is located, with certain exceptions as enumerated in Article 8.

Signs, Other Terms Related Thereto: Additional terms related to signs and the regulations thereof are defined in Section 8, including:

Display Surface Area Marque

Sign Copy Freestanding Sign Mobile Sign Portable Sign

Sketch Plan. A sketch preparatory to the Preliminary Plat (or Final Plat in the case of minor subdivisions) to enable the subdivider to save time and expense in developing a plat that meets the objectives of these regulations.

Special Exceptions: A use that would not be appropriate generally or without restriction throughout the zoning district but which if controlled as to number, area, location, or relation to surrounding uses, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as special exceptions, if specific provision for such special exceptions is made in this Zoning Ordinance.

Street: A public thoroughfare designed to provide the principal means of access to abutting property, or designed to serve as a roadway for vehicular travel, or both, but excluding alleys.

Street Line: The right-of-way line of a street.

Structural Alterations: Any change in the supporting members of a structure such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Structure: Anything, excluding paving, constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground including for the purposes of this Ordinance buildings, mobile homes, walls, screened enclosures, fences, advertising signs, billboards, poster panels, swimming pools, travel trailers, and exterior mechanical equipment such as air conditioning compressors, fans, and pumps, but excluding from definitions as structures minor landscaping features such as ornamental pools, planting boxes, bird baths, walkways, driveways, recreational equipment, flagpoles, mailboxes, and utility poles/lines/transformer.

Subdivider. Any person (1) who, having an interest in land, causes it directly or indirectly to be divided into a subdivision, (2) who directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop a portion of land, (3) who engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, or (4) who is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, or interests for the purpose of offer, sale, lease, or development,

whether immediate or future. Subdivision includes the movement or abandonment of lot lines and the combination of lots.

Town Manager: The Manager for the Town of Winnsboro, or other person duly designated to act in his behalf.

Tract. A lot. The term "tract" is used interchangeably with the term "lot," particularly in the context of subdivision, where a tract is subdivided into several lots, parcels, sites, or interests.

Vested rights. Right to initiate or continue the establishment of a use that will be contrary to a restriction or regulation coming into effect when the project associated with the use is completed.

Yard: A required open space unoccupied and unobstructed by any structure or portion thereof from a height of 30 inches above the finished grade level of the ground. For purposes of interpretation and regulation, certain exceptions are set forth in Section 5-11.

Yard, Front: A yard extending between side lot lines across the front of a lot, and measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear lines of required front yard shall be parallel.

Yard, Rear: A yard extending across the rear of the lot between the inner side yard lines, measured at right angles to a straight line joining the rearmost points of the side lot lines. The forward rear yard line of a required rear yard shall be parallel to the straight line so established. In the case of corner lots or through lots, there will be no rear yard.