

# Unified Development Ordinance

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## ARTICLE 1: INTRODUCTION<sup>1</sup>

### 1.1 TITLE<sup>2</sup>

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These regulations shall be known and may be cited as the "Unified Development Ordinance for the City of Forest Acres, South Carolina." The title may be abbreviated as "Unified Development Ordinance," "UDO," or "this Ordinance."

### 1.2 PURPOSE<sup>3</sup>

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(a) The purpose of this Ordinance is to:

- (1) Protect, promote, and improve the public health safety, morals, convenience, order, appearance, prosperity, and general welfare through the harmonious, orderly, and progressive development of land within the City of Forest Acres;
- (2) Guide development in accordance with existing and future needs;
- (3) Lessen congestion in the streets;
- (4) Secure safety from fire, panic, and other dangers;
- (5) Provide adequate light and air; to prevent the overcrowding of land;
- (6) Avoid undue concentration of population;
- (7) Protect scenic areas;
- (8) Encourage the development of an economically sound and stable city;
- (9) Ensure the adequate provision of safe and convenient traffic access and circulation; both vehicular and pedestrian, in and through new land developments;
- (10) Ensure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational and other public purposes;

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<sup>1</sup> The draft UDO includes footnotes to indicate where current provisions are carried forward and to explain proposed changes and new standards. The adopted UDO will not include these footnotes.

<sup>2</sup> Carries forward Sec. 21.1.2. *Title*, with revisions reflecting the transition to a UDO.

<sup>3</sup> Carries forward and consolidates Sec. 17-1 *Purpose* and Sec. 21.1.1 *Authority*, with minor revisions to text and formatting. Added 1.2(a)(13) through (16).

- (11) Ensure, in general, the wise and timely development of new areas in harmony with the City of Forest Acres Comprehensive Plan;
  - (12) Facilitate the adequate and timely provision of transportation, water, sewerage, schools, parks, and other public facilities and services in accordance with the Comprehensive Plan and with reasonable consideration of the character of each area and its peculiar suitability for particular uses, and with a view to:
    - a. Promoting desirable living conditions and the sustained stability of neighborhoods;
    - b. Protecting property against blight and depreciation;
    - c. Securing economy in governmental expenditures;
    - d. Conserving the value of land and buildings; and
    - e. Encouraging the most appropriate use of land;
  - (13) Protect neighborhoods from incompatible development;
  - (14) Accommodate housing that is affordable for the City's entire spectrum of households;
  - (15) Establish zoning districts with regulations that protect their character and their peculiar suitability for particular uses; and
  - (16) Establish procedures for processing development applications that encourage appropriate and streamlined land use decisions.
- (b) The City enacts into law this Ordinance to regulate the:
- (1) Location, height, bulk, number of stories, and size of buildings and other structures;
  - (2) Percentage of lot that may be occupied;
  - (3) Size of yards, courts, and other open spaces;
  - (4) Density and distribution of population;
  - (5) Uses of buildings, structures, and land for trade, residence, recreation, water supply, sanitation, protection against floods, public activities; and
  - (6) Design and construction of new developments and subdivisions as well as redevelopment of previously-developed property.
- (c) This Ordinance also:

- (1) Provides for the method of administration and amendment of the regulations specified herein;
  - (2) Defines the powers and duties of the Board of Zoning Appeals with respect to these regulations;
  - (3) Defines certain terms used herein; and
  - (4) Provides penalties for violation of these regulations.
- (d) This Ordinance is intended to implement the City of Forest Acres Comprehensive Plan.

### 1.3 AUTHORITY<sup>4</sup>

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This Ordinance is adopted under authority conferred by the Code of Laws of South Carolina, Title 6, Chapter 29 of the General Assembly of South Carolina entitled "The South Carolina Local Government Comprehensive Planning Enabling Act of 1994," [S.C. Code 6-29-310, et seq.](#), as amended.

### 1.4 APPLICABILITY<sup>5</sup>

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- (a) This Ordinance applies to all land within the incorporated area of the City of Forest Acres, South Carolina.
- (b) Zoning affects every building and use. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations applicable to the zoning district in which it is located.
- (c) A building permit or certificate of approval for occupancy shall not be issued for any lot, parcel, plat of land, or building site that was created by subdivision after the effective date of, and not in conformity with, the provisions of this Ordinance.
- (d) The regulations set by this Ordinance within each zoning district are minimum regulations and apply uniformly to each class or kind of structure or land, except as otherwise provided.

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<sup>4</sup> Carries forward and consolidates Sec. 17-2 *Authority* and a portion of Sec. 21.1.1 *Authority*, with minor revisions.

<sup>5</sup> Carries forward and consolidates Sec. 17-3(a) and (c) *Jurisdiction*, Sec. 21.2 *Area of Applicability*, and Sec. 21.5.1 *Application of Regulations*.

## 1.5 RELATIONSHIP TO OTHER LAWS, REGULATIONS, AND ORDINANCES<sup>6</sup>

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- (a) This UDO works in conjunction with the other chapters in the City of Forest Acres Code of Ordinances and certain portions of the Richland County Land Development Code, including its stormwater, flood damage prevention, and road construction requirements, to regulate the development, redevelopment, and use of land and structures in the City.
- (b) The use and development of land and structures is subject to all applicable requirements of this Ordinance and all other applicable requirements of the City of Forest Acres Code of Ordinances, the Richland County Land Development Code, and state and federal law.
- (c) In their interpretation and application, the provisions of this Ordinance are considered the minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare. Meeting minimum requirements of this Ordinance may not be sufficient to meet minimum requirements of other chapters of the City of Forest Acres Code of Ordinances, the Richland County Land Development Code, or state or federal law.
- (d) When applicable regulations conflict with one another, the provisions of § 11.1: *Rules of Interpretation* apply.

## 1.6 SEVERABILITY<sup>7</sup>

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If any section, provision, clause, or portion of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

## 1.7 EFFECTIVE DATE<sup>8</sup>

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- (a) The Mayor and Council of the City of Forest Acres, South Carolina, adopted this Ordinance in meeting duly assembled, on the **<insert date>**.
- (b) This Ordinance shall take effect and be in force on and after **<insert date>**.

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<sup>6</sup> The text in this Section is new and incorporates references to applicable Richland County regulations, as recommended by stakeholders during the Focus Group Sessions conducted at the beginning of the Forest Acres codes rewrite project. The current Zoning Ordinance and Land Development Regulations sections titled “Relationship to Other Laws, Regulations, and Ordinances” address how to interpret conflicting provisions and are relocated to Article 13: *Rules of Interpretation and Measurement*.

<sup>7</sup> Carries forward and consolidates Sec. 17-163(c) *Legal Status* and Sec. 21.286 *Separability*.

<sup>8</sup> Carries forward and consolidates Sec. 17-163(b) and (d) *Legal Status*, Sec. 17-164 *Adoption Clause*, Sec. 21.287 *Conflicting Ordinances Repealed*, Sec. 21.288 *Effective Date*, and Sec. 21.289 *Adoption Clause*.



## 1.8 REPEAL OF PREVIOUS ORDINANCES

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- (a) This Ordinance supersedes all previous Zoning Ordinance text provisions and all previous Land Development Regulations text provisions of the City of Forest Acres.
- (b) Except to the extent necessary to address vested rights (see § 9.6: *Vested Rights*) and applications in progress (see § 1.9: *Transitional Provisions*), adoption of this Ordinance repeals all ordinances, regulations, and resolutions regulating the zoning, subdivision, and development of land adopted prior to this Ordinance.

## 1.9 TRANSITIONAL PROVISIONS<sup>9</sup>

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### 1.9.1 GENERALLY

- (a) This Section addresses the transition from the previous ordinances (specified in § 1.8: *Repeal of Previous Ordinances*) in effect prior to the effective date of this UDO.
- (b) The provisions in this Section clarify how to handle pending development applications, approvals granted prior to the effective date, development in progress, and the status of existing violations.

### 1.9.2 APPLICATIONS IN PROGRESS

- (a) Applications submitted and accepted as complete prior to the date specified in § 1.7: *Effective Date* will be processed under the ordinances in place at the time of application acceptance.
- (b) Applications in progress shall comply with the timeframes for review, approval, and completion specified in the prior ordinances. If an application expires, then future applications are reviewed under the provisions of this UDO.
- (c) At any stage of the application review process, an applicant may choose to have the proposed development reviewed under the provisions of this UDO.

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<sup>9</sup> This Section is new and clarifies how to handle pending development applications, approvals granted prior to the effective date, development in progress, and the status of existing violations.

### 1.9.3 APPROVALS GRANTED PRIOR TO EFFECTIVE DATE

- (a) Use permits, special exceptions, variances, building permits, subdivision plans, and other similar development approvals that are valid on the date specified in § 1.7: *Effective Date* will remain valid until their expiration date.
- (b) Development may be completed in accordance with such approvals even if the building, structure, or development does not fully comply with the provisions of this UDO.
- (c) If development does not begin or continue within the timeframe required by the original approval or any approved extension of the same and the approval expires, then future applications are reviewed under the provisions of this UDO.

### 1.9.4 VIOLATIONS CONTINUE

Any violation of previous zoning, subdivision, and land development ordinances will continue to be a violation under this Ordinance and be subject to penalties and enforcement under this Ordinance unless the use, development, or activity complies, in its entirety, with the provisions of this Ordinance.

## ARTICLE 2: ZONING DISTRICTS

### 2.1 INTRODUCTION

#### 2.1.1 DISTRICTS ESTABLISHED<sup>10</sup>

For the purposes of this Chapter, the area described in § 1.4: *Applicability* is divided into 12 base zoning districts, one overlay zoning district, and one legacy zoning district, which are listed in Table 2.1.1-1: *Zoning Districts*.

Table 2.1.1-1: Zoning Districts			
District Category	Description	District	District Name
Base	Base districts establish uniform use, dimensional, and development standards for each class or kind of building, structure, or use in a district.	R-1	Low Density Residential
		R-1a	Low Density Residential
		R-2	Medium Density Residential
		R-3	Mixed Residential
		P-1	Public or Semipublic
		P-2	Institutional
		C-1	Office and Limited Commercial
		C-2	Neighborhood Commercial
		C-3	General Commercial
		C-4	Concentrated Commercial
		C-5	Commercial Enterprise/Redevelopment Zone
		PDD	Planned Development District
Overlay	Overlay districts establish additional standards that supplement the base district.	CC-OD	Centers & Corridors

#### 2.1.2 ZONING MAP & DISTRICT BOUNDARIES<sup>11</sup>

- (a) The boundaries of the districts listed in § 2.1.1: *Districts Established* are established as shown on the map entitled “Zoning Map of the City of Forest Acres, South Carolina,” dated as of the effective date of this UDO or any subsequent major amendments hereto.

<sup>10</sup> Carries forward §21.4 Establishment of Districts.

<sup>11</sup> Carries forward §21.4.2 Zoning Map and District Boundaries.

- (b) The Zoning Map described above is made a part of this UDO. An official copy of the Zoning Map shall be kept on file at City Hall. Facsimiles may be produced from time to time and distributed; however, the sole official zoning district determination shall be made from the official copy of the Zoning Map.

## 2.2 BASE ZONING DISTRICTS

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### 2.2.1 LOW DENSITY RESIDENTIAL DISTRICT (R-1)<sup>12</sup>

- (a) **Purpose.** The purpose of the R-1 District is to establish a quiet low-density residential area and to protect property in the district from the depreciating effects of incompatible land uses. The principal use of land is for single-family dwellings. The regulations for this district are intended to discourage any use that, because of its character, would interfere with the development of or be detrimental to the quiet residential nature of the area included in the zone.
- (b) **Dimensional Standards.** See § 4.2: *Lot Standards*.
- (c) **Allowed Uses.** See Article 3: *Use Regulations*.

### 2.2.2 LOW DENSITY RESIDENTIAL DISTRICT (R-1A)<sup>13</sup>

- (a) **Purpose.** The purpose of the R-1a District is to establish a quiet low-density residential area like residential district R-1 but requiring smaller minimum lot sizes and to protect property in the district from the depreciating effects of incompatible land uses. The principal use of the land is for single-family dwellings. The regulations for this district are intended to discourage any use that, because of its character, would interfere with the development of or be detrimental to the quiet residential nature of the area included in the zone.
- (b) **Dimensional Standards.** See § 4.2: *Lot Standards*.
- (c) **Allowed Uses.** See Article 3: *Use Regulations*.

### 2.2.3 MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)<sup>14</sup>

- (a) **Purpose.** The purpose of the R-2 District is to provide a slightly higher population density but with basic restrictions similar to those in residential district R-1. The principal use of land is for single-family and two-family dwellings. The regulations for this district are intended to

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<sup>12</sup> Carries forward §21.21 Purpose of Single-Family Residential District.

<sup>13</sup> Carries forward §21.31 Purpose of Single-Family Residential District.

<sup>14</sup> Carries forward §21.41 Purpose of Duplex Residential District.

discourage any use that, because of its character, would interfere with the development of or be detrimental to the quiet residential nature of the area included in the zone.

- (b) **Dimensional Standards.** See § 4.2: *Lot Standards*.
- (c) **Allowed Uses.** See Article 3: *Use Regulations*.

#### 2.2.4 MIXED RESIDENTIAL DISTRICT (R-3)<sup>15</sup>

- (a) **Purpose.** The purpose of the R-3 District is to provide for a medium population density. The principal use of land is for a range of housing types, including single-family, two-family, and small multi-family dwellings, to provide housing opportunities for residents of all ages and incomes. The regulations for this district are intended to discourage any use that, because of its character, would interfere with the development of, or be detrimental to, the quiet residential nature of the area included in the zone.
- (b) **Dimensional Standards.** See § 4.2: *Lot Standards*.
- (c) **Allowed Uses.** See Article 3: *Use Regulations*.

#### 2.2.5 PUBLIC & SEMIPUBLIC DISTRICT (P-1)<sup>16</sup>

- (a) **Purpose.** The purpose of the P-1 District is to establish a public area for religious and recreational facilities and governmental institutions. The nature of these facilities requires location in areas with good access and near the residential areas served.
- (b) **Dimensional Standards.** See § 4.2: *Lot Standards*.
- (c) **Allowed Uses.** See Article 3: *Use Regulations*.

#### 2.2.6 INSTITUTIONAL DISTRICT (P-2)<sup>17</sup>

- (a) **Purpose.** The purpose of the P-2 District is to establish a public or semipublic area for health, educational, and governmental institutions. The nature of these institutions requires location in areas with good access and relative proximity to the residential areas served.

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<sup>15</sup> Carries forward §21.51 Purpose of Multifamily Residential District, with proposed new text clarifying intent to provide a range of housing opportunities. Renames district to better align with allowed uses.

<sup>16</sup> Carries forward §21.61 Purpose of Public and Semi-Public District.

<sup>17</sup> Carries forward §21.71 Purpose of Institutional District. Deletes last sentence (“All references to and requirements for the P-1 district in this chapter shall likewise apply to the P-2 district except as set out in this section and section 21-72.”) as it appears unnecessary. In the current Zoning Ordinance, there is only one reference to P-1 without a corresponding standard

- (b) **Dimensional Standards.** See § 4.2: *Lot Standards*.
- (c) **Allowed Uses.** See Article 3: *Use Regulations*.

### 2.2.7 GENERAL PROVISIONS FOR COMMERCIAL (C-\_) DISTRICTS

#### (a) **Intent of Commercial Zoning Districts.**

- (1) Commercial districts should have access from major traffic arteries; however, it is not the intent of this Article to encourage the development of long, narrow strips of commercial development fronting on major arteries, often referred to as “strip commercial” areas.
- (2) Strip commercial development can lead to the eventual formation of commercial blight, damage the traffic-carrying capacity of streets, and increase congestion. It is often incompatible with adjacent residential uses, frequently leads to depreciation of property values in adjacent residential areas, encourages undue saturation of commercial facilities to the inconvenience of the public, and creates disproportionate costs in the provision of governmental services.

#### (b) **Limits of Commercial Zoning District.**

- (1) Extensions of commercial zoning via amendments to this article should be made principally for the provision of planned, unified commercial areas, and not in such a way that strip commercial areas are encouraged.
- (2) Factors appropriate for consideration in decisions to extend commercial zoning include compatibility with adjacent uses, the need for additional commercial facilities, and whether other land is available which is already zoned for commercial use.

### 2.2.8 OFFICE & LIMITED COMMERCIAL DISTRICT (C-1)<sup>18</sup>

- (a) **Purpose.** The purpose of the Office and Limited Commercial District is to develop and reserve land for business, office, institutional, public, semipublic, and residential purposes. The regulations for this district are designed to encourage the formation and continuance of a quiet, compatible, and uncongested environment for office-type businesses or professional firms intermingled with dwellings and certain public or semipublic uses, and to discourage any

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for P-2 (Sec. 21-272. *Minimum land area requirements for change in a zoning district or creation of new zoning district*, which exempts the P-1 District from the 2-acre minimum area required for rezoning). If this exemption should also apply to P-2, the UDO should update the exemption language.

<sup>18</sup> Carries forward §21.81 Purpose of Office and Limited Commercial District.

encroachment by unrestricted retail and/or other uses capable of adversely affecting the specialized commercial, institutional, and housing character of the district.

(b) **Dimensional Standards.** See § 4.2: *Lot Standards*.

(c) **Allowed Uses.** See Article 3: *Use Regulations*.

### 2.2.9 NEIGHBORHOOD COMMERCIAL DISTRICT (C-2)<sup>19</sup>

(a) **Purpose.** The purpose of the Neighborhood Commercial District is to provide for small local and neighborhood-oriented retail and service uses primarily designed to serve nearby residential areas. The district is usually located on a major street and contains businesses that sell such items as groceries and household items as well as businesses that furnish personal services. Because the neighborhood commercial zone is closely related to adjacent residential areas, the surrounding residential property must be protected.

(b) **Dimensional Standards.** See § 4.2: *Lot Standards*.

(c) **Allowed Uses.** See Article 3: *Use Regulations*.

### 2.2.10 GENERAL COMMERCIAL DISTRICT (C-3)<sup>20</sup>

(a) **Purpose.** The purpose of the General Commercial District is to provide for and promote concentrated development of retail establishments and personal and business services to supply the needs of the residents as well as a large market area.

(b) **Dimensional Standards.** See § 4.2: *Lot Standards*.

(c) **Allowed Uses.** See Article 3: *Use Regulations*.

### 2.2.11 CONCENTRATED COMMERCIAL DISTRICT (C-4)<sup>21</sup>

(a) **Purpose.** The purpose of the Concentrated Commercial District is to provide for and promote a more concentrated development of retail establishments and personal business services to supply the needs of the residents as well as a large market area; and to provide for limited warehousing, vehicular sales, and overnight accommodations.

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<sup>19</sup> Carries forward §21.91 Purpose of Neighborhood Commercial District and updates to specify the types of uses are intended to be neighborhood-oriented.

<sup>20</sup> Carries forward §21.110 Purpose of General Commercial District.

<sup>21</sup> Carries forward §21.119 Purpose of Concentrated Commercial District.

- (b) **Dimensional Standards.** See § 4.2: *Lot Standards*.
- (c) **Allowed Uses.** See Article 3: *Use Regulations*.

### 2.2.12 COMMERCIAL ENTERPRISE/REDEVELOPMENT ZONE DISTRICT (C-5)<sup>22</sup>

(a) **Purpose.**

- (1) The purpose of the Commercial Enterprise/Redevelopment Zone District is to provide for and promote compatible development of commercial and retail establishments, personal and business services, and residential uses within the district to supply the needs of the residents as well as a large market area.
- (2) The regulations that apply within this District are designed to encourage the formation and continuance of large developments containing a compatible environment for retail, office, professional, residential uses, hotels, convention centers, call centers and governmental institutions.
- (3) It is highly likely, if not inevitable, that redevelopment of property or properties with the acreage and existing development necessary to qualify for this District will involve proximity to a variety of surrounding commercial and/or residential areas outside of the District and, further, will materially impact the City's fiscal resources, the demand for public services and infrastructure, and the existing community character.
- (4) The potential for redevelopment to impact surrounding areas and the City as a whole is heightened by the flexibility provided for within the District with regard to maximum building height and other development standards, which flexibility is not available in other commercial districts.
- (5) Accordingly, the regulation of permitted uses within the District is based upon, in addition to the other factors set forth in § 1.2: *Purpose*, consideration of the City's desire to:
  - a. Avoid increased congestion in the streets;
  - b. Minimize increased levels of noise and other environmental factors incompatible with existing and anticipated future uses in surrounding areas; and
  - c. Conserve the value of land and buildings and sustain the stability of neighborhoods.

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<sup>22</sup> Carries forward §21.131 Purpose of Commercial Enterprise/Redevelopment Zone District.



- (b) **Applicability.** The C-5 District:
  - (1) Is usually located on a major street;
  - (2) Must contain a minimum site area of 5 contiguous acres; and
  - (3) Must contain minimum developed space of 250,000 square feet.
- (c) **Dimensional Standards.** See § 4.2: *Lot Standards*.
- (d) **Allowed Uses.** See Article 3: *Use Regulations*.

### 2.2.13 PLANNED DEVELOPMENT DISTRICT (PDD)<sup>23</sup>

- (a) **Purpose.**
  - (1) The Planned Development District is intended to allow flexibility in the design and development of land while fostering innovative site planning techniques, resulting in improved character and quality of the built and natural environment.
  - (2) A Planned Development District is characterized by unified site design incorporating at least one residential and one commercial use but may also incorporate compatible institutional and industrial uses. The district should include preservation of natural and scenic areas and utilization of open space, buffering, screening, and vehicular and pedestrian circulation.
  - (3) The flexibility allowed is intended to result in a wider choice in the type of environment and living units available to the public, more open space, a creative approach to the use of land and related physical development, and an efficient use of land resulting in less extensive networks of utilities and streets.
  - (4) The Planned Development District is also intended to encourage flexible and creative planning and property development, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts.
  - (5) The site plan and descriptive statement, approved by ordinance, constitute the zoning district map and district regulations for a particular planned development.

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<sup>23</sup> Carries forward (Planned Development District §21.128 Purpose (except Criteria for Approval and Conditions for Approval), §21.129 District Regulations, and §21.130 Neighborhood Character Policy. The other sections in Article XIII: Planned Development District (PDD) are proposed for relocation to Article 8: *Zoning Procedures*.

(6) Circumstances justifying establishment of a PDD include the following:

- a. The land is located in close proximity to established residential neighborhoods where conventional zoning classifications may not adequately address neighborhood concerns regarding the quality or compatibility of the adjacent development, and where it may be desirable to the neighborhood, the developer, or the City to develop and implement mutually agreed, enforceable development standards;
- b. The land or adjacent property that would be impacted by the development of the land, has sensitive or unique environmental features requiring a more flexible approach to zoning and clustering of uses, or special design standards, in order to afford the best possible protection of the unique qualities of the site or the adjacent property;
- c. The land serves as transition between different and seemingly incompatible land uses;
- d. The land is of such a character that it is in the community's best interest to encourage high quality development through flexible development standards to further the goals and objectives of the City's Comprehensive Plan; or
- e. The land consists of unusually configured parcels that cannot be developed efficiently under traditional zoning district standards.

(b) **Applicability.** Each PDD shall be established as an independent district. Development in a PDD must be consistent with a Site Development Plan that is incorporated as part of the district by the adopting ordinance for the PDD.

(c) **Minimum District Size.** Each PDD shall include a gross contiguous area of at least two acres.

(d) **Neighborhood Character Policy.**

- (1) It is the policy of the City of Forest Acres in considering proposed planned development districts to balance responsible growth with preservation of neighborhood and community character, including but not limited to the forested characteristics that give the City its name.
- (2) Furthermore, the City finds that innovation and flexibility in site planning techniques may at times be appropriately balanced with additional measures to prevent impacts to the character of neighboring residential areas and public thoroughfares. Accordingly, the City encourages applicants to consider site design and district regulation that would:
  - a. Provide innovative site layout techniques and/or district restrictions intended to prevent impacts from outdoor lighting and noise on residential properties outside the district;

- b. Tailor limitations on specific non-residential uses based on proximity to existing residential areas, giving consideration to the compatibility of specific uses with residential areas (for example, a restaurant use could have a greater impact than a professional office use on a neighboring residential property); and
  - c. Preserve and maintain to the greatest extent possible significant trees, as defined in § 5.2: *Tree Protection & Preservation*, located at trunk center within 50 feet of the district perimeter abutting any existing residential use or public street.
- (3) The Planning Commission shall adopt (and, as it deems warranted from time to time, amend) a form designed to elicit PDD applicant information relevant to this policy, including the design factors specified above. The form, once approved by the Planning Commission, shall be a component of an application to establish a PDD district.
- (e) **District Regulations.** All requirements and provisions of the Unified Development Ordinance and City Code of Ordinances apply to a Planned Development District, unless expressly modified in the PDD rezoning ordinance. The following provisions apply in PDDs and take precedence over any conflicting provisions in the UDO:
  - (1) *UDO Minimum Standards.* A PDD may propose standards that differ from typical UDO standards, but PDDs must not reduce the quality or intent of the UDO's standards.
  - (2) *Compliance With Overlay Districts.* A PDD may propose to deviate from applicable overlay district standards but must demonstrate compliance with the intent of the overlay district.
  - (3) *Permitted Uses.*
    - a. Permitted uses shall be set forth in the approved PDD plan. Permitted uses must be set forth specifically, and not by general reference incorporating all uses permitted in one or more other zoning district(s).
    - b. Permitted uses shall include at least one residential use and at least one commercial use.
  - (4) *Prohibited Uses.* Prohibited uses shall be set forth in the approved PDD plan to include all prohibited uses listed below excluding, if specifically approved, hotels, wine bars, and retail beer establishments that may include a tap room or tasting room (not to exceed 60% of the overall square footage of the area of the business open to customers or employees interacting with customers). The following uses are prohibited in PDDs:
    - a. Bulk fuel storage or distribution;
    - b. Manufacturing and/or processing;

- c. Storage yards, warehouses, mini-warehouses, distribution and fulfillment centers and other storage facilities;
  - d. Automobile or truck sales (new or used);
  - e. Major construction equipment sales;
  - f. Truck terminals;
  - g. Drive-in restaurants with curbside service;
  - h. Outdoor theaters;
  - i. Mortuaries;
  - j. Industrial operations of any kind;
  - k. Video poker parlors;
  - l. Tattoo facilities;
  - m. Bars, lounges, taverns, beer and wine gardens or parlors and tasting rooms, except as operating in a full-service restaurant permitted by the South Carolina Department of Revenue;
  - n. Hotels, motels, boarding houses, and rooming houses;
  - o. Wholesale sales and service;
  - p. Adult and/or sexually oriented businesses, adult arcades, adult bookstores, adult video stores, adult cabaret, adult motion picture theaters, adult theaters, nude model studios, and all other adult and/or similar sexually oriented activity;
  - q. Smoke or Vape Shops; and
  - r. Merchandising and sale of products containing hemp, hemp-derived cannabidiol (CBD), CBD oils, cannabis products, or vaping products of alternative consumable matter other than tobacco meant to be smoked, vaped, or ingested orally in any fashion, if this use involves more than 20% of the total square footage of the business or 1,000 square feet, whichever is less.
- (5) *Minimum Lot Width, Internal Setbacks, and Internal Landscaping and Buffering.* Set forth in the approved plan to include requirements set forth in § 5.2: *Tree Protection & Preservation*. The PPD plan shall provide effective buffering for single-family and two-family residential uses outside the district using setbacks, landscaping, and other measures within the district appropriate to meaningfully preserve existing community character, but in no event less than five feet;

- (6) *Minimum External (i.e., bordering any perimeter street or property not in the PDD) Setbacks.* Set forth in the approved plan but must, at a minimum, meet all setback requirements of the zoning district immediately adjacent to or across the street from any given area within the PDD, but in no event less than five feet from any structure.
- (7) *Minimum External (i.e., bordering any perimeter street or property not in the PDD) Landscaping and Buffering.* Set forth in the approved plan but must meet, at a minimum, the requirements set forth in § 4.7.4: Perimeter & Right-of-Way Buffers.
- (8) *Minimum Number of Residential Units per Acre.* Set forth in the approved plan but not to exceed 21 residential units per acre. May vary from area to area within the approved plan.
- (9) *Maximum Structure Height.* Set forth in approved plan, but not exceeding five stories or 65 feet in height, provided any building abutting a residential area shall not exceed two stories or 40 feet in height.
- (10) *Off-Street Parking and Loading Requirements.* Set forth in the approved plan.
- (11) *Signs.* Set forth in approved plan, but not to conflict with Sign Regulations set forth in § 4.9: *Signs*.
- (12) *Streets, Public or Private.* Private streets may be permitted, provided such streets comply with standards for public streets. Public streets shall comply with all standards for public streets in accordance with all guidelines, regulations, and requirements established by the S.C. Department of Transportation.
- (13) *Infrastructure Bonding, Plat Approvals, and Site Plan Approvals.* Set forth in approved plan but shall not conflict with Article 6: *Land Development Regulations*.

## 2.3 CENTERS & CORRIDORS OVERLAY DISTRICT (CC-OD)

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### 2.3.1 PURPOSE

- (a) The Centers & Corridors Overlay District (CC-OD) is established to promote economic development and redevelopment in the City of Forest Acres' primary activity centers and along its business corridors.
- (b) The intent of the overlay is to focus placemaking efforts through character-based subdistricts that support economically viable new development, redevelopment, and the reuse of existing structures, particularly those that contribute to the unique character and history of the area.
- (c) The goals of the standards are to generate an urban form with a mixture of uses that supports multi-modal transit, is pedestrian-oriented, and consists of high-quality design elements complementary to the character of each subdistrict.






### 2.3.2 SUBDISTRICTS

- (a) **Downtown Forest Acres Subdistrict.** This subdistrict consists of commercial properties that form the four corners of the intersection of Forest Drive and Trenholm Road with adjacency to Gills Creek to the east and Eightmile Branch to the north. The Downtown Subdistrict is established to promote economic development and redevelopment in the City of Forest Acres' primary activity center near the intersection of Forest Drive and Trenholm Road. The intent of the Subdistrict is to:
  - (1) Support economically viable new development, redevelopment, and the reuse of existing structures;
  - (2) Generate an urban form with a mixture of uses that supports multi-modal transit, is pedestrian-oriented, and consists of high-quality design elements complementary to the character of the area;
  - (3) Establish a strong sense of place through the built environment;
  - (4) Encourage the provision of open space and community gathering areas; and
  - (5) Implement the goals, objectives, and strategies of the 2018 City of Forest Acres Comprehensive Plan including, but not limited to, the following Economic Development, Housing, Land Use, and Transportation strategies:
    - a. Encourage infill development and revitalization of downtown;
    - b. Require future commercial areas to foster pedestrian circulation through the land use entitlement process and/or business regulation;

- c. Provide a mechanism to create opportunities for mixed-use development that allows the integration of retail, office, institutional and residential uses for the purpose of reducing costs of infrastructure construction and maximizing the use of land;
  - d. Increase residential and commercial densities around bus transit stations and closer to places of work and play;
  - e. Revise zoning ordinances to allow mixed-use development in appropriate areas;
  - f. Design safe and efficient vehicle access to commercial land uses from arterial streets to ensure efficient vehicular ingress and egress; and
  - g. Encourage the development of inter-parcel connectivity in viable commercial areas.
- (b) **Forest at Beltline City Center Subdistrict.** This subdistrict consists of commercial properties that form the intersection of Forest Drive and Beltline Boulevard with adjacency to Quinine Hill Park to the north and Pen Branch to the south. The intent of the Forest at Beltline City Center Subdistrict Standards is to encourage maximum walkability and accommodate multiple modes of transportation with a high degree of access and circulation. Built development in this area should encourage a strong sense of place and anchor the community with adequate open space for gathering and intensity of development with a high concentration of mixed uses.
- (c) **Covenant Crossing Neighborhood Center Subdistrict.** This subdistrict consists of commercial properties that form the four corners of the intersection of Covenant Road and Bethel Church Road, and adjacency to Trenholm Park to the north and Eightmile Branch to the south. The intent of the Covenant Crossing Neighborhood Center Subdistrict standards is to foster a sense of place that encourages walkability, promote a moderate amount of access and circulation, and create compatible uses that are neighborhood-like in terms of their scale and operations. The area should serve as a node of commercial activity, anchored by community resources that contribute to a strong sense of identity to the surrounding neighborhoods. The crossing is central to the community and should reflect an inviting and walkable character.
- (d) **Mixed-Use Corridor Subdistrict.** This subdistrict consists of a mix of predominantly commercial properties with residential buildings along Forest Drive with Eightmile Branch to the north and residential properties to the south.
- (e) **Office-Residential Corridor Subdistrict.** This subdistrict consists of a mix of residential and office buildings along Forest Drive surrounded mostly by residential properties to the north and south. The purpose of this subdistrict is to promote limited uses within converted residential structures along Forest Drive and provide daily convenience and personal service needs to surrounding neighborhoods. Uses should mix compatibly with residential uses and offer low impacts in terms of traffic generation and operations.



**Figure 2.3.2-1: Centers & Corridors Overlay District Map****Map Key:**

	Downtown Forest Acres Subdistrict
	Forest at Beltline City Center Subdistrict
	Covenant Crossing Neighborhood Center Subdistrict
	Mixed-Use Corridor Subdistrict
	Office-Residential Corridor Subdistrict

**2.3.3 APPLICABILITY**

- (a) The Centers & Corridors Overlay District applies to the lots depicted in Figure 2.3.2-1: *Centers & Corridors Overlay District Map* if the lot has one of the base zoning districts listed in Table 2.3.3-1: *Base Zoning Districts Subject to the CC-OD*.
- (b) Lots located within the geographic boundary of the CC-OD that do not have one of the base zoning districts specified in Table 2.3.3-1 are not subject to the overlay district provisions.
- (c) In case a conflict between the Centers and Corridors Overlay and a Planned Development District arises, the Planned Development District standards take precedence. Planned Development Districts shall meet the spirit of the stated purpose of the Centers and Corridors Overlay.



**Table 2.3.3-1: Base Zoning Districts Subject to the CC-OD**

CC-OD Subdistrict	Base Zoning Districts Subject to the CC-OD
Downtown Forest Acres Subdistrict	C-3, C-4; PDD
Forest at Beltline City Center Subdistrict	C-4, C-5; PDD
Covenant Crossing Neighborhood Center Subdistrict	C-2; C-3; PDD
Mixed Use Corridor Subdistrict	C-3; PDD
Office-Residential Corridor Subdistrict	C-1; PDD

### 2.3.4 COMPLIANCE

- (a) **Pre-Application Conference.** Applicants are encouraged to meet with City staff early in the design and development process for a pre-application meeting.
- (b) **Full Compliance.** “Full compliance” means conformance with all applicable CC-OD standards (see Table 2.3.4-1). Full compliance is required for the following development activities:
- (1) New building(s); and
  - (2) Building alterations that exceed 50% of the current assessed value of the existing building, as determined from the Richland County Tax Assessor’s records, within any period of 12 consecutive months.
- (c) **Partial Compliance.** “Partial compliance” means conformance with some of the CC-OD standards. Partial compliance is required for the following applications:
- (1) Change of use permits, which shall adhere to § 2.3.6: *Allowed Uses* but are not subject to other provisions of the CC-OD; and
  - (2) Planned Development District Site Development Plans, which may propose to deviate from CC-OD standards but shall demonstrate compliance with the intent of the CC-OD.
- (d) **Exemption from Compliance of Certain UDO Standards.** All development activity on properties less than a half-acre in area and within the CC-OD is exempt from § 4.6.6: *Required Number of Vehicular Spaces*.

**Table 2.3.4-1: Full Compliance of CC-OD Standards by Subdistrict**

CC-OD Standard	Downtown Forest Acres	Forest at Beltline	Mixed-Use Corridor	Office-Residential Corridor	Covenant Crossing
Drive-Through Facility	○	○	○	○	○
Pick-Up Window	○	○	○	○	○
Wine Bar & Beer Establishment	○	○	○	○	○
Boutique Hotel	○				
Upper-Story Dwellings	○				

**Table 2.3.4-1: Full Compliance of CC-OD Standards by Subdistrict**

<b>CC-OD Standard</b>	<b>Downtown Forest Acres</b>	<b>Forest at Beltline</b>	<b>Mixed-Use Corridor</b>	<b>Office- Residential Corridor</b>	<b>Covenant Crossing</b>
Townhouse Dwellings			○	○	
Prohibited Uses	○				
Use Limitations	○				○
Access Standards	○	○	○	○	○
Building Footprint	○		○	○	○
Height	○	○	○	○	○
Floor-to-Floor Height	○				
Build-to Zone	○	○	○	○	○
Parking Location & Configuration	○	○			
Parking Area Setback	○	○	○	○	
Shared Parking	○				
Building Frontage Landscaping	○				
Low-Impact Development	○				
Ground-Level Window Area	○	○			
Building Materials	○	○	○	○	○
High-Visibility Corner Sites	○	○			
Creek Access	○				

Key: ○ = standard applies | [blank cell] = standard does not apply

### 2.3.5 DEFINITIONS

- (a) **Active Use.** Active use is defined as an occupiable and conditioned space with either a retail, office, institutional, or recreational use, specifically excluding parking and mechanical uses. Active uses are programmed to generate pedestrian activity and engaging storefronts. Hallways, storage rooms, and other ancillary spaces do not qualify as an active use.
- (b) **Build-To Zone.** The build-to zone is the specified depth along the front property line abutting the street right-of-way within which the frontage of the building must be located.
- (c) **Building Frontage.** Building frontage is defined as the width of the front façade of a building along the street. A building's frontage must include a pedestrian entrance to the building.
- (d) **Cross Access.** Cross access means a shared driveway providing access across multiple properties.
- (e) **Joint Access.** Joint access means a shared driveway providing access to multiple properties from the street.

### 2.3.6 ALLOWED USES

- (a) **Generally.** Allowed uses are specified by a lot's base zoning district classification. Additional uses allowed in certain subdistricts, as well as additional use regulations for certain uses, are specified by subdistrict below.
- (b) **All CC-OD Subdistricts.**
  - (1) *Pick-Up Window or Area.* Establishments may utilize a pick-up window or area pursuant to the following conditions:
    - a. The pick-up window or area is located to the side of a building, or on the “end cap” of a multi-tenant building, and not between the front of the building and the street; and
    - b. The pick-up window or area is accessed either by a single lane with paved areas approaching and exiting the pick-up window narrowed to the best extent possible or by dedicated parking areas.
  - (2) *Wine Bars.*
  - (3) *Retail Beer Establishments.* Retail beer establishments may include a tap room or tasting room that does not exceed 60% of the overall square footage of the area of the business open to customers or employees interacting with customers.
- (c) **Downtown Forest Acres & Forest at Beltline.**
  - (1) *Drive-Through Facilities.*
    - a. *Drive-Thru Facility Location.*
      - 1. Drive-through facilities shall be placed to the side or rear of the principal building. Except as provided below, drive-through facilities and lanes shall not be placed between the right-of-way and the front of the associated principal building.
      - 2. Drive-through facilities are prohibited on the side of any structure that abuts a residential zoning district.
      - 3. A drive-through facility may be placed between the right-of-way and the front of the associated principal building if:
        - i. The location of one or more protected trees prevents location of the drive-through facility along the side or rear of the principal building; or

- ii. There is a difference in elevation of at least 10 feet between the adjacent street and the subject property.
- 4. Where drive-through facilities are permitted to be placed between the right-of-way and the front of the associated principal building, the entire length of the drive-through facility must be screened. Screening must meet one of the following three options:
  - i. A continuous compact evergreen hedge that is at least 36 inches in height at the time of installation and reaches a height of at least 48 inches within three years of planting;
  - ii. A combination of plants within low impact development (LID) features proposed to be part of an approved stormwater management plan and evergreen plants outside such LID features that together, at the time of planting, provide screening at least 36 inches above the level of the ground adjacent to the LID feature and reach a height of at least 48 inches above adjacent ground level within three years of planting; or
  - iii. A screening wall with a minimum height of 48 inches that is compatible with the principal building in terms of texture, material, color, and quality.
- b. *Drive-Thru Lanes.*
  - 1. Drive-through lanes must:
    - i. Be located internal to the development, utilizing internal access and circulation;
    - ii. Function and circulate separately from the drive aisle and parking area and be arranged in such a way as to not cause vehicles to impede vehicular movement external to the site or block access to any required parking spaces located on the site;
    - iii. Be distinctly marked by special striping, pavement markings, or traffic islands; and
    - iv. Be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.
  - 2. A maximum of four drive-through lanes are allowed.

3. When two or more drive-through lanes are provided, they shall be separated by a median at least 30 inches in width (as measured from the back of curb).
4. If located under a canopy, the median(s) shall extend at least three feet beyond the canopy above and this area shall incorporate shrubs or other vegetation.
5. If not located under a canopy, at least 50% of the median(s) shall include shrubs or other vegetation.

(d) **Downtown Forest Acres.**

- (1) *Boutique Hotels.* Boutique hotels are allowed in the Downtown Forest Acres subdistrict if:
  - a. The hotel is not located within one half-mile (or 2,640 feet) of another hotel located within the City of Forest Acres;
  - b. The hotel has 100 or fewer rooms;
  - c. The submittal is accompanied by an architectural set of drawings prepared by a licensed architect that includes the following architectural provisions:
    1. The building is unique from standard hotel chains as demonstrated by its brand and identity, and characterized by its small size, intentional aesthetic, and level of personalized service;
    2. The building is configured on the site so that the building's entrance is directly accessible from the public sidewalk; features a covered entrance, such as an arcade, roof, alcove, portico, awning, or the like, designed to protect pedestrians from the elements and allow the passage of automobiles; and is located adjacent to the lobby;
    3. Outside equipment, such as air conditioners, dumpsters, and pool equipment, is not visible from the street and is screened from view by a masonry screening wall and landscaping; and
    4. Outdoor lighting does not spill over onto adjoining properties. Site lighting must be downcast or use fully-shielded luminaires to prevent light pollution and reduce backlighting, uplighting, and glare.
  - d. The submittal is accompanied by a landscape plan prepared by a licensed landscape architect that includes the following landscape provisions.

1. Ground surfaces at entrances may not be constructed of asphalt material but shall be articulated through identifiable features such as, but not limited to, paving patterns, brick or stone, concrete, decorative bollards, and trees and landscaping.
  2. The hotel's site design integrates design elements visible from the public street including one of the following: a water feature, sculpture, or freestanding public art.
- (2) *Upper Story Dwellings.* Upper story dwellings are allowed in a mixed use building, if the ground floor of the building is used exclusively for non-residential purposes, such as retail, office, or service establishments, and does not contain any of the following uses:
- a. Retail establishments engaged in the sale of "alcoholic liquors," as defined per [S.C. Code §61-6-20](#), as amended;
  - b. Adult and/or sexually oriented businesses;
  - c. Businesses engaged in the retail merchandising and sale of products containing hemp, hemp-derived cannabidiol (CBD), CBD oils, cannabis products, or vaping products of alternative consumable matter other than tobacco meant to be smoked, vaped, or ingested orally in any fashion, unless such merchandising and sale is ancillary to the primary use of the establishment as a medical, dental, chiropractic, or other medically oriented office, clinic, and/or laboratory and this activity is restricted to no more than 20% of the total square footage of the business or 500 square feet, whichever is less; or
  - d. Non-depository personal credit institutions.
- (3) *Prohibited Uses.* Since these auto-oriented uses detract from the desired character of the Downtown Subdistrict as an active, pedestrian-oriented area, the following uses are prohibited:
- a. Gas Stations, except when located on a corner lot;
  - b. Vehicle Sales, Rental, or Leasing Centers;
  - c. Vehicle Services; and
  - d. Warehouse, Storage, and Distribution Uses including Distribution and Fulfillment Centers, Self-Service Storage Facilities, and Warehouses.
- (e) **Mixed Use Corridor & Office-Residential Corridor Subdistricts.**
- (1) *All Non-Residential Uses.*

- a. *Hours of Operation.* The hours of operation for non-residential uses in the Office-Residential Corridor Subdistricts are limited to between 7 a.m. and 10 p.m.
- b. *Compatible Uses.* To promote compatibility of land uses with surrounding residential areas and mitigate impacts of traffic generation associated with office uses, new non-residential uses in the Office-Residential Corridor Subdistrict are limited to the following uses:
  - 1. Professional or business office;
  - 2. Bank or financial institution;
  - 3. Government office; and
  - 4. Medical office, clinic, or lab.
- (2) *Townhouse Dwellings.* In addition to the uses allowed by the base zoning districts, townhouse dwellings are also allowed in the Mixed Use Corridor and Office-Residential Corridor Subdistricts, subject to the following conditions:
  - a. The minimum lot width is 20 feet;
  - b. The side setback for internal dwelling units is zero feet. The minimum side setback for end units is five feet from the adjacent lot line; and
  - c. Townhouse buildings must face either a street or a central open space.
  - d. If a townhouse building faces the street, each unit must have an entrance and windows along the street-facing façade.
  - e. If a townhouse building faces a central open space:
    - 1. Buildings shall abut at least two sides of the central open space in the interior of the lot and face the central open space;
    - 2. The central open space must maintain a direct pedestrian connection to the public sidewalk; and
    - 3. Parking areas and driveways must not be located within the central open space.
- (f) **Covenant Crossing.** The hours of operation for non-residential uses in this Subdistrict are limited to between 7 a.m. and 10 p.m.

### 2.3.7 ACCESS STANDARDS

- (a) **Intent.** The standards established in this Subsection apply a consistent and cohesive application for access management. The standards encourage safe, efficient, and integrated modes of transportation including walking, bussing, bicycling, and driving, with a high degree of access and circulation.
- (b) **Applicability.** The standards in this Subsection apply to all Subdistricts except as otherwise indicated in 2.3.7(f): *Parking Reduction*.
- (c) **Joint Access.** In order to minimize curb cuts, promote inter-parcel connectivity, and maximize a property's developable site area, joint access is strongly encouraged. Joint access means a single, shared driveway providing access from a street to multiple properties.
- (d) **Cross Access.** In order to promote inter-parcel connectivity and reduce reliance on Forest Drive for primary means of access between properties, cross access is strongly encouraged. Cross access means a drive aisle providing access from one lot to another.
- (e) **Access Easements.** If joint or cross access is provided, an easement agreement that provides for the mutual right of ingress and egress for both property owners shall be recorded with the Richland County Register of Deeds and be referenced on a final plat per § 4.6.4: *Vehicular Access*.
- (f) **Parking Reduction.** In the Covenant Crossing Neighborhood Center, Mixed Use Corridor, and Office-Residential Corridor subdistricts, participants in a cross-access agreement are eligible to receive a reduction in the required number of vehicular spaces up to the number of displaced parking spaces or five spaces, whichever is less.
- (g) **Easements.** Easement dedications must be satisfied prior to issuance of a building permit.
- (h) **Direct Pedestrian Access.** A direct pedestrian connection shall be provided from the entrance of the building to the public sidewalk, designed in accordance with the Americans With Disabilities Act (ADA), as amended. On-site vehicular circulation shall be designed so that conflicts between pedestrians and vehicles are avoided.
- (i) **Sidewalks Internal to Site.** Internal sidewalks within the site should be adequate in width to accommodate pedestrians, universal design, and accessibility and, where applicable, shade trees and other pedestrian amenities. A minimum width of eight feet is encouraged but in no instance shall a sidewalk be less than five feet.

### 2.3.8 BUILDING AREA

- (a) **Maximum Gross Floor Area.** Table 2.3.8-1 establishes the maximum building gross floor area (GFA) allowed in the CC-OD by subdistrict.



(b) **Nonconforming Buildings in the Office-Residential Corridor Subdistrict.**<sup>24</sup>

- (1) If bringing an existing building located in the Office-Residential Corridor Subdistrict into compliance with this Section (through repair or alteration, or in response to damage caused by fire, flood, explosion, earthquake, winds, war, riot, act of nature, or any other act not under the control of the owner) would require reduction of the existing GFA by more than 50%, the building may maintain its current GFA.
- (2) This Paragraph takes precedence over any conflicting provision in § 9.4.2: Changes to a Nonconforming Structure.

**Table 2.3.8-1: Maximum Building Area by Subdistrict**

<b>CC-OD Subdistrict</b>	<b>Maximum Gross Floor Area (sq. ft.)</b>
Downtown Forest Acres Subdistrict	20,000*
Forest at Beltline City Center Subdistrict	n/a
Mixed Use Corridor Subdistrict	15,000
Office-Residential Corridor Subdistrict	7,500
Covenant Crossing Neighborhood Center Subdistrict	15,000 (retail grocer); 5,000 (all other general retail establishments)

\*In the Downtown Forest Acres Subdistrict, the maximum building area applies to any individual non-residential tenant space.

**2.3.9 HEIGHT**(a) **Downtown Forest Acres and Forest at Beltline Subdistricts.** The following height limitations shall apply to all buildings in the Downtown Forest Acres Subdistrict and Forest at Beltline Subdistrict.

- (1) *Allowable Height.* The maximum building height is limited to four stories in 50 feet.
- (2) *Additional Allowable Height.* Buildings may exceed four stories in 50 feet up to six stories in 65 feet, if:
  - a. At least 80% of the building frontage is comprised of an active ground floor use; and

<sup>24</sup> According to Richland County tax records, many existing buildings in the Office-Residential Corridor Subdistrict are less than 7,500 square feet (sf) in size. This provision would allow existing buildings that exceed 15,000 sf to maintain their current floor area in perpetuity. However, existing buildings with GFA between 7,500 sf and 15,000 sf would have to come into compliance with this Section when any voluntary repairs or alterations exceed 50% of the fair market value of the building [see 9.4.2(b)] or when damage exceeds 75% of the fair market value of the building [see 9.4.2(c)(1)].

- b. The upper portion of the building, including all levels above four stories, steps back a minimum of 10 feet from the building frontage.
- (3) *Height Transition Adjacent to Single-Family or Two-Family Dwellings.* Any building or portion of a building located within 75 feet of a single-family or two-family dwelling located outside the CC-OD boundary is limited to 40 feet in height.
- (b) **All Other Subdistricts.** All other subdistricts of the CC-OD are subject to the height restrictions of the base zoning district.

### 2.3.10 FLOOR-TO-FLOOR HEIGHT

- (a) **Downtown Forest Acres.**
  - (1) *Ground Level Floor-to-Floor Height.* The ground floor story must be a minimum of 12 feet in height.
  - (2) *Upper-Level Floor-to-Floor Height.* All other stories are permitted a maximum of 14 feet in height.

### 2.3.11 BUILD-TO ZONE

- (a) **Purpose.** The purpose of the build-to zone is to generally require building placement closer to the sidewalk with flexibility to accommodate active use frontage related to mixed-use environments such as outdoor dining and seating, amenities and design features, and bicycle features, among other features that add nuance and interest to the fronts of buildings.
- (b) **Measurement of Build-to Zone.** The front of the Build-to Zone shall begin:
  - (1) At the lot line shared with the public right-of-way; or
  - (2) At the back of the sidewalk, if the required sidewalk width extends outside the right-of-way.
- (c) **All Subdistricts.**
  - (1) The front façade of buildings shall be placed between 10 feet and 30 feet from the back of the sidewalk, except as otherwise modified in each Subdistrict below.
  - (2) At least 60% of the building frontage shall be located within the build-to zone so as to generate consistency across properties and buildings along the street. The remaining frontage may be recessed or open-air portions of the building.

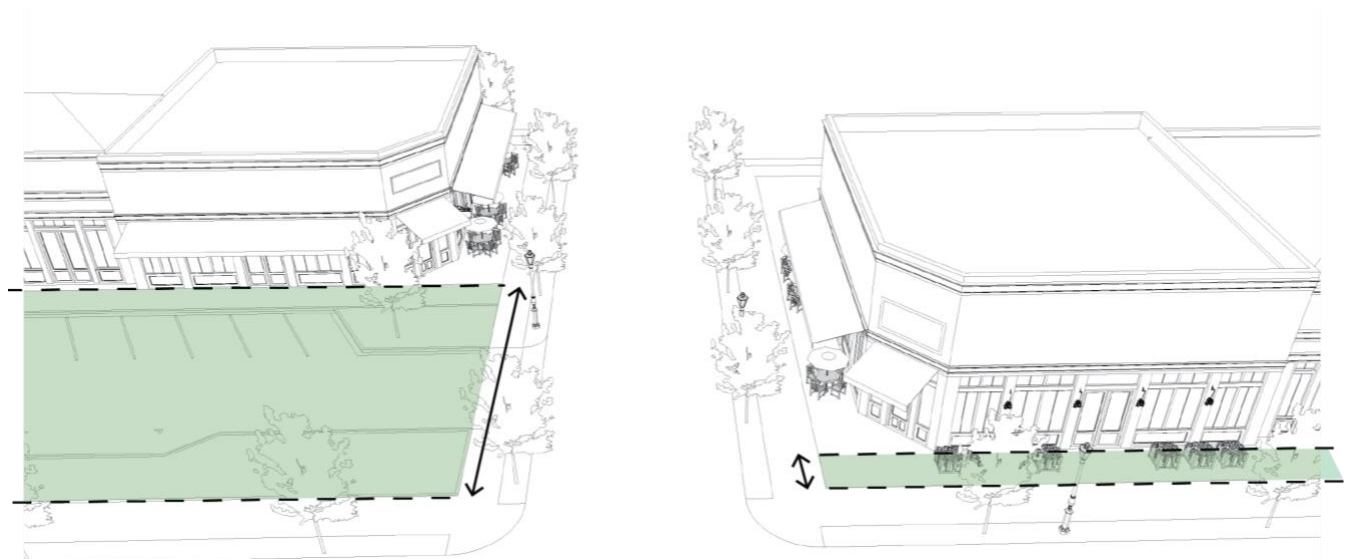
- (d) **Downtown Forest Acres and Forest at Beltline Subdistricts.** Required build-to zones are specified in Table 2.3.11-1: *Build-to Zone Requirements* and illustrated in Figure 2.3.11-1: *Illustration of Build-to Zones*.

Table 2.3.11-1: Build-to Zone Requirements	
Build-to Zone Along Forest Drive, Trenholm Road, & Beltline Boulevard	Conditions
10 feet to 20 feet	Buildings that include active use frontage <sup>A</sup>
10 feet to 45 feet	Buildings that include one module of parking <sup>B</sup> in front of building [see 2.3.12(a)]
10 feet to 60 feet	Buildings that include one module of parking in front of building in addition to active frontage conditions

A. Active use frontage includes dedicated areas for outdoor dining, seating areas, landscaping, or similar public amenities.

B. One module of parking includes a two-directional drive aisle and one row of parking stalls. The purpose of parking stalls is to allow convenient access to businesses and may take the form of parallel or diagonal stalls.

**Figure 2.3.11-1: Illustration of Build-to Zones With Active Frontage Condition (right) and One Module of Parking in Front of Building (left)**



- (e) **Covenant Crossing Subdistrict.** The front façade of new buildings must be placed between five feet and 25 feet from the back of sidewalk. The area between the building and the sidewalk may be used for activities limited to entrance areas, outdoor dining, seating areas, bicycle parking, planting and landscape areas, retail activity, and other such uses and activities that engage pedestrians.

### 2.3.12 PARKING LOCATION & CONFIGURATION

- (a) **Downtown Forest Acres Subdistrict.** The standards in this Subsection apply to lots in the Downtown Subdistrict.
- (1) *Parking Location.* Parking areas shall be located behind, to the side of, or underneath the principal building except that one module of parking, consisting of a two-directional drive and one row of parking stalls, is permitted between the building and the street to accommodate vehicular drop-off, short-term loading, and direct vehicular access needs.
  - (2) *Parking Configuration.* Required parking areas may be surface lots, underground parking, or structured facilities.
- (b) **Downtown Forest Acres and Forest at Beltline Subdistricts.** The following provisions apply to structured and underground parking facilities.
- (1) When underground or structured parking is utilized, the parking area landscaping standards required by § 4.7.5: *Interior Landscaping of Parking Areas* in the interior of off-street parking and vehicular-use areas do not apply.
  - (2) Where parking structures front onto Forest Drive, Beltline Boulevard, or Trenholm Road, they shall be located behind a liner building with a minimum depth of 30 feet. A “liner building” is a building or portion of a building placed between a street and the parking structure in order to screen the parking structure from the street.
  - (3) All parking structures shall have a clearly marked pedestrian entrance, separate from vehicular access.

### 2.3.13 PARKING AREA SETBACK

- (a) **Downtown Forest Acres and Forest at Beltline Subdistricts.**
- (1) Parking areas, including vehicular drop-off, short-term loading, and direct vehicular access areas, shall be set back at least 10 feet from the edge of the right-of-way.
  - (2) The setback area shall be landscaped with shade trees, shrubs, and low-lying ground cover.
- (b) **Residential Uses (Mixed Use Corridor & Office-Residential Corridor Subdistricts).** Parking pads, garages, and other parking areas for residential uses shall be located at least 20 feet from the front lot line or recessed greater than five feet behind the street-facing façade of a building. In no instance shall parking be located in front of the street-facing façade of a building.

### 2.3.14 LANDSCAPING STANDARDS

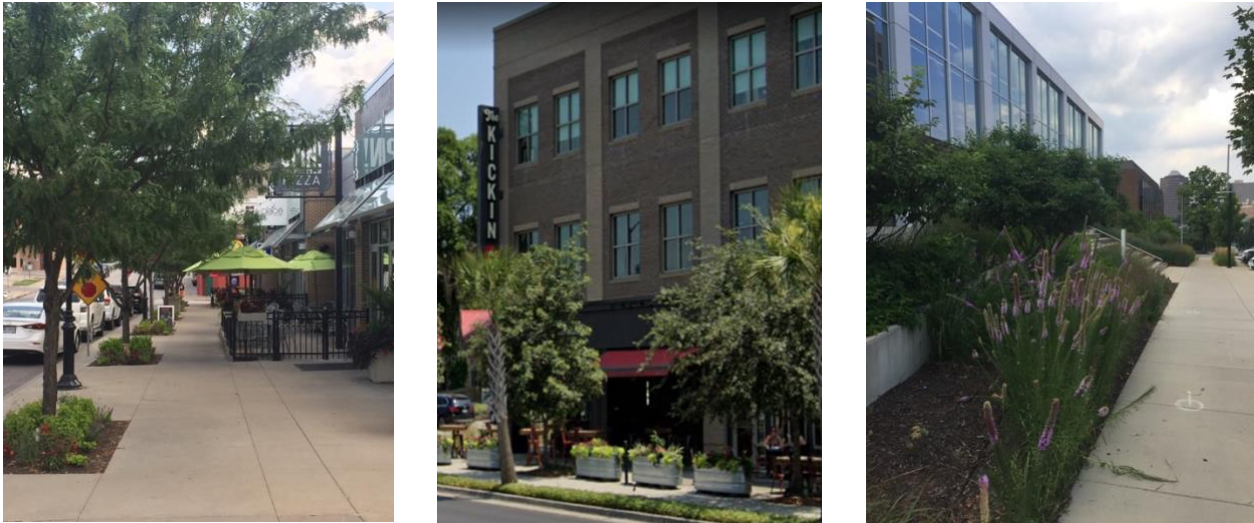
- (a) **Purpose.** The intent of these standards is to enhance the use of landscaping in Downtown Forest Acres.
- (b) **Applicability.** The standards in this Subsection apply to lots in the Downtown Forest Acres Subdistrict.
- (c) **Perimeter and Right-of-Way Landscaping.** The requirements of this subsection apply within the Downtown Subdistrict in lieu of the perimeter and right-of-way landscaping required by § 4.7.4: *Perimeter & Right-of-Way Buffers*.
- (d) **Building Frontage Landscaping.**
  - (1) The area of the build-to zone between the front face of the building and the street right-of-way shall include frontage landscaping comprising at least two of the following elements:
    - a. One medium maturing tree for every 40 linear feet of frontage or fraction thereof or one small maturing tree for every 25 linear feet of frontage or fraction thereof that meet the following specifications:
      - 1. Each tree shall be located in a planting area with minimum dimensions of five feet by five feet;
      - 2. If the planting area is covered by a tree grate, the grate shall comply with ADA requirements;
      - 3. Planting areas for medium maturing trees shall have a minimum soil volume of 750 cubic feet;<sup>25</sup>
      - 4. Planting areas for small maturing trees shall have a minimum soil volume of 600 cubic feet; and
      - 5. If overhead power lines are present, all trees shall be small trees;
    - b. Pervious surfaces including green space, porous concrete and modular pavers, areas with tree grates, or areas that otherwise allow water to infiltrate into the soil;

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<sup>25</sup> Sufficient soil volume is critical to root growth and the long-term health of the tree. The minimum proposed here (600 ft<sup>3</sup>) is generally recommended for small-sized trees. According to the U.S. EPA, “it is generally accepted that a large-sized tree (16 inches diameter at breast height) needs at least 1,000 cubic feet of uncompacted soil” ([\*Stormwater to Street Trees: Engineering Urban Forests for Stormwater Management\*](#)).

- c. Ground cover, turf grass, evergreen shrubs, or perennial and annual beds; or
  - d. Container plantings or raised planter boxes.
- (2) Frontage landscaping areas may include vegetated LID features. [See § 5.5: Low Impact Development for incentives]

**Figure 2.3.14-1: Examples of Building Frontage Landscaping**



- (e) **Landscaping Adjacent to Single-Family or Two-Family Dwellings.** When a lot in the Downtown Subdistrict shares a common boundary with a lot containing a single-family or two-family dwelling, an opaque landscape screen shall be provided along the common lot line. The opaque screen must consist of evergreen trees and shrubs or a combination of wood or masonry fence or wall and evergreen trees and shrubs. In the latter case, the vegetation shall be planted on the residential side of the fence or wall.
- (f) **Building Foundation Landscaping.** The front facing side of all buildings shall include a minimum three-foot wide planting area beginning at the base of the building to be dedicated for landscaping and planting material. Section 4.7.6: Building Perimeter Landscaping specifies the applicable standards.

### 2.3.15 GROUND LEVEL WINDOW OPENING AREA

- (a) **Purpose.** The intent of these standards is to ensure minimum transparency and visibility to and from commercial development in Forest Acres' activity centers.
- (b) **Applicability.** The standards in this Subsection apply to commercial uses in the Downtown Forest Acres and Forest at Beltline Subdistricts.

- (c) **Minimum Amount of Window Area.** The minimum percentage of window area along the ground floor of the front face of the building is 40%. Minimum fenestration for commercial uses shall include all window, door, and storefront openings for the ground floor, as measured from the finished floor up to a height of 20 feet.
- (d) **Transparency.** All street level exterior windows must be clear and fully transparent.
- (e) **Visibility.** Tinting shall not substantially diminish the visibility from outside to the interior of the building.

### 2.3.16 BUILDING MATERIALS

- (a) **Allowed Building Materials in Downtown Forest Acres and Forest at Beltline Subdistricts.** Building façade materials used on lots subject to the Downtown Subdistrict are limited to brick, stone or precast stone, stucco, treated wood or timber, horizontal lap siding (of wood, cementitious, or composition board), composite metal panel, and pre-engineered metal and glass systems for windows, doors, and shopfront conditions. E.I.F.S., plywood, plastics, and concrete block are prohibited as façade materials on any façade visible from a public street or open space.
- (b) **Prohibited Building Materials in All Subdistricts.** The use of vinyl and E.I.F.S. on street-facing façades is prohibited.
- (c) **Prohibited Exterior Surface Applications in All Subdistricts.** The following exterior surface applications, as determined by the Zoning Administrator, are prohibited on building facades, roofs, awnings, signage, and permanent fixtures visible from public rights-of-way:
  - (1) Neon or fluorescent colors;
  - (2) Day-glo or reflective finishes; and
  - (3) Colors inconsistent with the surrounding character.

### 2.3.17 HIGH-VISIBILITY CORNER SITES

- (a) **Purpose.** The intent of these standards is to enhance building presentation and site design at high-visibility corner sites in Forest Acres' major centers.
- (b) **Applicability.** The standards in this Subsection apply to lots in the Downtown Forest Acres and Forest at Beltline Subdistricts located at the intersection of Forest Drive and Trenholm Road that have frontage on both streets.



- (c) **Building Presentation.** The development application shall be accompanied by an architectural set of drawings prepared by a licensed architect that includes the following architectural provisions:
  - (1) The building addresses both streets with distinctive architectural articulation, massing elements, and roof features; and
  - (2) The building includes building entrances, fenestration, and façade projections or recesses or other identifiable features.
- (d) **Enhanced Site Design.** The submittal is accompanied by a landscape plan prepared by a licensed landscape architect that incorporates distinctive open space, such as seating areas, a plaza, or a water feature, along the Forest Drive and/or Trenholm Road frontage.

### 2.3.18 CREEK ACCESS STANDARDS

- (a) **Purpose.** The intent of these Creek Access Standards is to promote access to Gills Creek and Eightmile Branch, address parking burdens, and furnish scenic value and recreational opportunity.
- (b) **Applicability.** The standards in this Subsection apply to lots in the Downtown Subdistrict that are located immediately adjacent to Gills Creek or Eightmile Branch.
- (c) **Creek Frontage.**
  - (1) Development abutting Gills Creek or Eightmile Branch shall include building frontage on both the street right-of-way and creek frontage. The creek-facing façade shall maintain an active ground floor use for at least 10% of its length or 15 feet, whichever is greater.
  - (2) Developments are encouraged to include outdoor dining, plazas, and boardwalks along Gills Creek and Eightmile Branch.
- (d) **Gills Creek Parking and Access Standards.**
  - (1) *Purpose.* The purpose of the Gills Creek Access Parking and Access Standards is to promote public and private development and improve pedestrian and vehicular access in the unique but significant corridor between Trenholm Road and the Forest Lake Place Drive bridge over Gills Creek. This area, which sits at the northeastern corner of one of the City's major commercial intersections, faces unique development and public access challenges due to existing private improvements, the proximity of floodplain and floodway classifications, and the strong public interest in well-maintained access from Trenholm Road to the Forest Lake Place bridge.
  - (2) *Applicability.* The provisions in this Subsection apply to the area shown in Figure 2.3.18-1: *Gills Creek Parking and Access Area Map*.



**Figure 2.3.18-1: Gills Creek Parking and Access Area Map**

(3) *Off-Street Parking.*

- a. *Off-Street Parking Configuration.* Public and private off-street automobile parking spaces may be arranged in a manner requiring vehicles to back onto a City-maintained roadway when leaving the premises, if parking spaces arranged in this manner are not located along the roadway within 60 feet of the outside edge of the travel lane of an intersecting State- or County-maintained roadway. The City-maintained roadway may be used and shall be treated as the necessary maneuvering space for such parking and storage.
- b. *Application of Public Parking to Off-Street Parking Requirements.* A public parking space located within a City public parking easement shall be applied toward the minimum off-street parking requirements for the parcel on which the public parking easement is located, subject to the following provisions:
  1. The public parking space must be located on the portion of the public parking easement that is on that parcel;
  2. If a public parking space sits on more than one parcel, that parking space may only be counted toward the minimum off-street parking requirement for any one parcel on which greater than 50% of the parking

space is located, measured from the interior of the marked parking space lines; and

3. A parcel subject to a City right-of-way easement shall be treated as a single parcel for purposes of applying public parking spaces toward off-street parking requirements as set forth in this Subsection.

(4) *Landscaping, Buffer Yards, and Setbacks.*

- a. Requirements for landscaping, buffer yards, and front and rear setbacks along portions of lots adjacent to public rights-of-way shall not apply along City maintained rights-of-way.
- b. This Subsection does not affect requirements for landscaping, buffer yards, and setbacks along portions of lots adjacent to State- and County-maintained roads.

## ARTICLE 3: USE REGULATIONS

### 3.1 GENERAL PROVISIONS

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#### 3.1.1 PURPOSE

- (a) **In General.** The purpose of this Article is to promote the public health, safety, morals, and general welfare, and to protect and preserve places and areas of historical, cultural, and architectural importance and significance. These regulations are adopted in accordance with the Comprehensive Plan and are designed to:
- (1) Distribute land uses to meet the physical, social, cultural, economic, and energy needs of present and future populations;
  - (2) Ensure that new development is compatible with surrounding development in use, character, and size;
  - (3) Provide for land uses that serve important public needs, such as affordable housing and employment generators;
  - (4) Promote mixed-use centers and corridors;
  - (5) Promote redevelopment and adaptive reuse of existing structures;
  - (6) Integrate civic uses into neighborhoods; and
  - (7) Protect natural resources.
- (b) **Regulation of Land Use.** In accordance with the purposes described in 3.1.1(a), this Article:
- (1) Establishes the land uses allowed in each zoning district;
  - (2) Establishes supplemental regulations for conditional and special exception uses, which have unique operational characteristics or impacts; and
  - (3) Establishes regulations for accessory and temporary uses.

#### 3.1.2 APPLICABILITY

This Article applies to all zoning districts within the jurisdiction of the City of Forest Acres.

### 3.1.3 ORGANIZATION OF THIS ARTICLE

- (a) **Principal Uses and Structures.** Section 3.2: *Principal Uses & Structures* establishes all principal uses allowed in the City and the district(s) in which they are allowed. Section 3.3: *Principal Use Conditions* identifies use-specific conditions, where applicable.
- (b) **Accessory Uses and Structures.** Section 3.4: *Accessory Uses & Structures* establishes land uses and structures commonly identified as incidental to principal uses and the district(s) in which they are allowed and identifies use-specific conditions, where applicable.
- (c) **Temporary Uses and Structures.** Section 3.6: *Temporary Uses & Structures* establishes land uses and structures that are allowed on a temporary basis and the district(s) in which they are allowed and identifies use-specific conditions, where applicable.
- (d) **Land Use Types, Definitions, and Supplemental Standards.**
  - (1) *Land Use Typology.* Land use types are clearly defined within this Article and are based on commonly identifiable attributes associated with each use's activity, function, structure, site characteristics, and/or ownership.
  - (2) *Definitions.* Land use terms are defined in § 12.3: *Definitions* and are grouped by land use category.
  - (3) *Use Conditions.* Supplemental standards for conditional and special exception uses are included in § 3.3: *Principal Use Conditions*. Conditions may include operation times, adjacency, location, size, or other use-specific standards.
- (e) **Prohibited Uses.** In addition to uses specified as prohibited in Table 3.2.2-1: *Principal Use Table*, all uses specified in City Code [Chapter 10: Miscellaneous Offenses and Provisions](#) are prohibited.

### 3.1.4 KEY TO USE TABLES

- (a) **Generally.** Table 3.1.4-1: *Categories of Uses* describes the four categories of uses allowed by Table 3.2.2-1: *Principal Use Table*, Table 3.4.3-1: *Accessory Use Table*, and Table 3.6.5-1: *Temporary Use Table*.
- (b) **Use Conditions Column.** The "Use Conditions" column in each use table indicates the Section in which the conditions applicable to a particular conditional or special exception use are established.
- (c) **Centers & Corridors Overlay District Column.** A "Y," meaning 'yes,' in the "CC-OD" column in Table 3.2.2-1: *Principal Use Table* indicates where additional standards apply to certain uses within the Centers and Corridors Overlay District. These uses shall comply with any conditions specified in this Article as well as the overlay district standards (see Article 2: *Zoning Districts*).

- (d) **Land Use Categories.** In order to systematically organize uses, Table 3.2.2-1: *Principal Use Table* is divided into categories. The categories group similar uses for ease of navigation and readability. The tables organize uses into broad categories, such as “residential” or “commercial” uses, and further divides uses into sub-categories with similar and distinguishable characteristics, such as “low-intensity residential” or “office” uses.

**Table 3.1.4-1: Categories of Uses**

Notation	Category	Description
P	Permitted Use	The use type is allowed by-right in the corresponding zoning district, subject to compliance with all other applicable regulations of this Ordinance.
C	Conditional Use	The use type is allowed by-right in the corresponding zoning district if it complies with the conditions referenced in the “use conditions” column of the use table and all other applicable regulations of this Ordinance.
S	Special Exception Use	The use is allowed, if it is reviewed and approved by the Zoning Board of Appeals in accordance with the Special Exception procedure specified in Article 7: <i>UDO Procedures</i> , complies with any conditions referenced in the “use conditions” column of the use table, and complies with all other applicable regulations of this Ordinance.
[blank cell]	Prohibited Use	The use type is prohibited in the corresponding zoning district.

### 3.1.5 HOURS OF OPERATION

Except where more restrictive regulation may apply, commercial uses open to the public are subject to the following limitations on hours of operation in all zoning districts:

- (a) **Commercial Hours of Operation.** Commercial uses open to the public, including drive-through uses, shall not operate outside the hours of 5:00 a.m. through 12:00 a.m. (midnight), except as provided as an exception or conditional use below.
- (b) **General Exceptions.** The following uses may also operate open to the public between the hours of 12:00 a.m. (midnight) and 5:00 a.m.:
- (1) Hospitals, medical treatment facilities, and emergency medical facilities;
  - (2) Emergency veterinary facilities;
  - (3) Completely automated uses including, but not limited, to automatic teller machines, automated fuel pumps, and vending machines;

- (c) **Early Opening Exceptions.** Indoor exercise and fitness centers may also operate open to the public between the hours of 4:00 a.m. through 5:00 a.m.
- (d) **Conditional Uses.** Approval may be obtained from the Zoning Administrator for the following uses to operate open to the public between the hours of 12:00 a.m. (midnight) and 5:00 a.m. subject to meeting and maintaining compliance with the stated conditions, restrictions, or limitations, and all other restrictions applicable to such uses:
  - (1) Grocery stores, subject to the following conditions:
    - a. Security personnel must be onsite at all times between the hours of 12:00 a.m. and 5:00 a.m.;
    - b. Security cameras must be installed and operational in all areas open to the public, including the interior and exterior parking areas, reasonably configured so that all such areas are observable;
    - c. The exterior of the property must be conspicuously posted with a sign stating “No Loitering;” and
    - d. Upon request by the Zoning Administrator, the applicant shall prepare and submit a written plan to address any potential public safety concerns specific to the parcel or locality. At any time after permission is granted for the conditional use, upon request by the City Administrator, such a report shall be prepared and submitted, or updated as applicable, within 30 days.
  - (2) Pharmacies (excluding any use not qualifying as a pharmacy within the meaning of Title 40 of the South Carolina Code of Laws), subject to the following conditions:
    - a. Security personnel must be onsite at all times between the hours of 12:00 a.m. and 5:00 a.m.;
    - b. Security cameras must be installed and operational in all areas open to the public, including the interior and exterior parking areas, reasonably configured so that all such areas are observable;
    - c. The exterior of the property must be conspicuously posted with a sign stating “No Loitering;”
    - d. Upon request by the Zoning Administrator, the applicant shall prepare and submit a written plan to address any potential public safety concerns specific to the parcel or locality. At any time after permission is granted for the conditional use, upon request by the City Administrator, such a report shall be prepared and submitted, or updated as applicable, within 30 day; and
    - e. Drive-thru windows and services shall not be open during such hours.

- (3) Gas stations including gas stations with convenience stores, subject to the following conditions:
- a. Security cameras must be installed and operational in all areas open to the public, including the interior and exterior parking areas, reasonably configured so that all such areas are observable;
  - b. The exterior of the property must be conspicuously posted with a sign stating “No Loitering;” and
  - c. Upon request by the Zoning Administrator, the applicant shall prepare and submit a written plan to address any potential public safety concerns specific to the parcel or locality. At any time after permission is granted for the conditional use, upon request by the City Administrator, such a report shall be prepared and submitted, or updated as applicable, within 30 days.
- (4) Lobbies of hotels, inns, and bed and breakfast establishments, subject to the following conditions:
- a. Security cameras must be installed and operational in all areas open to the public, including the interior and exterior parking areas, reasonably configured so that all such areas are observable;
  - b. Food, beverage, and alcohol service shall not be permitted in such areas open to the public, except for complimentary coffee and similar incidental provisions for paying guests; and
  - c. Upon request by the Zoning Administrator, the applicant shall prepare and submit a written plan to address any potential public safety concerns specific to the parcel or locality. At any time after permission is granted for the conditional use, upon request by the City Administrator, such a report shall be prepared and submitted, or updated as applicable, within 30 days.
- (5) Special events (e.g., New Year’s Eve celebrations) limited to the additional hours of 12:00 a.m. through 2:00 a.m. or 4:00 a.m. through 5:00 a.m. only, including ticketed or otherwise restricted events in commercial establishments ordinarily open to the public, subject to the following conditions:
- a. No more than two such special events may be approved for a particular property during a twelve-month period; provided, however, that different commercial units within a shopping center on a single parcel may each be approved for up to two such special events during a 12-month period;
  - b. The applicant shall prepare and submit a written plan to address any potential public safety concerns specific to the parcel or locality, including any potential public safety concerns identified by the Zoning Administrator. The plan must also

address steps that will be taken to prevent excessive noise, lighting, or other impacts to nearby residential properties, and must specify the additional hour(s) during which the special event will occur. The plan must be approved by the Zoning Administrator upon a determination that it reasonably and credibly addresses concerns regarding public safety and neighborhood impacts and limits the event to only reasonably necessary additional operating hours;

- c. No outdoor speakers, amplification, or musical instruments are permitted; and
- d. The applicant must provide a telephone number for a responsible party who will be onsite and available for communications during the special event.



## 3.2 PRINCIPAL USES & STRUCTURES

### 3.2.1 APPLICABILITY

This Section applies to all principal uses and structures in all zoning districts.

### 3.2.2 PRINCIPAL USE TABLE<sup>26</sup>

- (a) **Generally.** Principal uses and structures are allowed in the districts specified in Table 3.2.2-1: *Principal Use Table* if the use complies with all applicable use conditions and other provisions of this Ordinance.
- (b) **Unlisted Principal Uses and Structures Prohibited.** Any principal use or structure not expressly allowed by Table 3.2.2-1: *Principal Use Table* is prohibited.

Table 3.2.2-1: Principal Use Table													
Land Uses	R-1	R-1a	R-2	R-3	C-1	C-2	C-3	C-4	C-5	P-1	P-2	CC-OD	Use Conditions
<b>RESIDENTIAL USES</b>													
<b>Low Intensity Residential</b>													
Single-Family Dwelling	P	P	P	P	P	P							
Two-Family Dwelling			P	P	P	P							
<b>Middle Intensity Residential</b>													
Manufactured Housing								C					§ 3.3.6
Manufactured or Mobile Home Park								C					§ 3.3.6
Neighborhood Courtyard Housing <sup>27</sup>			S	S	S	S						Y	§ 3.3.8
Three- or Four-Family Dwelling				C									§ 3.3.12
Townhouse Dwelling				C								Y	§ 3.3.12
<b>High Intensity Residential</b>													
Multi-Family Dwelling, Apartment Complex				C					C				§ 3.3.12
Upper Story Dwelling							C					Y	§ 3.3.12

<sup>26</sup> New use table added.

<sup>27</sup> "Group housing projects" has been renamed to "neighborhood courtyard housing," and new conditions for context sensitive development have been added.

Table 3.2.2-1: Principal Use Table

Land Uses	R-1	R-1a	R-2	R-3	C-1	C-2	C-3	C-4	C-5	P-1	P-2	CC-OD	Use Conditions
<b>Group Living</b>													
Dormitory, Fraternity or Sorority House <sup>28</sup>							P	P					
Group Living (unless otherwise listed)							P	P					
<b>Special Care Residential</b>													
Community Residence <sup>29</sup>	P	P	P	P	P	P	P	P	P	P	P		
Continuing Care Retirement Community <sup>30</sup>				P	P	P	P	P					
Emergency Shelter								P					
Long-Term Care Facility <sup>31</sup>					P	P	P	P	C				§ 3.3.17
<b>PUBLIC &amp; INSTITUTIONAL USES</b>													
<b>Civic Uses</b>													
Community Center, Recreation Center, or Neighborhood Building					P	P	P	P					
Convention Center									P				
Government Facility (unless otherwise listed)					P	P	P	P	P	P	P		
Library, Museum, or Cultural Facility					P	P	P	P	P	P	P		
Place of Worship					P	P	P	P	P	P	P		
<b>Educational Uses</b>													
College, Community College, University <sup>32</sup>							P	P					

<sup>28</sup> New term added to reflect where universities are permitted.

<sup>29</sup> Renames “small group home” as “community residence.” S.C. Planning Act § 6-29-770(E) exempts these facilities from zoning when they accommodate nine or fewer residents. A “community residence” with more than nine residents would be considered a “long-term care facility.”

<sup>30</sup> New use added. See definition.

<sup>31</sup> Carries forward “nursing or convalescent homes” and renames as “long-term care facility.”

<sup>32</sup> New use added. See definition.

Table 3.2.2-1: Principal Use Table

Land Uses	R-1	R-1a	R-2	R-3	C-1	C-2	C-3	C-4	C-5	P-1	P-2	CC-OD	Use Conditions
School (K-12)					P	P	P	P			P		
Vocational School					P	P	P	P					
<b>Parks, Open Space, and Greenways</b>													
Greenway or Trail <sup>33</sup>					P	P	P	P	P	P	P		
Park					P	P	P	P	P	P	P		
Playground					P	P	P	P	P	P	P		
<b>Communications, Infrastructure, &amp; Utilities</b>													
Communication Tower								S		C			§ 3.3.3
Small Wireless Facility					C	C	C	C	C	C	C		§ 3.3.15
Utility Lines and Related Appurtenances	C	C	C	C	C	C	C	C	C	C	C		§ 3.3.4
<b>MIXED USES</b>													
Mixed Use Building									P			Y	
<b>COMMERCIAL USES</b>													
<b>Accommodation &amp; Lodging Uses</b>													
Bed and Breakfast or Inn							C	C	P				§ 3.3.1
Boutique Hotel												Y	
Short-Term Rental					C	C	C	C	C				§ 3.3.14
<b>Eating &amp; Drinking Establishments</b>													
Bar, Tavern, or Lounge							C	C	C				§ 3.3.5
Brewpub							C	C	C				§ 3.3.5
Restaurant							P	P	P				
Restaurant with Drive-In or Drive-Through Service								P					
Wine Bar							C	C	C				§ 3.3.5
<b>Medical Uses</b>													
Emergency Medical Services							P	P	C				§ 3.3.7
Hospital							P	P	C				§ 3.3.7
Medical Office, Clinic, or Lab					C	C	C	C	C			Y	§ 3.3.7

<sup>33</sup> New use added. See definition.

Table 3.2.2-1: Principal Use Table

Land Uses	R-1	R-1a	R-2	R-3	C-1	C-2	C-3	C-4	C-5	P-1	P-2	CC-OD	Use Conditions
<b>Office Uses</b>													
Bank or Financial Institution					C	C	P	P	P				§ 3.3.9
High-Intensity Office					C	C	C	C	P				§ 3.3.9
Government Office					P	P	P	P	C	P	P		§ 3.3.9
Professional / Business Office					P	P	P	P	P				
<b>Open Air Uses</b>													
Open Air Market									P	C	C		§ 3.7.5
Plant Nursery							P						
<b>Personal Service Uses</b>													
Adult Day Care					P	P	P	P	P		P		
Animal Care							C	C	C				§ 3.3.10
Beauty Shop, Barber, Hair Salon					P	P	P	P	P				
Child Day Care, Nursery School, or Preschool					C	C	C	C	C		C		§ 3.3.10
Laundry Facility						P			P				
Non-Depository Personal Credit Institution								C	C				§ 3.3.10
Personal Service Establishment (unless otherwise listed)						P	P	P	P				
Post Office							P	P	P				
Print Center							P	P	P				
Repair Shop							P	P	P				
Small Engine Repair							P	P					
Tailor or Garment Shop					P	P	P	P	P				
Tattoo Establishment								P					
<b>Recreational &amp; Entertainment Uses, Indoor</b>													
Adult or Sexually Oriented Business								C					§ 3.3.2
Children's Amusement Center									P				

Table 3.2.2-1: Principal Use Table

Land Uses	R-1	R-1a	R-2	R-3	C-1	C-2	C-3	C-4	C-5	P-1	P-2	CC-OD	Use Conditions
Club, Lodge, Civic, or Fraternal Organization					P	P	P	P					
Country Club					P	P	P	P					
Game Arcade							C	C					§ 3.3.11
Indoor Recreational or Entertainment Facility (unless otherwise listed)									P				
Public Recreational Facilities (unless otherwise listed)					P	P	P	P		P	P		
Studio Space					P	P	P	P	P				
Theater or Auditorium							P	P	P				
<b>Recreational &amp; Entertainment Uses, Outdoor</b>													
Athletic Field								P					
Driving Range							P	P					
Miniature Golf Course							P	P					
Outdoor Recreational or Entertainment Facility (unless otherwise listed)								P					
<b>Retail Uses</b>													
Grocer						C	P	P	P			Y	§ 3.3.13
Hemp, CBD, or Cannabis Product Sales	See § 3.4: Accessory Uses & Structures												
Retail Establishments (unless otherwise listed)						C	P	P	P			Y	§ 3.3.13
Shopping Center							P	P					
Smoke or Vape Shop						C	C	P	C				§ 3.3.16
<b>Vehicle-Related Uses</b>													
Vehicle Sales, Rental, or Leasing Center							C	C					§ 3.3.18
Gas Station							C	C					§ 3.3.18
Parking Structure							P	P				Y	
Vehicle Services							C	C					§ 3.3.18
<b>Warehouse, Storage, &amp; Distribution Uses</b>													

Table 3.2.2-1: Principal Use Table

Land Uses	R-1	R-1a	R-2	R-3	C-1	C-2	C-3	C-4	C-5	P-1	P-2	CC-OD	Use Conditions
Distribution or Fulfillment Center								P					
Self-Service Storage Facility								P					
Warehouse								P					

### 3.3 PRINCIPAL USE CONDITIONS

#### 3.3.1 ACCOMODATION & LODGING USES

- (a) **Use Conditions for Bed and Breakfasts or Inns.** Establishments shall not exceed eight rental units or rooms. No rental unit or rooms shall be offered for rent or allowed to be sub-rented for a period of less than 10 hours or greater than 30 days.<sup>34</sup>
- (b) **Use Conditions for Short-Term Rentals.** See § 3.3.14: *Short-Term Rentals*.

#### 3.3.2 ADULT OR SEXUALLY ORIENTED BUSINESSES<sup>35</sup>

- (a) **Classification.** Sexually oriented businesses are classified as follows:
- (1) Adult arcades;
  - (2) Adult bookstores or adult video stores;
  - (3) Adult cabarets;
  - (4) Adult motion picture theaters;
  - (5) Adult theaters; and

<sup>34</sup> Carries forward current condition in § 21.111 (C-3 Permitted Uses) and § 21.120 (C-4 Permitted Uses).

<sup>35</sup> Carries forward Article XXII Adult or Sexually Oriented Businesses, specifically § 21.250 Definitions; §21.251 Classification; § 21.259 Location of Sexually Oriented Business; §21.260 Regulations for Exhibition of Sexually Explicit Films or Videos; and § 21.261 Exemptions. Subsection 3.3.22(b)(2) through (8) [current Zoning Ordinance § 21.252 through § 21.258] may be relocated to Article 8: *Zoning Procedures*. Subsection 3.3.22(c) *Violations* (current Zoning Ordinance § 21.262) may be relocated to Article 11: *Violations & Enforcement*. This Subsection is currently under review by the City Attorney and may be revised.

- (6) Nude model studios.

**(b) Permit Required.**

- (1) An application for permit must be made on a form provided by the Zoning Administrator. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including the total floor area occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
- (2) The applicants must be qualified according to the provisions of this Ordinance and the premises must be inspected and found to be in compliance with the law by the Health Department, Fire Department, and Building Official.
- (3) If a person who wishes to operate a sexually oriented business is an individual, such person must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a 10% or greater interest in the business must sign the application for a permit as applicant(s). If a corporation is listed as owner of a sexually oriented business, each individual having 10%, or greater interest in the corporation must sign the application for permit as applicant(s).
- (4) The fact that an applicant (s) possesses other types of state, county, or city permits and/or licenses does not exempt the applicant(s) from the requirement of obtaining a sexually oriented business permit.
- (5) All applicants must consent to and authorize a criminal records check.

**(c) Issuance of Permit and Fee.**

- (1) The Zoning Administrator shall approve the issuance of a permit to an applicant(s) within 30 days after receipt of a properly completed application absent a finding of one or more of the following to be true:
  - a. An applicant is under 18 years of age;
  - b. An applicant or applicant's spouse is overdue in payment(s) to the City for taxes, fees, fines, or penalties assessed against or imposed upon the applicant or spouse in relation to a sexually oriented business;
  - c. An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the applicant form;

- d. An applicant is residing with a person who has been denied a permit by the City to operate a sexually oriented business within the preceding 12 months;
  - e. The premises to be used for the sexually oriented business have not been approved by the Health Department, Fire Department, and the Building Official as being in compliance with applicable laws and ordinances;
  - f. The permit fee required by this Ordinance has not been paid;
  - g. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this Ordinance;
  - h. An applicant has been convicted of a sex offense or crime punishable by a fine of \$1,000.00 or more or imprisonment for a period of 60 days or more.
- (2) The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
- (3) The annual fee for a sexually oriented business permit is \$500.00.
- (d) **Inspection.** The applicant(s)/permittee(s) shall permit representatives of the Police Department, Planning Department, other City departments or agencies, or County or state agencies acting on behalf of the City or on their own behalf, to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business, and it is unlawful to refuse to permit such inspection of the premises at any time it is occupied or open for business.
- (e) **Expiration of Permit.**
- (1) Each permit shall expire one year from the date of issuance and may be renewed only by making application as provided herein. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the permit will not be affected except for good cause shown.
  - (2) When the Zoning Administrator denies renewal of a permit, the applicant shall not be issued a permit for one year from the date of denial. If, subsequent to denial, the Zoning Administrator finds that the basis for denial of the renewal permit has been corrected or abated, the applicant may be granted a permit.
- (f) **Suspension of Permit.**
- (1) Violated or is not in compliance with any subsection of this Ordinance;



- (2) Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
- (3) Refused to allow an inspection of the sexually oriented business premises as authorized by this Ordinance; or
- (4) Knowingly permitted gambling by any person on the sexually oriented business premises.

(g) **Revocation of Permit.**

- (1) The Zoning Administrator shall revoke a permit if:
  - a. A cause for suspension in 3.3.2(f): *Suspension of Permit* occurs, and the permit has been suspended within the preceding 12 months for willful and knowing violation of this ordinance;
  - b. An applicant/permittee knowingly gave false or misleading material information in the application;
  - c. A permittee or an employee has knowingly allowed possession, use, or sale of controlled substance on the premises;
  - d. A permittee or an employee knowingly allowed prostitution on the premises;
  - e. A permittee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;
  - f. A permittee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted premises;
  - g. A permittee is delinquent in payments to the City, County, or State for any taxes or fees past due related to the sexually oriented business.
- (2) The revocation of a permit shall continue for a period of not less than one year, and the permittee shall not be issued a sexually oriented permit for any other location for one year from the date revocation became effective.

(h) **Transfer of Permit.** A permittee(s) shall neither transfer a permit to another, nor shall a permittee(s) operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application.

(i) **Location of Sexually Oriented Business.**

- (1) No sexually oriented business shall be operated within 1,000 feet of:

- a. A place of worship;
  - b. A public or private elementary or secondary school;
  - c. A public park;
  - d. The property line of a lot devoted to residential use;
  - e. The boundary line of any property zoned R-1, R-2, R-2a, R-3, or P-2, or PDD Residential;
  - f. Another sexually oriented business; or
  - g. A day care center or preschool.
- (2) All measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, prohibited district, or residential lot.
- (3) The distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- (4) Any sexually oriented business lawfully operating on the effective date of Ordinance No. 97-519 (October 28, 1997) that is in violation of 3.3.2(i)(1), 3.3.2(i)(2), or 3.3.2(i)(3), above, shall be deemed a nonconforming use.
- a. The nonconforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more.
  - b. Such nonconforming uses shall not be increased, enlarged, extended, or altered, except that the use may be changed to a conforming use.
  - c. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.
- (j) **Regulations for Exhibition of Sexually Explicit Films or Videos.**
- (1) A person who operates or causes to be operated a sexually oriented business, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a

film, video cassette, or other reproduction that depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

- a. Upon application for a sexually oriented permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Zoning Administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that the configuration of the premises has not been altered since it was prepared.
- b. The application shall be sworn to be true and correct by the applicant(s).
- c. It is the duty of the permittee(s), owner(s), and operator(s) of the premises to ensure that at least one employee is on duty and situated in each manager's station. No change in the configuration or location of the manager's station may be made without the prior approval of the Zoning Administrator.
- d. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two or more manager's stations designated, the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this Subsection must be by direct line of sight from the manager's station.
- e. It shall be the duty of the permittee(s), owner(s), and operator(s), and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in Subsection (d) remains unobstructed by any walls, merchandise, display racks or other materials at all times and in every booth or room in which viewing of films or videos, as set forth in 3.3.2(j)(1) above, is taking place, the bottom of the door must be at least 18 inches above the floor level, and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to section.

- f. No viewing room may be occupied by more than one person at any time.
  - g. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five-foot candle as measured at floor level.
  - h. It shall be the duty of the permittee(s), owner(s), and any agents and employees present in the premises to ensure that the visibility and illumination described above, is always maintained that any patron is present in the premises.
- (k) **Exemptions.** It is a defense to prosecution under this Ordinance that a person appearing in a state of nudity did so in a modeling class operated:
- (1) By a propriety school, licensed by the State of South Carolina; a college, junior college, or university supported entirely or partly by taxation;
  - (2) By a private college or university which maintains and operates education programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; and
  - (3) In a structure:
    - a. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
    - b. Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and
    - c. Where no more than one nude model is on the premises at any one time.
- (l) **Violations.**
- (1) Any violations of this Subsection or failure to comply with any of the requirements hereof shall be classified as a misdemeanor, and shall be punishable by a fine and/or imprisonment as set forth in City Code Section 1-8: General penalty; continuing violations; payment of fine by credit or debit card.
  - (2) In addition, any person that causes or permits the operation, establishment, or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business; causes or permits the operation, establishing, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business; or operates a sexually oriented business without a valid permit issued by the City for this particular type of business shall be guilty of a misdemeanor and punishable as set out herein.

### 3.3.3 COMMUNICATION TOWERS<sup>36</sup>

- (a) **Height.** Free-standing communication towers shall have a maximum height of 160 feet. Towers located on buildings shall have a maximum height of 20 feet above the roof line of the building.
- (b) **Setback.**
  - (1) No communication tower shall be located within 50 feet (as measured from the base of the tower) of a residential zoning district or within 75 feet of a public right-of-way.
  - (2) For communication towers over 75 feet in height but less than 125 feet in height, the 50-foot setback from any dwelling located in a residential zoning district or 75-foot setback from a public right-of-way, shall be increased by one foot per one foot of tower height as measured from the base of the tower, over 75 feet.
  - (3) For communication towers greater than 125 feet in height, the setback from any dwelling located in a residential zoning district or public right-of-way shall increase by two feet per one foot of tower height in excess of 125 feet, as measured from the base of the tower. Such setback requirements are in addition to the setback requirements set forth in 3.3.3(b)(1) and 3.3.3(b)(2) above.
  - (4) The setback requirements specified in 3.3.3(b)(2) and 3.3.3(b)(3), above, may be reduced to the minimum set forth in 3.3.3(b)(1) by special exception by the Zoning Board of Appeals upon receipt of a written zoning waiver executed by the owner(s) of dwellings located within the setback requirements as established herein. In addition, the Board must find the reduced setbacks are appropriate based on the evidence submitted.
- (c) **Landscaping and Fencing.** Eight-foot-high fencing shall be provided around the tower and any associated building. Outside of the fencing, at least one row of evergreen shrubs forming a continuous hedge at least five feet in height within individual plantings spaced no more than five feet apart.
- (d) **Illumination.** Illumination is prohibited except to the extent required by applicable federal or state statute or regulation.
- (e) **Signs.** Signs are prohibited, except as required by applicable state or federal law, rule, or regulation. Signs for the purpose of identification warning, emergency function, or contact may be placed as required by standard industry practice.

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<sup>36</sup> Carries forward Article XXI Communication Towers.

- (f) **Abandonment.** A tower that is no longer actively utilized for communication purposes must be removed within 120 days of the date taken out of active service.
- (g) **Collocation.** The communication tower applicant shall provide satisfactory evidence that alternative towers, buildings, or other structures are not available for use within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria or provide a location free of interference from other communication towers. Further, such applicant must submit documentation citing specific reasons that it is not technically feasible to collocate the antenna on the closest existing or proposed tower whether inside or outside the City limits.
- (h) **Amateur Radio Operators.** Communication towers erected and maintained for the sole purpose of amateur radio operation by an amateur radio operator duly licensed by the Federal Communications Commission shall be exempt from the requirement of this Subsection provided that any amateur radio tower shall not:
  - (1) Exceed a maximum freestanding height of 80 feet or, if located on a building, will not exceed a maximum of 20 feet above the roof line of the building; and
  - (2) Be located within 50 feet from a public right-of-way.
- (i) **Special Exception Criteria.**
  - (1) In addition to the criteria for special exceptions set forth in Article 7: *UDO Procedures*, the Zoning Board of Appeals shall, in considering applications for special exceptions relating to communication towers, under the following factors:
    - a. The proposed structure will not endanger the health and safety of residents, employees, or travelers, including, but not limited to, the likelihood of the failure of such structures;
    - b. The proposed tower is in an area where it will not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties with additional consideration for properties designated as historic either locally or by listing in the National Register of Historic Places;
    - c. The proposed tower is not located within 2,000 feet of another tower; and
    - d. The proposed user has attempted to collocate on existing communication towers and is willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure.
  - (2) A site plan, elevation drawing(s), photographs, and other appropriate documentation must be submitted with the request for special exception which provide the following information:

- a. The site plan must include the location of tower(s), guy anchors (if any), transmission building, and other accessory uses, parking access, fences, adjacent land use, landscaping and required buffering;
  - b. The elevation drawings must clearly show the design of the tower and materials to be used;
  - c. Photographs must show the proposed site and the immediate area. Submittal of other detailed information, such as topography and aerial view, which supports the request are encouraged at the option of the applicant.
- (j) Communication Towers located in P-1 and P-2 Zoning Districts, property leased solely for municipal functions, or property solely associated with municipal functions are subject to the following conditions:
- (1) No tower shall be located within 120 feet (as measured from the base line of the tower) of any public right-of-way or 25 feet (as measured from the base line of the tower) for any secondary public right-of-way;
  - (2) No tower shall be located within 120 feet (as measured from the base line of the tower) from any dwelling located in a residential zoning district; and
  - (3) Subject to the provisions of 3.3.3(a), 3.3.3(c), 3.3.3(d), 3.3.3(e), 3.3.3(f), 3.3.3(g). The provisions of 3.3.3(b), 3.3.3(h), 3.3.3(i) do not apply.

### 3.3.4 COMMUNICATIONS, INFRASTRUCTURE, & UTILITIES

- (a) **Communication Towers.** See § 3.3.3: *Communication Towers*.
- (b) **Small Wireless Facilities.** See § 3.3.15: *Small Wireless Facilities*.
- (c) **Utility Lines and Related Appurtenances.**<sup>37</sup>
  - (1) Public utilities, transfer stations, transformer stations, water tanks and towers, electrical transmission and telephone lines and poles, telephone exchanges with no vehicles or equipment stored on the premises are allowed, subject to the height requirements of § 4.2: *Lot Standards* and § 11.2: *Rules of Measurement*.
  - (2) All district yard requirements must be met, and all electric power substations, transformer substations, or relay substations must be enclosed by a vision restricted fence at least eight feet high and suitably landscaped.

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<sup>37</sup> Carries forward current use conditions.

### 3.3.5 EATING & DRINKING ESTABLISHMENTS

- (a) **Ancillary Use Requirement for Bars, Taverns, and Lounges.** A bar, tavern, or lounge must operate within a full-service restaurant permitted by the South Carolina Department of Revenue.
- (b) **Brewpub and Wine Bar Location.** In C-3, C-4, and C-5 Zoning Districts, brewpubs and wine bars are limited to properties within the Centers and Corridors Overlay District.

### 3.3.6 MANUFACTURED HOUSING<sup>38</sup>

- (a) Manufactured and mobile homes are allowed only in manufactured and mobile home parks.
- (b) Manufactured and mobile home parks shall comply with the regulations and standards in City Code [\*Chapter 11: Mobile Homes and Mobile Home Parks\*](#).
- (c) No manufactured or mobile home park shall be allowed, continued, or constructed in flood hazard areas, which consist of floodways and floodplains, as set forth in City Code [\*Chapter 22: Flood Damage Prevention\*](#).

### 3.3.7 MEDICAL USES

- (a) **Use Conditions for Medical Uses.**<sup>39</sup> In the C-5 District, the total combined gross floor area for all of the uses listed below is limited to 250,000 square feet of the total development in the district. This limitation applies whether these uses are located in adjoining or separate facilities.
  - (1) Emergency medical services;
  - (2) Hospital;
  - (3) Medical office, clinic, or lab;
  - (4) Long-term care facility (limited to a maximum of 50,000 square feet); and
  - (5) Government office or facility.
- (b) **Use Conditions for Medical Offices, Clinics, and Labs.**

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<sup>38</sup> Carries forward § 21.142 Manufactured Housing, Mobile Homes, and Mobile Home Parks.

<sup>39</sup> Carries forward § 21.132(6).



- (1) In C-1 and C-2 zoning districts, building footprints are limited to a maximum of 15,000 square feet.
- (2) In C-3 and C-4 zoning districts, building footprints are limited to a maximum of 50,000 square feet.

### 3.3.8 NEIGHBORHOOD COURTYARD HOUSING<sup>40</sup>

(a) **Use Conditions.**

- (1) *Minimum Area.* The minimum area for a neighborhood courtyard housing development is one acre. There is no minimum lot area for individual lots within the development.
- (2) *Number of Units.* A neighborhood courtyard housing development is limited to:
  - a. A maximum of four dwelling units per acre for properties outside the Centers and Corridors Overlay.
  - b. A maximum of six dwelling units per acre for properties within the Centers and Corridors Overlay.
- (3) *Street Access.* Any building established in connection with such neighborhood courtyard housing that cannot properly be served by emergency or service vehicles from an abutting street shall be made accessible to such vehicles by a paved driveway having a roadbed width of not less than 20 feet, exclusive of parking spaces.
- (4) *Off-Street Parking Facilities.* Off-street parking facilities established in connection with such developments shall be of such design, location, and arrangement that will not interfere with the efficient flow of traffic through the area and that will not interfere with the access of emergency or service vehicles.
- (5) *Setback Requirements.*
  - a. The zoning district setbacks specified in Article 2: *Zoning Districts* apply along the perimeter of a neighborhood courtyard housing development.
  - b. Minimum spacing between principal buildings shall comply with the Building Code.
- (6) *Building Orientation.*

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<sup>40</sup> Carries forward § 21.140 Group Housing Projects. Renames to “Neighborhood Courtyard Housing” and adds provisions for open space and building orientation. A graphic may be added to illustrate the design intent.

- a. Principal buildings adjacent to an existing street shall have entrances that front the street if such orientation is consistent with existing houses in the neighborhood.
  - b. Principal buildings in the interior of the lot shall have entrances that front the central courtyard.
- (7) *Street Design and Construction Standards.* All streets and roads, whether public or private, must meet requirements and specifications as provided by South Carolina Department of Transportation and those in Richland County.
- (8) *Screening.* A neighborhood courtyard housing development shall be effectively screened along the side and rear property line by a planting of trees or shrubs designed at least five feet high and four feet deep, or a solid wall or fence at least five feet high, or an equivalent screen approved by the Zoning Board of Appeals during the Special Exception process.
- (9) *Central Courtyard.*
  - a. Neighborhood courtyard housing developments shall be designed with individual dwelling units surrounding a central courtyard that is adjacent to the street. In the case of a corner lot, the central courtyard shall abut at least one street.
  - b. The central courtyard shall contain the minimum amount of open space specified in § 5.4.3: *Minimum Amount of Open Space Required.*
  - c. Buildings shall abut at least two sides of the central courtyard.
  - d. Parking and driveways are prohibited within the central courtyard. Parking adjacent to the central courtyard shall be separated by landscaping or an architectural screen.
  - e. The width of the central courtyard, measured between buildings, shall be no less than the height of the buildings, measured to the bottom of the eave or top of parapet.

(b) **Compatibility With Existing Neighborhood Character.**

- (1) The architecture, landscaping, and building siting in a neighborhood courtyard housing development must work in concert to create a unified appearance that contributes to the existing/developing streetscape.
- (2) In addition to verifying the proposed neighborhood courtyard housing development meets the use conditions in this Subsection, the Zoning Board of Appeals shall also find the proposed development is consistent with the character of the neighborhood in which the development will be located.

- (3) To make this determination, the Zoning Board of Appeals shall consider the following neighborhood elements, as applicable:
- a. Prominent neighborhood development patterns, such as the presence (or absence) of alleys, building spacing, building setbacks from the street, and building orientation;
  - b. Amount and form of vehicular, pedestrian, and bicycle connectivity (e.g., sidewalks, greenways, streets only);
  - c. Housing types (e.g., single-family dwellings, two-family dwellings, townhouses);
  - d. Typical building scale, including size/footprint, height, and lot coverage;
  - e. Predominant architectural character, including architectural style (e.g., ranch-style, colonial, Tudor, craftsman, Lowcountry, contemporary), roof form, location and orientation of main building entrance, percentage and orientation of windows, presence (or absence) of front porches, and presence (or absence) of fences as well as their style, height, and location;
  - f. Whether vehicle parking is primarily accommodated off-street or on-street;
  - g. Whether garages, if present, are attached or detached;
  - h. Location, roof form, scale, and height of garages, if present;
  - i. Whether landscaping is typically formal or informal/natural; and
  - j. Presence (or absence) of street trees.
- (c) **Application Requirements.** In addition to the information specified in Article 14: *Submittal Requirements*, the Special Exception application shall include:<sup>41</sup>
- (1) Architectural renderings of the exterior elevations of each house plan (including garage plans, if applicable) in the development;
  - (2) A landscaping plan; and
  - (3) Photographs taken from the proposed development site looking north, east, south, and west.

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<sup>41</sup> ZBA application, Form 1, requires “an accurate, legible plat showing property dimensions and locations of the structures and improvements [to] be attached to an application for variance or special exception.”

### 3.3.9 OFFICE USES

- (a) **Use Conditions for Banks and Financial Institutions.** In the C-1 and C-2 Districts:
- (1) The building footprints are limited to a maximum of 15,000 square feet; and
  - (2) Drive-through facilities are prohibited.
- (b) **Use Conditions for Government Offices.**<sup>42</sup> In the C-5 District, the total combined gross floor area for all of the uses listed below is limited to 250,000 square feet of the total development in the district. This limitation applies whether these uses are located in adjoining or separate facilities.
- (1) Government office or facility;
  - (2) Emergency medical services;
  - (3) Hospital;
  - (4) Medical office, clinic, or lab; and
  - (5) Long-term care facility (limited to a maximum of 50,000 square feet).
- (c) **Use Conditions for High-Intensity Offices.**<sup>43</sup>
- (1) In C-1 and C-2 zoning districts, building footprints are limited to a maximum of 15,000 square feet.
  - (2) In C-3 and C-4 zoning districts, building footprints are limited to a maximum of 50,000 square feet.

### 3.3.10 PERSONAL SERVICE USES

- (a) **Use Conditions for Animal Care.**<sup>44</sup>
- (1) Boarding of animals is limited to short-term care associated with the services provided.
  - (2) All animals shall be kept inside sound-proof, air-conditioned buildings.

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<sup>42</sup> Carries forward § 21.132(6).

<sup>43</sup> New use terminology (formerly “call center”) and supplemental use regulation added to regulate scale of buildings.

<sup>44</sup> Carries forward current use conditions.

**(b) Use Conditions for Child Day Care, Nursery School, or Preschool.<sup>45</sup>**

- (1) No outdoor play equipment shall be closer than 20 feet to any residential lot line.
- (2) A solid masonry wall with vegetative screening shall be provided along property lines to buffer the day care, nursery school, or preschool from adjoining residential uses or residential zoning districts.

**(c) Use Conditions for Non-Depository Personal Credit Institutions.<sup>46</sup>**

- (1) *Purpose.*
  - a. Non-depository personal credit institutions potentially degrade surrounding neighborhoods by drawing disposable income and savings from residents, which has a detrimental impact on their property values, crime rates, home maintenance, and appearance.
  - b. The clustering of non-depository personal credit institutions in certain areas of Forest Acres can have a detrimental impact on the surrounding commercial and residential areas.
  - c. The purpose of these use conditions, therefore, is to impose separation and location requirements for these businesses in order to:
    1. Protect and promote the public health, safety, and general welfare;
    2. Protect the character of established residential neighborhoods; and
    3. Maintain economically vibrant and visually attractive business and commercial areas.
- (2) *Separation Requirement.* A non-depository personal credit institution shall be located at least 500 feet<sup>47</sup> from:
  - a. Another non-depository personal credit institution;

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<sup>45</sup> Carries forward current use conditions.

<sup>46</sup> New use and supplemental use regulation added to minimize adverse impacts of alternative lending institutions.

<sup>47</sup> The term “non-depository personal credit institution” is used for consistency with Richland County and the City of Columbia. Richland County requires a minimum separation distance of 1,500 ft between non-depository personal credit institutions but does not require separation from particular zoning districts or uses. The City of Columbia requires a minimum separation distance of 3,000 ft between non-depository personal credit institutions but does not require separation from particular zoning districts or uses. Columbia also requires the use to be located in a building that is at least 12,000 sf in gross floor area and prohibits variances from these standards.

- b. Any lots located in the R-1, R-1a, R-2, R-3, PI-1, or PI-2 Districts; and
- c. Any lots containing dwelling units, schools, religious facilities, or public parks, regardless of the zoning district.

### 3.3.11 RECREATIONAL & ENTERTAINMENT USES

- (a) **Use Conditions for Adult or Sexually Oriented Businesses.** See § 3.3.2: *Adult or Sexually Oriented Businesses*.
- (b) **Use Conditions for Game Arcades.** In C-2a, C3, and C4, no more than four games shall operate at any one location or premises.
- (c) **Use Conditions for Pickleball.**<sup>48</sup> Noise-generating sports fields located within 200 feet of residential structures or residential zoned district shall take effective measures to mitigate intrusion of sound onto neighboring residences, including but not limited to:
  - (1) Orienting courts in a way that reduces direct noise impacts, such as having the long side of the court face residential area versus the short side;
  - (2) Integrating noise barriers, such as acoustical walls, fence covers, earthen berms, or other structure containing sound-absorbing characteristics approved by the Zoning Administrator; and
  - (3) Use of quieter equipment, such as foam balls and softer paddles.
  - (4) This Subsection does not prohibit pickleball play and facilities inside gymnasiums or other completely enclosed structures that effectively contain noise.

### 3.3.12 RESIDENTIAL USES

The following use conditions apply except as approved as part of a Planned Development District.

- (a) **Multi-Family Dwellings and Apartment Complexes.** New multi-family dwellings and apartment complexes constructed after the effective date of this Ordinance must be located within or on a lot immediately abutting the CC-OD (see Article 2: *Zoning Districts*).

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<sup>48</sup> Forest Acres does not assign a maximum decibel level for its residential zoned districts. However, Chapter 10 of the municipal code does contain provisions for unreasonably loud, disturbing, or unnecessary noise in the city. Comfortable noise levels in residential areas generally range between 50 to 60 decibels. Pickleball is cited to peak at about 70 decibels (similar to a vacuum cleaner). Using an Inverse Square Law for Sound Intensity equation, a noise-generating sport at 70 decibels would need to be approximately 18.4 feet away from the residential area to reduce its sound level to 55 dB.

(b) *Townhouse Dwellings.*

- (1) A single building shall not contain more than five townhouse dwelling units.
- (2) Townhouse dwellings shall be appropriate to the bulk and scale of existing buildings in the surrounding area. This can be accomplished through overall building footprint and roof pitch, as well as through design techniques such as wall plane offsets and façade articulation.

(c) *Three- and Four-Family Dwellings.* Three- and four-family dwellings shall be appropriate to the bulk and scale of existing buildings in the surrounding area. This can be accomplished through overall building footprint and roof pitch, as well as through design techniques such as wall plane offsets and façade articulation.(d) *Upper Story Dwellings.* In the C-3 District, upper story dwellings may comprise a maximum of two stories.**3.3.13 RETAIL USES**

- (a) **Maximum Area in C-2 District.**<sup>49</sup> In the C-2 District, retail establishments are limited to 5,000 square feet or less of interior floor area.
- (b) **Proximity of Retail Selling Certain Products.** Any business engaged in the sale of alcohol, vaping, tobacco, or CBD products within 500 feet of a school, daycare facility, park, or other community facility is prohibited.

**3.3.14 SHORT-TERM RENTALS<sup>50</sup>**

- (a) **Applicability.** This Subsection applies to the principal use of a dwelling unit or accessory dwelling unit as a short-term rental property. Section 3.5.6: Homesharing applies when the short-term rental is an accessory use.
- (b) **Permit Required.** A short-term rental permit application must be made on a form provided by the Zoning Administrator (see § 7.3.7: *Short-Term Rental Permit*).

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<sup>49</sup> Carries forward current use conditions.

<sup>50</sup> This new use is added pursuant to stakeholder feedback (see *Zoning Ordinance and Land Development Regulations Evaluation*, p. 35). This Subsection allows short-term rentals as a principal use in commercial districts. Also proposed are provisions for homesharing, a more limited type of short-term rental (see Section 3.4: *Accessory Uses*). A short-term rental (principal use) is only allowed in a dwelling unit or accessory dwelling unit located in a commercial district. This includes single-family dwellings (and accessory dwelling units) and two-family dwellings in C-1 and C-2, manufactured homes in C-4, multi-family dwellings in C-5, and upper story dwellings located in mixed use buildings in the Centers & Corridors Overlay District.

- (c) **Use Conditions.** The following conditions apply to all short-term rentals operated as a principal use.
- (1) *Location.*
    - a. A short-term rental shall only occur in a dwelling unit or an accessory dwelling unit.
    - b. Short-term rentals are prohibited in neighborhood courtyard housing developments.
  - (2) *Maximum Number of Guests Per Stay.* Short-term rentals are limited to two adults per bedroom.
  - (3) *Business License Required.* In accordance with City Code Chapter 9: *Business License Ordinance*, [\*Appendix A: Rate Schedule\*](#), an owner shall obtain a City business license to operate three or more short-term rental properties.<sup>51</sup>
  - (4) *Owner or Agent Responsibilities.* During any short-term lease of any short-term rental property, the owner or agent:
    - a. Shall be available to respond to a complaint or other matter related to the operation or behavior of any short-term lessee of the short-term rental property;
    - b. Shall be available by telephone at all times during the short-term rental period and capable of being physically present at the short-term rental property, or taking other responsive action, within one hour of notification of a complaint or other matter related to the short-term rental property;
    - c. Shall prominently display in the short-term rental unit contact information for the owner or agent responsible for responding to complaints;
    - d. Shall maintain fully operable Building and Fire Code-compliant smoke and carbon monoxide detectors in the short-term rental property as required by law;
    - e. Shall maintain at least one, or such other number as is required by any applicable building, fire, or other applicable code, fully operable and charged fire extinguisher;
    - f. Shall maintain unobstructed escape routes from the short-term rental property in the event of fire and shall post a plan inside the door to each sleeping room

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<sup>51</sup> The City could consider also requiring a separate short-term rental permit (with or without an associated fee). This would help the City track the location of short-term rentals and ensure accurate contact information for the owner is on file. The City could require annual renewal of the permit, just as it does with business licenses.





- b. The owner or agent shall notify all prospective short-term lessees of the maximum number of vehicles permitted at the short-term rental property prior to occupancy.
- c. The areas for parking of vehicles must comply with all applicable parking requirements of this Code. Parking areas shall be improved with either a pervious or impervious surface. Parking spaces must be at least 9 feet by 18 feet for each vehicle.

### 3.3.15 SMALL WIRELESS FACILITIES<sup>52</sup>

(a) **Use Definitions.**

(1) *Antenna.*

- a. Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services; and
- b. Similar equipment used for the transmission or reception of surface waves.

(2) *Applicable Codes.* Uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization, or local amendments to those codes that are of general application, address public safety, and are consistent with this Ordinance.

(3) *Applicant.* Any person who submits an application.

(4) *Application.* A request submitted by an applicant for a permit to (i) collocate small wireless facilities; or (ii) install, modify, or replace a pole.

(5) *City Pole.* A pole owned, managed, or operated by or on behalf of the City; provided, however, that such term shall not include any pole, support structure, electric transmission structure, or equipment of any type that is part of a municipally owned or municipally controlled electric plant or system for furnishing of electricity to the public for compensation. The term “City pole” includes, without limitation, poles the City leases, rents, licenses, or otherwise compensates the owner thereof for the provision of street lighting.

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<sup>52</sup> Carries forward § 21.248 Standards for Placement of Small Wireless Facilities in Covered Areas; Ordinance 2021-21 (10-12-21) revised § 21.248 to comply with the Small Wireless Facilities Act.

- (6) *Collocate*. To install, mount, maintain, modify, operate, or replace small wireless facilities on or adjacent to a pole or support structure. “Collocation” has a corresponding meaning.
- (7) *Communications Facility*. The set of equipment and network components, including wires, cables, surface wave couplers, and associated facilities used by a cable operator, as defined in 47 U.S.C. Section 522(5); a provider of “video service” as defined in S.C. Code § 58-12-300(10); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); a provider of information service, as defined in 47 U.S.C. Section 153(24); or a Wireless Services Provider to provide communications services, including cable service, as defined in 47 U.S.C. Section 522(6); telecommunications service, as defined in 47 U.S.C. Section 153(53); an information service, as defined in 47 U.S.C. Section 153(24); wireless services; surface wave communication; or other one-way or two-way communications service.
- (8) *Communications Network*. A network used to provide communications service.
- (9) *Communications Service*. Cable service as defined in 47 U.S.C. Section 522(6), information service as defined in 47 U.S.C. Section 153(24), telecommunications service as defined in 47 U.S.C. Section 153(53), or wireless services.
- (10) *Communications Service Provider*. A cable operator, as defined in 47 U.S.C. Section 522(5); a provider of information service, as defined in 47 U.S.C. Section 153(24); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); or a wireless provider.
- (11) *Day*. A calendar day, unless the last day for the City or an applicant to take action under this Ordinance ends on a weekend, holiday, or time when all but City emergency services are closed due to weather or some unforeseen situation.
- (12) *Decorative Pole*. A pole, including a City pole, that is specially designed and placed for aesthetic purposes and on which no appurtenances or attachments (other than a small wireless facility, public safety devices, or specially designed informational or directional signage or temporary holiday or special event attachments) have been placed or are permitted to be placed according to nondiscriminatory rules or codes.
- (13) *Design District*. A discrete area within the jurisdiction of the City for which the City maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis among all occupants of the ROW, on the grounds that the characteristics of the discrete area warrant design and aesthetic standards that differ from those that apply to the majority of the areas within the jurisdiction of the City.
- (14) *Design Manual*. A manual or guidebook that sets forth additional aesthetic, design, concealment, and stealth requirements applicable to small wireless facilities. The design

manual may also, but need not, set forth examples of small wireless facility deployments that the City deems to comply with this Ordinance.

- (15) *Eligible Facilities Request.* A request for modification of an existing tower or base station (as those terms are defined in 45 CFR §1.6100(b)) that does not involve a substantial change in the physical dimensions of such tower or base station and that involves collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment.
- (16) *Fee.* A one-time, non-recurring charge.
- (17) *Historic District.* A group of buildings, properties, or sites that is either:
- a. Listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i.v of the Nationwide Programmatic Agreement codified at 47 C.F.R. Part 1, Appendix C; or
  - b. A registered historic district pursuant to State law at the time the application is submitted; or
  - c. An “overlay zone,” as defined in and limited by the [South Carolina Local Government Comprehensive Planning Enabling Act of 1994](#), as amended:
    1. That has been established by the City at least 60 days prior to the relevant application;
    2. For which the special public interest to be protected is the preservation and protection of historic and architecturally valuable districts and neighborhoods or archaeologically significant resources according to uniform design standards; and
    3. For which the City maintains and enforces objective standards that are published in advance and applied on a uniform and nondiscriminatory basis.
- (18) *Micro Wireless Facility.* A small wireless facility that:
- a. Is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height; and
  - b. For which no exterior antenna is longer than 11 inches.

- (19) *Permit*. A written authorization, in electronic or hard copy format, required to be issued by the City to initiate, continue, or complete the collocation of a small wireless facility or the installation, modification, or replacement of a pole upon which a small wireless facility is to be collocated.
- (20) *Person*. An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the City.
- (21) *Pole*. A vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within the ROW including, but not limited to, a replacement pole and a city pole. A pole shall not include a support structure or electric transmission structure.
- (22) *Rate*. A recurring charge.
- (23) *Rights-of-Way or ROW*. The area through, upon, over, or under a road, highway, street, sidewalk, alley, or similar property provided; however, that such term shall apply only to property or any interest therein that is under the ownership or control of the City and shall not include property or any interest therein acquired for or devoted to a federal interstate highway. For purposes of this definition, the City shall be deemed to have “control” of property and interests thereon owned by the State and/or the South Carolina Department of Transportation to the extent that such property and interests are within the territorial jurisdiction of the City.
- (24) *Small Wireless Facility*. Radio transceivers; surface wave couplers; antennas; coaxial or fiber optic cable located on a pole or support structure, immediately adjacent to a pole or support structure, or directly associated with equipment located on a pole or support structure and within a one hundred-foot radius of the pole or support structure; regular and backup power supplies and rectifiers; and associated ancillary equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meets both of the following qualifications:
  - a. Each wireless provider’s antenna could fit within an enclosure of no more than six cubic feet in volume; and
  - b. All other wireless equipment associated with the small wireless facility, whether ground- or pole-mounted, is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility: electric meters, concealment elements, network interface devices, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

- c. The term “small wireless facility” does not include: the pole, support structure, or improvements on, under, or within which the equipment is located or collocated or to which the equipment is attached; wireline backhaul facilities; or coaxial or fiber optic cable that is between small wireless facilities, poles, or support structures or that is otherwise not immediately adjacent to or directly associated with a particular antenna. For purposes of this definition, in order to be considered directly associated with equipment located on a pole or support structure, coaxial or fiber optic cable must not extend more than one hundred feet in radial circumference from the base of the pole or support structure to which the antenna is attached. No portion of a small wireless facility may be used as a wireline backhaul facility.
- (25) *State*. The State of South Carolina.
  - (26) *Supplemental Review Districts*. Design districts, historic districts, and underground districts.
  - (27) *Support Structure*. A building, billboard, or any other structure in the ROW to which a small wireless facility is or may be attached. A “support structure” does not include an electric transmission structure or pole.
  - (28) *Technically Feasible*. By virtue of engineering or spectrum usage, the proposed placement for a small wireless facility or its design, concealment measures, or site location can be implemented without a material reduction in the functionality of the small wireless facility.
  - (29) *Underground District*. A group of buildings, properties, or sites in which the City, at least sixty days prior to the relevant application, has required all communications and electric lines in the specified geographic area to be placed underground, and for which the City maintains and enforces objective standards that are published in advance and applied on a uniform and nondiscriminatory basis.
  - (30) *Wireless Infrastructure Provider*. Any person, including a person authorized to provide telecommunications service in the State, acting to build or install wireless communication transmission equipment, small wireless facilities, or support structures, but that is not a wireless services provider.
  - (31) *Wireless Provider*. A wireless infrastructure provider or a wireless services provider.
  - (32) *Wireless Services*. Any services using licensed or unlicensed spectrum, including the use of wi-fi, whether at a fixed location or mobile, provided to the public.
  - (33) *Wireless Services Provider*. A person who provides wireless services.

- (34) *Wireline Backhaul Facility.* An above ground or underground wireline facility used to transport communications between a small wireless facility network interface device and a network or another small wireless network interface device.

(b) **Use Conditions.**

- (1) *Purpose.* The purpose of this Ordinance is to provide policies and procedures for the placement of small wireless facilities in ROWs within the jurisdiction of the City.
- (2) *Scope and Intent.* It is the intent of this Ordinance to establish uniform standards applicable to the application for and deployment of small wireless facilities in a manner that serves the interests of the City, its citizens, and the general public by advancing the following purposes:
  - a. Prevention of interference with the use of streets, sidewalks, alleys, parkways, traffic light poles or other light poles, and other public ways and places;
  - b. Prevention of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
  - c. Prevention of interference with other facilities and operations of facilities lawfully located in the ROWs or public property;
  - d. Preservation of the character of neighborhoods where facilities are installed;
  - e. Preservation of the character of and applicable land use requirements within design districts, historic districts, and underground districts; and
  - f. Facilitation of the rapid deployment of small wireless facilities to provide the citizens with the benefits of advanced wireless services.
- (3) *Applicable Only to Small Wireless Facilities.* Nothing in this Ordinance limits the City's powers with respect to wireless facilities that are not small wireless facilities in the ROW, or poles that are used for purposes other than installation of small wireless facilities in the ROW.
- (4) *Right to Prevent Interference.* The City retains the right to require that all small wireless facilities shall be operated and maintained in a manner that does not interfere with public safety (police, traffic control, fire, and emergency services) equipment.
- (5) *Imminent Risk to Public Safety.* If the City determines that a wireless provider's activity in the ROW pursuant to this Ordinance creates an imminent risk to public safety, the City may provide written notice to the wireless provider and demand that the wireless provider address such risk. If the wireless provider fails to reasonably address the risk within twenty-four hours of the written notice, the City may take or cause to be taken

action to reasonably address such risk and charge the wireless provider the reasonable documented cost of such actions.

- (6) *Permitted Use and Consent.* A wireless provider shall have the right, as a permitted use subject to review and conditions as set forth herein, to collocate small wireless facilities and install, maintain, modify, operate, and replace poles in the ROW. These structures and facilities must be installed and maintained so as not to create a safety hazard; obstruct or hinder the usual travel in or the public's safe use of the ROW; or obstruct the legal use of the ROW by utilities. In accordance with [Article VIII](#), Section 15 of the State Constitution and related municipal code and ordinance provisions, the City consents to the use of the ROW by permit holders acting in compliance with this Ordinance.

a. *Permit Required.*

1. No person shall collocate a small wireless facility or install a new, modified, or replacement pole or support structure associated with a small wireless facility without first filing a small wireless facility application and obtaining a permit as set forth herein.
2. The City may require an applicant to obtain additional permits for such activity, provided that such additional permits are of general applicability and do not apply exclusively to small wireless facilities.
3. An applicant shall not be required to obtain or pay any fees for a building permit, as the permit issued pursuant to this Ordinance serves as a building permit for the applicable poles and small wireless facilities.
4. Any applications for any such additional permits, once submitted, must be acted upon within the same number of days as an application for a permit under this Ordinance.
5. The City shall publish and keep current a list of each additional permit that is required for the collocation of a small wireless facility or the installation of a new, modified, or replacement pole.
6. Any failure to comply with this subsection by a wireless provider shall allow the City, in its sole discretion, to restore the ROW to its condition prior to the unpermitted collocation or installation and to charge the responsible wireless provider its reasonable, documented cost of restoration, plus a penalty not to exceed one thousand dollars (\$1,000). The City may suspend the ability of the wireless provider to receive any new permits from the City until the wireless provider has paid the amount assessed for such restoration costs; provided, however, that the



City shall not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits.

7. For deployments in ROWs under the ownership or control of the South Carolina Department of Transportation (“SCDOT”), a wireless provider may, prior to filing a formal application hereunder, request that the City evidence its non-binding, preliminary approval of the proposed deployment by consenting in writing to the wireless provider’s application for a SCDOT encroachment permit. In all cases, whether expressly stated in such written consent or not, the City’s consent shall be conditioned on compliance with the City’s lawful and applicable design, aesthetic, stealth, and concealment standards, and subject to the foregoing, the City will not unreasonably withhold or delay its written preliminary consent. Notwithstanding the foregoing, the wireless provider shall still be required to file a formal application for a permit hereunder prior to implementation of the proposed deployment, and the terms, conditions, and requirements of this Ordinance shall apply in full to such application. The purpose of this provision is merely to facilitate efficient multi-jurisdictional application review to the extent practicable. However, the City shall have the right to modify, qualify, or rescind a prior preliminary approval of a proposed deployment upon review of the corresponding formal application.
- b. *Permit Applications.* All applications filed pursuant to this Ordinance shall be on a form, paper or electronic, as required by the City. The applicant may designate portions of its application materials that it reasonably believes contain proprietary or confidential information as “proprietary” or “confidential” by clearly marking each page of such materials accordingly, and the City shall endeavor to protect materials so designated from public disclosure to the fullest extent permitted by State law.
- c. *Application Requirements.* The application shall be made by the applicant, or its duly authorized representative as noted in a notarized statement from the applicant, and shall contain the following:
  1. The applicant’s name, address, telephone number and e-mail address, including emergency contact information for the applicant;
  2. The names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application;
  3. A general description of the proposed work and the purposes and intent of the proposed facility. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be

- performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed;
4. Detailed construction drawings regarding the proposed use of the ROW;
  5. To the extent the proposed facility involves collocation on a pole, decorative pole, or support structure, a structural report performed by a duly licensed engineer in South Carolina evidencing that the pole, decorative pole, or support structure will structurally support the collocation, or that the pole, decorative pole, or support structure may and will be modified to meet structural requirements, in accordance with applicable codes;
  6. For any new aboveground facilities, visual depictions, or representations if such are not included in the construction drawings;
  7. Information indicating the approximate horizontal and vertical locations, relative to the boundaries of the ROW, of the small wireless facility for which the application is being submitted;
  8. If the application is for the installation of a new pole or replacement of a decorative pole, a certification that the wireless provider has determined after diligent investigation that it cannot meet the service objectives of the application by collocating on an existing pole or support structure on which (a) the wireless provider has the right to collocate subject to reasonable terms and conditions; and (b) such collocation would be technically feasible and would not impose significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and shall provide a written summary of the basis for such determination;
  9. If the small wireless facility will be collocated on a pole or support structure owned by a third party, other than a City pole, a certification that the wireless provider has permission from the owner to collocate on the pole or support structure;
  10. An affirmation that the applicant is, on the same date, submitting applications for the permits identified in the list the City maintains pursuant to 3.3.15(b)(6)a: *Permit Required*;
  11. Any additional information reasonably necessary to demonstrate compliance with the criteria set forth in 3.3.15(b)(7)f: *Permissible Bases for Denial*; and

12. For any applicant that is not a wireless services provider, an attestation that a wireless services provider has requested in writing that the applicant collocate the small wireless facilities or install, modify, or replace the pole at the requested location.
- d. *Routine Maintenance and Replacement.* An application is not required for:
    1. Routine maintenance;
    2. The replacement of a small wireless facilities with small wireless facilities that are substantially similar or the same size or smaller; or
    3. The installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables that are suspended between poles or support structures in compliance with applicable codes by a wireless provider that is authorized to occupy the ROW and that is remitting a consent, franchise, or administrative fee pursuant to [S.C. Code § 58-9-2230](#). Notwithstanding the foregoing, the City may require that prior to performing any activity described above, an applicant must apply for and receive a permit for work that requires excavation or closure of sidewalks or vehicular lanes within the ROW for such activity. Such a permit must be issued to the applicant on a nondiscriminatory basis upon terms and conditions that are consistent with applicable codes and that apply to the activities of any other person in the ROW that require excavation or the closing of sidewalks or vehicular lanes.
  - e. *Information Updates.* Any amendment to information contained in an application shall be submitted in writing to the Zoning Administrator within 10 business days after the change necessitating the amendment.
  - f. *Consolidated Application.* An applicant seeking to collocate small wireless facilities may submit a single consolidated application, provided that such a consolidated application shall be for a geographic area no more than two miles in diameter and for no more than 30 small wireless facilities. In such case, the applicant may receive a single permit for the collocation of multiple small wireless facilities. The denial of one or more small wireless facilities in a consolidated application must not delay processing of any other small wireless facilities in the same consolidated application. Solely for purposes of calculating the number of small wireless facilities in a consolidated application, a small wireless facility includes any pole on which such small wireless facility will be collocated.
  - g. *Application Fees.* The City hereby determines that the following fees for applications are reasonable and nondiscriminatory and do not recover more

than the City's direct costs for processing an application. For each application, the City hereby imposes fees as follows:

1. For applications to collocate small wireless facilities on existing poles or support structures, \$100 each for the first five small wireless facilities in the same application and \$50 for each additional small wireless facility in the same application;
2. For applications to collocate small wireless facilities on new poles, \$1,000 for each pole, which fee covers both the installation of the new pole and the collocation on the new pole of associated small wireless facilities; and
3. For applications to collocate small wireless facilities on modified or replacement poles, \$250 for each pole, which fee covers both the modification or replacement of the pole and the collocation on the pole of associated small wireless facilities.
4. The application fee shall apply to a wireless provider regardless of whether the wireless provider is subject to a business license tax that is or may be imposed upon it pursuant to [S.C. Code § 58-9-2220](#) or a franchise, consent, or administrative fee that is or may be imposed upon it pursuant to [S.C. Code § 58-9-2230](#). The application fee shall apply to a communications service provider regardless of whether the communications service provider is subject to a franchise fee that is or may be imposed upon it pursuant to [S.C. Code § 58-12-330](#).

- h. *Consultant Fees.* To the extent that the City engages one or more consultants to assist in review of applications, the City shall impose a fee for such applications to the extent permitted by, and calculated in accordance with, [S.C. Code § 58-11-850\(D\)\(4\)](#).

(7) *Action on Permit Application.*

- a. *Notice of Incompleteness.* Within 10 days of receiving an application, the Zoning Administrator must determine and notify the applicant in writing whether the application is complete. If an application is incomplete, the Zoning Administrator shall specifically identify the missing information in writing. The processing deadline set forth in 3.3.15(b)(7)b, below, is tolled from the time the Zoning Administrator sends the notice of incompleteness to the time the applicant provides the missing information. The processing deadline also may be tolled by agreement of the applicant and the Zoning Administrator, confirmed in writing.
- b. *Time Requirements for Review of Applications.* An application must be processed on a nondiscriminatory basis. The following shall apply to all applications except those for eligible facilities requests, which are addressed below in 3.3.15(b)(7)c.

The Zoning Administrator shall make its final decision to approve or deny the application within 60 days of receipt of a complete application for collocation of small wireless facilities and within 90 days of receipt of a complete application for the installation, modification, or replacement of a pole and the collocation of associated small wireless facilities on the installed, modified, or replaced pole. If the Zoning Administrator fails to act on an application within the applicable time period, the applicant may provide the Zoning Administrator written notice that the time period for acting has lapsed. The Zoning Administrator shall then have 20 days after receipt of such notice to render its written decision. The application shall be deemed to have been approved by passage of time and operation of law if the Zoning Administrator does not render its written decision within the noticed 20 days. If applicable federal or State law establishes a shorter period or different requirements for action, the Zoning Administrator shall comply with such applicable law, but the remedy for non-compliance shall be limited to the remedy established by that applicable law.

- c. *Eligible Facilities Requests.* If the application is an eligible facilities request, the Zoning Administrator shall approve the application within sixty (60) days of receipt of the application, subject to tolling after notification of an incomplete application until the date when the applicant submits all the documents and information identified in the notice of incompleteness. Any approval shall be operative, and any permit issued pursuant to this subsection shall remain in effect, only for so long as federal law (47 U.S.C. § 1455) and implementing Federal Communications Commission regulations (47 C.F.R. §1.40001) provide for special approval of an eligible facilities request. In approving an eligible facilities request hereunder, the Zoning Administrator intends only to comply with the requirements of federal law and not to grant any property rights, interests, or consents except as compelled by federal law.
- d. *Notice in Writing Required.* The Zoning Administrator shall notify the applicant in writing of its final decision. If the application is denied, the Zoning Administrator shall specify the basis for a denial, including citations to federal, State, or local code provisions and/or statutes on which the denial was based.
- e. *Right to Cure.* The applicant may cure the deficiencies identified by the Zoning Administrator and resubmit the application within 30 days of the denial without paying an additional application fee. The Zoning Administrator shall approve or deny the revised application within 30 days of resubmission and limit its review to the deficiencies cited in the denial. If the Zoning Administrator fails to act on a revised application within this thirty-day period, the applicant may provide the Zoning Administrator written notice that the time period for acting has lapsed, and the Zoning Administrator shall then have five (5) days after receipt of such notice to render its written decision approving or denying the revised application. The revised application shall be deemed to have been approved by

passage of time and operation of law if the Zoning Administrator does not render their written decision within the noticed five (5) days.

- f. *Permissible Bases for Denial.* The Zoning Administrator may deny an applicant's proposed collocation of a small wireless facility or a proposed installation, modification, or replacement of a pole, decorative pole, or support structure only if the proposed collocation, installation, modification, or replacement:
1. Interferes with the safe operation of traffic control or public safety equipment;
  2. Interferes with sight lines or clear zones for transportation or pedestrians;
  3. Interferes with compliance with the Americans with Disabilities Act or similar federal or State standards regarding pedestrian access or movement;
  4. Requests that ground-mounted small wireless facility equipment be located more than seven and one-half feet in radial circumference from the base of the pole, decorative pole, or support structure to which the antenna is to be attached, provided that the Zoning Administrator shall not deny the application if a greater distance from the base of the pole, decorative pole, or support structure is necessary to avoid interfering with sight lines or clear zones for transportation or pedestrians or to otherwise protect public safety;
  5. Fails to comply with the height limitations permitted by this Ordinance or (if applicable) in the design manual, or with reasonable and nondiscriminatory horizontal spacing requirements of general application adopted by an enactment that concern the location of ground-mounted equipment and new poles;
  6. Designates the location of a new pole, decorative pole, or support structure for the purpose of collocating a small wireless facility within seven feet in any direction of an electrical conductor, unless the wireless provider obtains the written consent of the power supplier that owns or manages the electrical conductor;
  7. Fails to comply with applicable codes;
  8. Fails to comply with the requirements applicable to the aesthetic, stealth, and concealment requirements contained in this Ordinance, with the requirements applicable to supplemental review districts, or (if applicable) with the design manual;

9. Fails to comply with laws of general applicability that address pedestrian and vehicular traffic and safety requirements; or
  10. Fails to comply with laws of general applicability that address the occupancy or management of the ROW and that are not otherwise inconsistent with this article.
- g. *Requirement to Replace or Upgrade.* The City may not require a wireless provider to replace or upgrade an existing Pole except for reasons of structural necessity, compliance with applicable codes, or compliance with this Ordinance (including, if applicable, the design manual). A wireless provider may, with the permission of the pole owner, replace or modify existing poles, but any such replacement or modification must be consistent with the design aesthetics of the poles being modified or replaced.
  - h. *Compensation.* Subject to the limitations set forth herein, every permit shall include as a condition the applicant's agreement to pay such lawful franchise fees, business license taxes, administrative fees, and consent fees as are permitted under applicable South Carolina and federal law. The applicant shall also pay all applicable *ad valorem* taxes, service fees, sales taxes, or other taxes and fees as may now or hereafter be lawfully imposed on other businesses within the City. The City shall notify the applicant of any taxes and fees due. The failure of the applicant, or its assigns, to pay any such taxes and fees, after 15 days written notice from the City of the failure to make payment, shall result in the suspension of any and all permits.
- (8) *Requirements for Small Wireless Facilities; New, Modified, or Replacement Poles; Decorative Poles.*
- a. *Administrative Review.* The City shall perform an administrative review of applications including the location or installation of new, modified, or replacement poles and/or support structures and the collocation of small wireless facilities and equipment on poles or support structures. Review factors, in addition to location, shall include the size, shape, color, texture, and materials of the structures and attachments.
    1. The City may require that a proposed small wireless facility or new, modified, or replacement pole be designed to not be significantly more readily apparent or plainly visible (to a reasonable person of ordinary sensibilities) than existing facilities, structures, equipment, and Poles located within 500 linear feet on the same ROW as the subject small wireless facility, pole, or support structure.
    2. Where small wireless facilities are determined to be appropriate, the use of reasonable stealth and concealment treatments, low-profile



equipment and control boxes, and screening may be required to avoid significant negative impacts on the character and visual aesthetics of the area. However, such requirements may be waived by the City upon a showing that the particular location of a small wireless facility does not warrant stealth or concealment treatments or imposes an excessive expense. The waiver shall be granted or denied within 45 days after the date of the request.

3. Supplemental review districts identified in 3.3.15(b)(8)c may be subject to a higher level of review.
4. The City may maintain a design manual which sets forth additional aesthetic, design, concealment, and stealth requirements applicable to small wireless facilities. The design manual may also, but need not, set forth examples of small wireless facility deployments that the City deems to comply with this Ordinance and provide a means for pre-approval of designs that are suitable for a particular location, even if not strictly compliant with the design, placement, and aesthetic requirements of this Ordinance provided the design otherwise serves the goals of this Ordinance.

b. *Location and Maximum Size of Permitted Use.*

1. New small wireless facilities (including any related antenna) in the ROW may not extend more than ten (10) feet above an existing Pole in place as of the effective date of this Ordinance, or for small wireless facilities (including any related antenna) on a new pole, above the height permitted for a new pole pursuant to this section.
2. Each new, modified, or replacement pole installed in the ROW may not exceed the greater of 10 feet in height above the tallest existing Pole in place as of the effective date of this Ordinance located within 500 feet of the new, modified, or replacement Pole in the same ROW, or 50 feet above ground level, except in design districts and historic districts where the height limit is 40 feet above ground level.
3. For applications to place poles in residential zoning districts to deploy small wireless facilities, the City may propose an alternate location in the ROW within 150 feet of the location set forth in the application, and the wireless provider shall use the City's proposed alternate location unless the location is not technically feasible or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.



4. Small wireless facilities requiring the placement of new poles in residential zoning districts shall be placed in front of the shared “side” property line between adjoining properties unless the location is not technically feasible or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.
  5. Collocation is not allowed on a decorative pole less than 20 feet in height.
  6. Prior to the placement of a new pole, the applicant shall demonstrate in writing that there is no opportunity for collocation on an existing pole. New poles are not permitted in a corridor where there are existing poles that can be used, modified, or replaced to allow the proposed collocation, unless the applicant can demonstrate that (A) it is not technically feasible to use, modify, or replace such existing poles; or (B) such use, modification, or replacement would impose significant additional costs on the wireless provider, as certified by the wireless provider in good faith and based on the assessment of an engineer licensed in South Carolina along with a written summary of the basis for the certification; or (C) a new pole may be placed in a manner that will cause no more interference with the ROW and will have no more of an impact on the overall appearance of the corridor and on adjoining properties than would the use, modification, or replacement of an existing pole.
- c. *Supplemental Review Districts.* Collocated small wireless facilities and new, modified, or replacement poles or support structures located in supplemental review districts shall be subject to the compliant provisions (as defined in the SWF Act) pertaining to design and aesthetic standards in the ordinance establishing the supplemental review district(s) in addition to the requirements of this Ordinance. In addition, the following rules shall apply within the supplemental review districts.
1. *Underground Districts.* A wireless provider shall comply with reasonable and nondiscriminatory requirements that prohibit the installation of poles in the ROW in an underground district where: (A) no less than 60 days prior to the submission of the application, the City has required all such lines to be placed underground; (B) poles the City allows to remain are made available to wireless providers for the collocation of small wireless facilities and may be replaced by a wireless provider to accommodate the collocation of small wireless facilities in compliance with this Ordinance; and (C) a wireless provider is allowed to install a new pole when it is not able to provide wireless services by collocating on a

remaining pole or support structure. Nothing in this section shall prohibit the use or replacement of existing poles or support structures in underground districts for the collocation of small wireless facilities subject to appropriate design and concealment measures and a finding that such use or replacement does not increase the height of the pole or support structure by more than three feet.

For any such application to install a new pole in an underground district, the City may propose an alternate location in the ROW within 150 feet of the location set forth in the application. The wireless provider shall use the City's proposed alternate location unless the location is not technically feasible or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination. For small wireless facilities installed before the City establishes an underground district, the City shall either permit wireless providers to maintain the small wireless facilities in place or permit the wireless provider to replace the associated pole within fifty (50) feet of the prior location. In the latter case, the wireless provider shall allow other communications service providers with attachments on the existing pole to place those attachments on the replacement Pole under the same or reasonably similar fees, rates, terms, and conditions as applied to those attachments on the existing pole.

2. *Historic and Design Districts.* The City may require reasonable, technically feasible, nondiscriminatory, and technologically neutral design and aesthetic requirements, stealth requirements, height limitations of no less than 40 feet, and/or concealment measures in a design district or historic district. For applications to place poles in a design district or a historic district to deploy small wireless facilities, the City may propose an alternate location in the ROW within 150 feet of the location set forth in the application. The wireless provider shall use the City's proposed alternate location unless the location is not technically feasible or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.

This section may not be construed to limit the City's authority to enforce historic preservation zoning regulations consistent with the preservation of local zoning authority under 47 U.S.C. Section 332(c)(7), the requirements for facility modifications under 47 U.S.C. Section 1455(a), or the National Historic

Preservation Act of 1966 (54 U.S.C. Section 300101 et seq.), and the regulations adopted to implement those laws.

- d. *Appeals, Special Exceptions, and Variance Requirements.* Appeals of administrative decisions and requests for special exceptions and variances from the provisions of this Ordinance, when strict application would result in an unnecessary hardship or in the inability to deploy needed small wireless facilities, shall be heard and decided by the Board of Zoning Appeals or equivalent board for supplemental review districts. An applicant seeking a special exception to construct a new decorative pole, pole, or support structure to collocate a small wireless facility in an underground district shall demonstrate, including certification through an engineer, that it has diligently attempted to locate the proposed decorative pole, pole, support structure, or small wireless facility outside of the underground district and that placement of the decorative pole, pole, support structure, or small wireless facility within the underground district is necessary to provide the needed wireless coverage or capacity, and one or more of the following conditions exist supporting a Special Exception:
1. No existing pole or support structure is located within the location search radius or to the extent a pole or support structure is located within the search radius, such pole or support structure (a) is not available for collocation under commercially reasonable rates, terms, and conditions; (b) cannot accommodate the collocation of the small wireless facility and meet the technical requirements necessary to deliver adequate wireless service coverage or capacity; or (c) would require modifications exceeding the three-foot height limitation imposed in 3.3.15(b)(8)c.1: *Underground Districts*; or
  2. The only available option to deliver adequate wireless service coverage or capacity in the search radius requires modifications to an existing pole or support structure exceeding the three-foot height limitation imposed in Section 21.248.5(c)(1) or the installation of a new pole or support structure for collocation of a small wireless facility, or
  3. The applicant has demonstrated other circumstances that, in the reasonable discretion of the applicable review body, warrant a special exception or variance.

The applicant shall abide by the design, stealth, and concealment treatments imposed as conditions of the special exception.

- e. *Existing Supplemental Review Districts.* Nothing in this Ordinance shall prohibit or otherwise limit the City from establishing additional supplemental review districts, provided however, that facilities and structures for which a permit was approved or deemed approved pursuant to this Ordinance prior to the

establishment of the additional supplemental review district remain subject to the provisions of this Ordinance, including routine maintenance and replacement of those facilities and structures as set out herein. If a wireless provider voluntarily replaces such facilities in a manner that does not comply with 3.3.15(b)(6)d: *Routine Maintenance and Replacement*, or if a wireless provider voluntarily relocates such facilities, such replacement or relocation is subject to the then-existing provisions and requirements of the additional supplemental review district.

- f. *Decorative Poles.* Subject to the Zoning Administrator's ability to deny an application as set forth in this Ordinance, a wireless provider must be permitted to collocate on or replace decorative poles when necessary to deploy a small wireless facility.
  - 1. The Zoning Administrator may require the collocation on a decorative pole or the replacement of a decorative pole to reasonably conform to the design aesthetics of the original decorative pole, provided these requirements are technically feasible.
  - 2. For applications to collocate small wireless facilities on decorative poles or to replace decorative poles to deploy small wireless facilities, the City may propose an alternate location in the ROW within 150 feet of the location set forth in the application. The wireless provider shall use the City's proposed alternate location unless the location is not technically feasible or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.
- g. *Repair of Damage.* A wireless provider shall repair all damage to the ROW directly caused by the activities of the wireless provider in the ROW and shall restore the ROW to its condition before the damage occurred. If within 30 calendar days after written notice the wireless provider fails to the extent practicable in the reasonable judgment of the City to restore the ROW to its condition prior to the damage in compliance with this subsection, the City may, at the sole discretion of the City, restore the ROW to such condition and charge the applicable party the reasonable, documented cost of the restoration, plus a penalty not to exceed \$500 provided; however, that the wireless provider may request additional time to make such repairs, and the City shall not unreasonably deny such a request. The City may suspend the ability of the wireless provider to receive any new permits from the City until the wireless provider has paid the amount assessed for such restoration costs. The City shall not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute.

(9) *Effect of Permit.*

- a. *Authority Granted: No Property Right or Other Interest Created.* A permit from the City authorizes an applicant to undertake only certain activities in accordance with this Ordinance and does not create a property right or grant any authority whatsoever to the applicant to impinge upon the rights of others who may already have an interest in the ROW. The approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this Ordinance neither constitutes an authorization nor affects any authorization a wireless provider may have to provide a communication service or to install, place, maintain, or operate any other communications facility, including a wireline backhaul facility, in a ROW.
- b. *Duration.* Installation or collocation for which a permit is granted pursuant to this Ordinance must be completed within one year of the permit issuance date unless the City and the applicant agree to extend this period, or a delay is caused by the lack of commercial power or by the lack of communications facilities to be provided to the site by an entity that is not an affiliate, as that term is defined in 47 U.S.C. Section 153(2), of the applicant. Approval of an application authorizes the applicant to: (1) undertake the installation or collocation; and (2) subject to applicable relocation requirements and the applicant's right to terminate at any time, operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of ten years, which may be renewed for equivalent durations so long as the installation or collocation is in compliance with the criteria set forth in this Ordinance and the permit. Any conditions contained in a permit, including without limitation conditions designed to reduce the visibility of the small wireless facility and associated pole, or to make any portion of the same appear to be something other than a small wireless facility, shall apply for the entirety of the permit term and shall include a duty to maintain and replace components as necessary to ensure continued compliance.

(10) *Removal, Relocation, or Modification of a Small Wireless Facility in the ROW.*

- a. *Widening, Repair, Reconstruction, and Relocation.* If, in the reasonable exercise of police powers, the City requires widening, repair, reconstruction, or relocation of a public road or highway, or relocation of poles, support structures, or small wireless facilities as a result of a public project, a wireless provider shall relocate poles and support structures that such wireless provider has installed in the ROW for the collocation of small wireless facilities pursuant to this Ordinance at no cost to the City if such poles and support structures are found by the City to unreasonably interfere with the widening, repair, reconstruction, or relocation project or the public project. If widening, repair, reconstruction, or relocation is required as a condition or result of a project by a person other than the City,

such person shall bear the cost of relocating such poles or support structures and any communications facilities on such poles or support structures.

- b. *Emergency Removal or Relocation of Facilities.* The City retains the right to cut or move any small wireless facility, pole, or support structure located within the ROW as the City, in its reasonable discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. If circumstances permit, the City shall notify the wireless provider and provide opportunity to move its own small wireless facilities, poles, or support structures prior to the City cutting or removing a small wireless facility, pole, or support structure and the City shall notify the wireless provider after cutting or removing a small wireless facility.
- c. *Abandonment of Facilities.* The applicant or the person that owns or operates the small wireless facility collocated in the ROW may remove its small wireless facilities at any time from the ROW upon not less than 30 days' prior written notice to the City and may cease paying to the City any applicable fees and rates for such use, as of the date of the actual removal of the small wireless facilities. In the event of such removal, the ROW shall be, to the extent practicable in the reasonable judgment of the City, restored to its condition prior to the removal. If the applicant fails, to the extent practicable in the reasonable judgment of the City, to return the ROW to its condition prior to the removal within 90 days of the removal, the City may, at the sole discretion of the City, restore the ROW to such condition and charge the applicant the City's reasonable, documented cost of removal and restoration, plus a penalty not to exceed \$500. The City may suspend the ability of the applicant to receive any new permits from the City until the applicant has paid the amount assessed for such restoration. The City shall not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute.
- d. *Abandonment by Inaction.* At any point when a wireless provider fails to pay any required fee or rate, and fails to respond within 60 days to a written inquiry from the City as to whether the wireless provider intends to continue to operate a small wireless facility or support structure, for whatever reason, the small wireless facility shall be deemed abandoned, any permit suspended, and the City may, at its sole option, remove all or any portion of the small wireless facility or support structure, or take other action as authorized by law, including recovery of actual costs incurred in removing the small wireless facility or support structure.

(11) *Attachment to City Poles.*

- a. *Annual Rate.* The rate to collocate a small wireless facility on a City pole shall be \$50 per year. This rate is in addition to reimbursement to the City for any expenses for make-ready work. The City reserves the right to require a pole

attachment agreement to further define the terms and conditions of attachments to City poles. The rates specified in this section shall not apply to poles owned, or operated and accounted for as an asset of, a municipal electric utility.

- b. *Make-Ready.* The rates, fees, terms, and conditions for make-ready work to collocate on a City pole must be nondiscriminatory, competitively neutral, commercially reasonable, and in compliance with this Ordinance.
  - 1. The City shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested collocation by a wireless provider, including pole replacement if necessary, within 60 days after receipt of a complete application. Alternatively, the City may require the wireless provider to perform the make-ready work and notify the wireless provider of such within the 60-day period. If the wireless provider or its contractor performs the make-ready work, the wireless provider shall indemnify the City for any negligence by the wireless provider or its contractor in the performance of such make-ready work and the work shall otherwise comply with applicable law.
  - 2. Make-ready work performed by or on behalf of the City, including any pole replacement, must be completed within 60 days of written acceptance of the good faith estimate by the applicant. The City may require replacement of the City pole only if it demonstrates that the collocation would make the City pole structurally unsound.
  - 3. The person owning, managing, or controlling the City pole must not require more make-ready work than required to meet applicable codes or industry standards. Fees assessed by or on behalf of a City for make-ready work, including any pole replacement, must not include costs related to preexisting or prior damage or noncompliance; exceed either actual costs or the amount charged to other communications service providers for similar work on similar types of City poles; or include any revenue or contingency-based consultant's fees or expenses of any kind.
  - 4. A wireless provider collocating on a City pole is responsible for reimbursing third parties for their actual and reasonable costs of any make-ready work reasonably required by the third party to accommodate the collocation.
- c. *Municipal Utilities Excluded.* Nothing in this section shall be construed to affect the authority of a municipal electric utility to deny, limit, restrict, or determine the Rates, Fees, terms, and conditions for the use of or attachment to a Pole owned, or operated and accounted for as an asset of, a municipal electric utility.



- d. *Non-Exclusivity; Non-Discrimination.* A person owning, managing, or controlling City poles in the ROW may not enter into an exclusive arrangement with any person for the right to attach to such poles. Subject to the Zoning Administrator's ability to deny an application as set forth in this Ordinance, the City shall allow the collocation of small wireless facilities on City poles on nondiscriminatory terms and conditions in compliance with this Ordinance.

(12) *Indemnification, Insurance, and Bonds.*

- a. *Indemnity.* With regard small wireless facilities, poles, and support structures that are subject to this Ordinance, the wireless provider shall indemnify and hold the City and its officers and employees harmless against any claims, lawsuits, judgments, costs, liens, losses, expenses, or fees, to the extent that a court of competent jurisdiction finds that the negligence of the wireless provider while siting, installing, maintaining, repairing, replacing, relocating, permitting, operating, or locating small wireless facilities, poles, and support structures pursuant to this Ordinance caused the harm.
- b. *Insurance.* The City may require a wireless provider to have in effect insurance coverage consistent with this section, so long as the City imposes similar requirements on other ROW users and such requirements are reasonable and nondiscriminatory. The City may require a wireless provider to furnish proof of insurance prior to the effective date of a permit. The City may not require a wireless provider to obtain insurance naming the City or its officers and employees as additional insureds.
- c. *Bonds.* The City may impose bonding requirements for small wireless facilities if the City imposes similar requirements in connection with permits issued for other ROW users. Such bonds may provide for the removal of abandoned or improperly maintained small wireless facilities, including those that the City determines must be removed to protect public health, safety, or welfare; restoration of the ROW; and recoupment of rates or fees that have not been paid by a wireless provider in over 12 months. Bonding requirements may not exceed \$200 per small wireless facility. For wireless providers with multiple small wireless facilities within the City, the total bond amount across all facilities may not exceed \$10,000 and that amount may be combined into one bond instrument.

### 3.3.16 SMOKE OR VAPE SHOPS

Without limitation to other regulations in this Ordinance or other applicable law, Smoke or Vape Shops must meet the following conditions:



- (a) Smoke or Vape Shops shall not be located within 500 feet from a public or private K-12 school, child day care facility, youth center, recreational facility, park, church or religious institution, or community center, including any such use not yet active but under active development or undergoing demolition, clearing, or other similar activity prerequisite to such development, and whether such other use is inside or outside the municipal limits of the city. A Smoke or Vape Shop legally existing but in nonconformity with this Subsection as of October 8, 2024, shall be amortized, and shall come into compliance with this Subsection, or cease operation, by no later than January 1, 2035.
- (b) Smoke or Vape Shops shall not be located within 1,500 feet from another Smoke or Vape Shop, including any Smoke or Vape Shop use that has been vacated or discontinued but is eligible to be re-established under this Chapter, and whether such other Smoke or Vape Shop use is inside or outside the municipal limits of the city.
- (c) For purposes of this Subsection, the distance between uses shall be measured from the property lines of the parcels upon which such uses are located.
- (d) Smoke or Vape Shops engaged in Hemp, CBD, Vape or Cannabis Product Sales shall also comply with conditional use requirements for such accessory use as provided in Section 3.5.4.

### 3.3.17 SPECIAL CARE RESIDENTIAL USES

In the C-5 District, the total combined gross floor area for all of the uses listed below is limited to 250,000 square feet of the total development in the district. This limitation applies whether these uses are located in adjoining or separate facilities.<sup>53</sup>

- (a) Long-term care facility (limited to a maximum of 50,000 square feet);
- (b) Emergency medical services;
- (c) Hospital;
- (d) Medical office, clinic, or lab; and
- (e) Government office or facility.

### 3.3.18 VEHICLE-RELATED USES

- (a) **All Vehicle-Related Uses.** All vehicle-related uses that involve the accessory storage of motor fuels or other flammable liquids are also subject to § 3.5.8: *Motor Fuels*.

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<sup>53</sup> Carries forward § 21.132(6).

- (b) **All Vehicle-Related Uses, Except Structured Parking.** All vehicle-related uses, except parking structures, are subject to the applicable provisions of City Code Chapter 10, [Sec. 10-5. - Certain vehicle-related businesses prohibited.](#)
- (c) **Vehicle Sales, Rental or Leasing Centers in C-3 District.**<sup>54</sup> In the C-3 District, vehicle sales, rental or leasing centers shall offer only passenger automobiles and vans with seating capacity not exceeding 15 people. Not more than 15 vehicles, including passenger vehicles, mopeds, dirt bikes, ATVs, golf carts, low speed electric vehicles, and watercraft, in total shall be present on the premises at any time.
- (d) **Vehicle Sales, Rental, or Leasing Center in C-4 District.**<sup>55</sup> In the C-4 District, vehicle sales, rental, or leasing centers shall offer only passenger vehicles, mopeds, dirt bikes, ATVs, golf carts, low speed electric vehicles, watercrafts, vans with a seating capacity not exceeding 15 people, and trucks with a capacity not exceeding one and one-half tons.
- (e) **Vehicle Services in C-3 District.** In C-3 Districts, vehicle services are limited to repair and service of passenger vehicles and light and medium duty trucks.

### 3.3.19 WAREHOUSE, STORAGE, & DISTRIBUTION USES

- (a) **Prohibited Materials.** Prohibited materials include plywood, plastics, unfinished concrete block, vinyl siding, and E.I.F.S.
- (b) **Junkyards Prohibited.** A Junkyard is expressly prohibited in all zoning districts.

## 3.4 ACCESSORY USES & STRUCTURES

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### 3.4.1 APPLICABILITY

- (a) This Section applies to any subordinate use of a building or other structure or use of land that is:
  - (1) Conducted on the same lot as the principal use to which it is related; and
  - (2) Clearly incidental to, and customarily found in connection with, the principal use or structure.

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<sup>54</sup> Carries forward current use conditions.

<sup>55</sup> Carries forward current use conditions.

- (b) Where § 3.2.2: *Principal Use Table* allows a principal use or structure, such use includes accessory uses and structures subject to this Section.

### 3.4.2 GENERAL PROVISIONS<sup>56</sup>

- (a) **Location.** An accessory use or structure must be:
- (1) Located on the same lot as the principal use or structure; and
  - (2) Located between the rear of the principal structure and the rear lot line, unless otherwise provided in this Section.<sup>57</sup>
- (b) **Bulk Standards.** Accessory structures must conform to the following bulk standards.
- (1) *Location.* As illustrated in Figure 3.4.2-1: *Accessory Structure Location and Setback*, accessory structures must be located:
    - a. Between the rear of the principal structure and the rear lot line; and
    - b. At least six feet from the principal structure.
  - (2) *Height.*
    - a. *Maximum Height.* Accessory structures are limited to 15 feet in height or the height of the principal structure, whichever is less. measured from the finished ground level to pinnacle of the roof but in no event greater than the height of the principal structure.
    - b. *Variances.* If the Zoning Board of Appeals approves a variance for an accessory structure to exceed a height of 15 feet, the setback requirements for the principal structure apply. The Zoning Board of Appeals shall not grant a variance from this increased setback.
  - (3) *Lot Coverage.* Accessory structures are included in the calculation of lot coverage.
  - (4) *Area.*
    - a. *Maximum Area.* The total area for all accessory structures on a lot is limited to 750 square feet gross floor area.

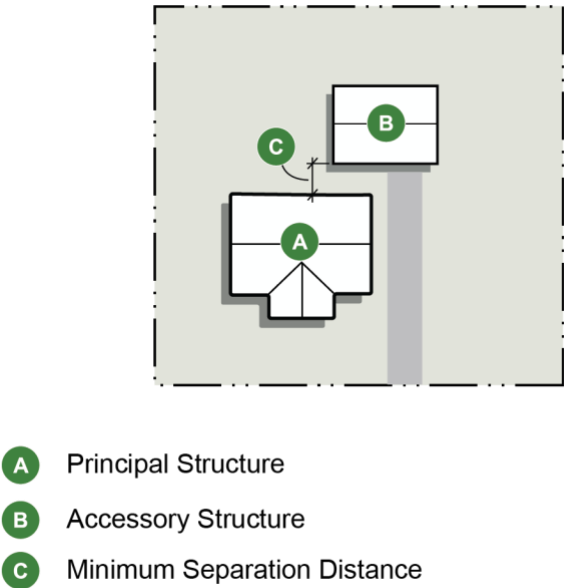
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<sup>56</sup> Carries forward a portion of the current definition of “accessory structure” in § 21.3.2: *Definitions*. Proposed is to relocate the dimensional standards (setbacks, height, etc.) to Article 4: *Site & Development Standards*.

<sup>57</sup> An illustration will be added here to show the allowed location of accessory structures.

- b. *Variance.* If the Zoning Board of Appeals approves a variance for the total maximum area of all accessory structures to exceed 750 square feet, the side setback requirements for the principal structure apply. The Zoning Board of Appeals shall not grant a variance from this increased setback or from the maximum lot coverage requirement.
- (5) *Setbacks.* Setback requirements are set forth in § 4.3: *Yard Setbacks*.

**Figure 3.4.2-1: Accessory Structure Location and Setback**



3.4.3 ACCESSORY USE TABLE

- (a) Accessory uses and structures are allowed in the districts specified in Table 3.4.3-1: *Accessory Use Table* if the use complies with all applicable use conditions and other provisions of this Section.
- (b) Refer to § 3.1.4: *Key to Use Tables* for an explanation of Table 3.4.3-1: *Accessory Use Table*.

**Table 3.4.3-1: Accessory Use Table**

Uses	R-1	R-1a	R-2	R-3	C-1	C-2	C-3	C-4	C-5	P-1	P-2	Use Conditions
Accessory Dwelling Unit	C	C	C	C	C	C						§ 3.5.1

Table 3.4.3-1: Accessory Use Table

Uses	R-1	R-1a	R-2	R-3	C-1	C-2	C-3	C-4	C-5	P-1	P-2	Use Conditions
Accessory Use or Structure, unless otherwise listed	P	P	P	P	P	P	P	P	P	P	P	
Canteen					C	C	C	C	C			§ 3.5.2
Cemetery or Ash Garden										C		§ 3.5.3
Communication Tower								SE		C		§ 3.3.3
Hemp, CBD, Vape or Cannabis Product Sales					C	C	C	P	C			§ 3.5.4
Home Occupation	C	C	C	C	C	C	C	C	C	C	C	§ 3.5.5
Homesharing	C	C	C	C	C	C	C	C	C			§ 3.5.6
Hydronic Heaters												§ 3.5.7
Motor Fuels					C	C	C	C	C	C	C	§ 3.5.8
Outdoor Retail Displays					C	C	C	C	C			§ 3.5.9
Storage Container	C	C	C	C						P	P	§ 3.5.10
Tap Room							C	C	C			§ 3.5.11

### 3.5 ACCESSORY USE CONDITIONS

#### 3.5.1 ACCESSORY DWELLING UNIT<sup>58</sup>

- (a) **Maximum Number of Accessory Dwelling Units Per Lot.** A maximum of one accessory dwelling unit per lot is allowed, subject to lot coverage requirements.
- (b) **Maximum Gross Floor Area.** The gross floor area of the accessory dwelling unit shall not exceed 25% of the gross floor area of the principal dwelling or 750 square feet, whichever is greater.

<sup>58</sup> This Section proposes to allow accessory dwelling units without limitation on the occupant(s) and allows ADUs as an accessory use permitted with conditions in all residential districts. The 2018 Comprehensive Plan Land Use Element, Section 8.3, includes a strategy to “allow accessory housing units.” This Section carries forward some of the conditions in § 21.149 Accessory Apartments for the Elderly but removes the age limitation and the requirement for the occupant to be related to the owner of the principal dwelling as well as the related requirements for recorded covenants and a separate permit with an annual renewal requirement.

- (c) **Off-Street Parking.** Adequate off-street parking shall be provided.
- (d) **Appearance.** Construction or creation of an accessory dwelling unit shall not change the single-family appearance of the primary dwelling unit. The applicant shall submit a plan showing proposed construction and site plan.
- (e) **Types of Accessory Dwelling Units.**<sup>59</sup>
  - (1) *Attached.* An attached accessory dwelling unit is appended to the principal building or structure.
  - (2) *Detached.* A detached accessory dwelling unit is an independent structure located behind the principal building or structure or a dwelling unit above a garage.
  - (3) *Internal.* An internal accessory dwelling unit is located within the principal structure.
- (f) **Height.** The height of the accessory dwelling unit must not exceed 24 feet. In no instance shall the accessory dwelling unit be taller than the principal building or structure.
- (g) **Occupancy.** Either the principal dwelling or the accessory dwelling unit must be owner-occupied and serve as the owner's primary residence. The terms of the rental agreement shall include condition stating to the effect of "In the event the owner-occupancy terminates, either upon conveyance of property, death, or other such event that causes owner-occupancy to cease, the tenant may occupy the accessory dwelling unit while the main dwelling is unoccupied for up to one year from the commencement of the defined term."<sup>60</sup>

### 3.5.2 CANTEEN<sup>61</sup>

- (a) **Ancillary Use Condition.** A canteen shall not be located in a building where the principal use is service of food.
- (b) **Maximize Size.** A canteen shall consist of an area of 1,200 square feet or less.
- (c) **Prohibited.** The following facilities and functions are prohibited.
  - (1) Drive-up or walk-up facilities; and

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<sup>59</sup> New types of ADUs (previously not defined) and Height restrictions added.

<sup>60</sup> The current Zoning Ordinance requires the principal dwelling unit to be owner-occupied. The proposed revision allows flexibility for the property owner to live in either the principal dwelling or the accessory dwelling.

<sup>61</sup> Carries forward § 21.82(21) Permitted Uses (C-1 District) and § 21.92(25) Permitted Uses (C-2 District). Expands definition to allow canteens in any place of work, rather than just office buildings. Removes prohibition on signs, which will be controlled by Section 4.8: *Signs*.

- (2) Preparation of food requiring frying or grilling.
- (d) **Hours of Operation.** Hours of operation are limited to 8:00 a.m. to 5:30 p.m., Monday through Friday.

### 3.5.3 CEMETERY OR ASH GARDEN<sup>62</sup>

- (a) **Accessory Use Condition.** An ash garden or cemetery must be accessory to a place of worship.
- (b) **Maximize Size.** The area must not exceed 750 square feet in area.
- (c) **Setback.** An ash garden or cemetery must be set back at least 50 feet from any boundary of the property.

### 3.5.4 HEMP, CBD, VAPE, OR CANNABIS PRODUCT SALES<sup>63</sup>

- (a) **All Districts.**
  - (1) For purposes of this Subsection, the area of a business used for such ancillary purposes shall be determined based upon the square footage devoted to such use plus an additional customer aisle area measuring 18 inches in width perpendicular to and along each customer-facing portion of such display or other use.
  - (2) Merchandising, display, or sale of products qualifying a retail business as a Smoke or Vape Shop is not allowed except as otherwise permitted under this Ordinance.
- (b) **C-1 District.** Any medical, dental, chiropractic, or other medically-oriented office, clinic, and/or laboratory may engage in the ancillary merchandising and sale of products containing hemp, hemp-derived cannabidiol (CBD), CBD oils, cannabis product, or vaping product of alternative consumable matter other than tobacco meant to be smoked, vaped or ingested orally in any

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<sup>62</sup> Carries forward current conditions for “ash gardens or other area for burial or retention of cremated human remains” in § 21.62 *Permitted Uses* (PI-1).

<sup>63</sup> Carries forward current use conditions for commercial districts, with minor (non-substantive) revisions for clarity. For example, the current text for the C-1 District is: “Any establishment engaged in the merchandising and sale of products containing hemp, hemp-derived Cannabidiol (CBD), CBD oils, Cannabis Product, or vaping product of alternative consumable matter other than tobacco meant to be smoked, vaped or ingested orally in any fashion, provided such merchandising and sale is ancillary to the primary use of the establishment as a medical, dental chiropractic or other medically oriented office, clinic and/or laboratory, and this activity is restricted to no more than twenty percent (20%) of the total square footage of the business, not to exceed five hundred (500) square feet, whichever is less.” The current provisions limit sale of CBD products to medically-oriented establishments, but that is not clearly specified until the latter half of the sentence. The proposed revisions relocate the limitation to medically-oriented establishments to the beginning of the sentence.

fashion if this activity is restricted to no more than 20% of the total square footage of the business or 500 square feet, whichever is less.

- (c) **C-2, C-3, and C-5 Districts.** A retail establishment may engage in the merchandising and sale of products containing hemp, hemp-derived cannabidiol (CBD), CBD oils, cannabis products, or vaping products of alternative consumable matter other than tobacco meant to be smoked, vaped, or ingested orally in any fashion, if this activity is restricted to no more than 20% of the total square footage of the business or 1,000 square feet, whichever is less.

### 3.5.5 HOME OCCUPATION<sup>64</sup>

- (a) **Permitted Uses.** The following uses are allowed as home occupations:

- (1) Professional offices;
- (2) Academic tutoring;
- (3) Music, dance, art, swim, tennis, fitness, or similar instruction;
- (4) Internet retail sales, such as the sale or resale of clothing and goods through online marketplaces;
- (5) Artists, sculptors, composers, and crafters, with no retail sales permitted on the premises except through internet retail sales;
- (6) Small goods repair services, such as jewelry, electronics, and appliances;
- (7) Tailoring, sewing, and clothing alteration services;
- (8) Beauty shops, barber shops, and hair and nail salons; and
- (9) Home-based food production operations, as defined by [S.C. Code § 44-1-143](#).

- (b) **Prohibited Uses.** Any use not expressly listed is prohibited.

- (c) **Maximum Size.**

- (1) The area occupied by the home occupation shall be no more than 25% of the gross floor area or 1,000 square feet, whichever is less, of the principal building.

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<sup>64</sup> Modernizes the provisions in § 21.146 Home Occupations. Proposes to increase allowable size from 20% of the principal dwelling to 25% or 1,000 square feet, whichever is less, or to 100% of an accessory building. Proposes to allow up to one non-resident employee.



- (2) Alternatively, a home occupation may occupy up to 100% of an accessory building.
- (d) **Traffic.** Traffic generated by a home occupation must not exceed the volumes normally expected in a residential neighborhood.
- (e) **Employees.** The principal person conducting the home occupation shall be a full-time resident of the dwelling unit. No more than one employee, not living within the dwelling, may work at the home occupation location.
- (f) **Parking.** Parking associated with the home occupation must be accommodated either on the premises within the driveway or behind the principal building, or on a public street as on-street parking. No vehicles shall be parked within the front yard.
- (g) **Outward Appearance.** The residential character of the lot and dwelling shall be maintained by complying with the following standards:
  - (1) Goods, products, services, merchandise, or articles of similar form shall not be displayed for advertising purposes nor displayed in such a way as to be visible from outside the dwelling;
  - (2) Merchandise, equipment, or supplies associated with the home occupation shall be stored completely within the principal or accessory building;
  - (3) Signs for home occupations are subject to the provisions of § 4.9: *Signs*; and
  - (4) No equipment, vehicle, or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.

### 3.5.6 HOMESHARING<sup>65 66</sup>

- (a) **Permit Required.** A short-term rental permit application must be made on a form provided by the Zoning Administrator (see § 7.3.7: *Short-Term Rental Permit*).
- (b) **Location.** Homesharing shall only occur in a dwelling unit or an accessory dwelling unit.
- (c) **Annual Limit for Rentals.** A hosted short-term rental property shall not be rented for overnight accommodations for more than 120 days per calendar year.

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<sup>65</sup> New use. This is intended to allow a property owner to rent out a room in their house on a regular basis or to rent out their accessory dwelling on a regular basis, or for property owners to rent out their entire property for up to 14 days per year. The (un-hosted) short-term rental of an entire dwelling for more than 14 days per year is considered a principal use.

<sup>66</sup> Except for (b)(1), these conditions only apply to Hosted Short-Term Rentals. For example, a property who rents out their entire house for no more than 14 days per year is not required to obtain a business license.

- (d) **Maximum Number of Guests Per Stay.** A hosted short-term rental property is limited to a maximum of two adults per bedroom.

### 3.5.7 HYDRONIC HEATERS<sup>67</sup>

The use or operation of a residential or commercial hydronic heater, whether operated in the open or in any type of structure, is expressly prohibited in all zoning districts.

### 3.5.8 MOTOR FUELS<sup>68</sup>

- (a) **Storage Requirements.** Motor fuels shall be stored in and pumped, dispersed, or in any way dispensed solely from underground storage tanks or facilities duly registered, approved, authorized, and permitted or licensed by SCDES.
- (b) **Prohibited.** The pumping, dispersing, or dispensing of motor fuels from any type of mobile unit to a motor vehicle, tank, or other containers is expressly prohibited, except residential or emergency use in five-gallon containers or less; duly permitted construction sites; and underground tanks.

### 3.5.9 OUTDOOR RETAIL DISPLAYS

- (a) **Site Plan Review.** The outdoor retail display area shall be designated as such on the site plan. Outdoor retail display is prohibited in other areas.
- (b) **Location.** Outdoor retail displays must:
  - (1) Be located to the side or rear of the principal building or within 25 feet of the front building façade; and
  - (2) Not be located within an ADA accessible route, landscaped area, right-of-way, or required parking space.
- (c) **Screening.** When located to the side or rear of a building, an outdoor retail display area shall be screened from adjacent rights-of-way by a Type B buffer (see § 4.7.4: *Perimeter & Right-of-Way Buffers*).

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<sup>67</sup> Carries forward § 21.11.1 (passed in December 2021 and not yet codified in Municode, as of this draft.

<sup>68</sup> Carries forward § 21.10 Motor Fuels.

### 3.5.10 STORAGE CONTAINER<sup>69</sup>

- (a) **Where Prohibited in Residential Zoning Districts.** Storage containers are prohibited in residential zoning districts except when:
- (1) Permitted as a temporary use; or
  - (2) Located in the back yard of residential property for the purpose of storage of yard equipment and household goods.
- (b) **Where Prohibited in Commercial Zoning Districts.** Storage containers are prohibited in commercial zoning districts except when:
- (1) Utilized in conjunction with an active construction project, duly permitted, as a temporary use;
  - (2) Utilized in conjunction with relocating or moving to or from the site as a temporary use; or
  - (3) Located on government public works facilities.

### 3.5.11 TAP ROOM<sup>70</sup>

A tap room may not exceed 60% of the overall square footage of the area of the business open to customers or employees interacting with customers.

## 3.6 TEMPORARY USES & STRUCTURES<sup>71</sup>

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### 3.6.1 PURPOSE

Temporary uses and structures are allowed in accordance with the provisions of this Section, which are intended to minimize or mitigate potential negative impacts of such uses and structures on the surrounding area and to provide safe and convenient access to permitted temporary uses and structures.

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<sup>69</sup> Carries forward § 21.7.2.a.1. Construction-related storage containers and those used for moving/relocation purposes, as well as construction dumpsters, are addressed in Section 3.5: *Temporary Uses & Structures*.

<sup>70</sup> This condition is carried forward from Planned Development District condition. The definition of Tap Room is defined in Article 13 as “A commercial establishment that is incidental to a Principal Use and open to the public for the sale of beer or wine for on-site and/or off-site consumption.”

<sup>71</sup> This Section consolidates current provisions for temporary uses and proposes to allow mobile food vending (“food trucks”) as a temporary use.

### 3.6.2 APPLICABILITY

- (a) This Section applies to all temporary uses and structures.
- (b) The following uses are exempt from the requirements of this Section:
  - (1) Lawful picketing and demonstrations; and
  - (2) Weddings, receptions, parties, and similar private, non-commercial events held on private property.

### 3.6.3 TEMPORARY USE PERMIT REQUIRED

- (a) **Generally.** Prior to the establishment of a temporary use or structure, an applicant must receive a Temporary Use Permit (see § 7.3.9: *Temporary Use Permit*) if required by Table 3.6.5-1: *Temporary Use Table*.
- (b) **Removal.** Temporary uses and structures from which temporary uses are operated shall be removed from the site within 72 hours after the temporary permit has expired.
- (c) **Revocation of Temporary Use Permit.** The Zoning Administrator may revoke the permit for any temporary use that is determined to create a nuisance or disruption.

### 3.6.4 COMPLIANCE WITH OTHER REGULATIONS

- (a) All temporary uses and structures must comply with the provisions of this Section, as well as any other applicable City Codes and ordinances and State and federal statutes and regulations. The applicant for a temporary use or structure shall obtain a building permit, if required by the Building Code.
- (b) When a proposed temporary use or structure requires approval by another local, state, or federal agency, the applicant must provide proof of such approval (or pending approval) in conjunction with the temporary use permit application.

### 3.6.5 TEMPORARY USE TABLE

- (a) **Generally.** Temporary uses and structures are allowed in the districts specified in Table 3.6.5-1: *Temporary Use Table* if the use complies with all applicable use conditions and other provisions of this Section. Refer to § 3.1.4: *Key to Use Tables* for an explanation of the Temporary Use Table.

- (b) **Unlisted Temporary Uses and Structures Prohibited.** Any temporary use or structure not expressly allowed by Table 3.6.5-1: *Temporary Use Table* is prohibited.<sup>72</sup>

Table 3.6.5-1: Temporary Use Table

Temporary Use or Structure	Temporary Use Conditions	Temporary Use Permit Required	Maximum Duration of Use (per site)	Allowed Districts
Beer or Wine Garden	§ 3.7.1	Yes	May be established up to 48 consecutive hours; and  Shall not be permitted for the same property or same operator more than one time in any two-month period	C-3, C-4, C-5
Construction-Related Office or Storage	§ 3.7.2	Yes	Construction-related office, trash, or debris dumpsters must be removed within 14 days of issuance of a final certificate of occupancy, unless otherwise approved by the Building Official.  All other Construction-related storage shall be removed within 30 days of issuance of a final certificate of occupancy.	All districts
Garage Sale	§ 3.7.3	Yes	The maximum period for each permit is two consecutive days.  The maximum number of permits allowed per year is two per residence or dwelling.	All residential districts; C-1, C-2, P-1, P-2
Mobile Food Vending	§ 3.7.4	Yes	No maximum, but mobile vending units shall not remain on-site overnight except on the site of its associated commissary.	C-3, C-4, C-5, P-1, P-2
Open Air Market	§ 3.7.5	Yes	No maximum	P-1, P-2

<sup>72</sup> Carries forward current prohibition on unlisted temporary uses.

Table 3.6.5-1: Temporary Use Table

Temporary Use or Structure	Temporary Use Conditions	Temporary Use Permit Required	Maximum Duration of Use (per site)	Allowed Districts
Portable Storage Unit	§ 3.7.6	No	Must be removed within two weeks of the date first located on any property	All districts
Special Event	None	Yes	No maximum	P-1, P-2

### 3.7 TEMPORARY USE CONDITIONS

#### 3.7.1 BEER OR WINE GARDEN<sup>73</sup>

- (a) **Site Plan Sketch Required.** The temporary use permit application must include, in addition to other information deemed material by the Zoning Administrator, a site plan sketch of the event.
- (b) **Site Plan Sketch Contents.** The site plan sketch shall depict, at a minimum, the following items as applicable:
- (1) Site location, boundaries, and relevant features (e.g., creeks);
  - (2) Location of the temporary use and associated temporary structures;
  - (3) Location of permanent structures on the lot;
  - (4) Location and number of parking spaces;
  - (5) Location of vehicular access(es) to the site;
  - (6) Type, size, and location of all temporary signs associated with the temporary use;
  - (7) Location and description of all temporary lighting;
  - (8) Location of restroom facilities; and
  - (9) Method of solid waste disposal.

<sup>73</sup> Carries forward § 21.111(34)(a), Permitted Temporary Uses in C-3; § 21.120(37)(a), Permitted Temporary Uses in C-4; and § 21.132(22)(a), Permitted Temporary Uses in C-5. Specifies elements the site plan sketch must include. The conditions for written permission from the property owner and SCDOR special events license or other applicable alcoholic beverage license are addressed in Subsections 3.5.3: *Temporary Use Permit* and 3.5.4 *Compliance With Other Regulations*.

### 3.7.2 CONSTRUCTION-RELATED OFFICE OR STORAGE<sup>74 75</sup>

- (a) **Must Be Associated with an Active Construction Project.** Construction-related storage is only allowed in conjunction with an active, duly permitted construction project.
- (b) **Location.** Construction-related office must be located on the same site as the associated construction.

### 3.7.3 GARAGE SALE<sup>76</sup>

- (a) **Type of Merchandise.** Under no circumstances shall new or used merchandise, furniture, etc. be purchased or brought to the premises for sale. All merchandise must be that of the family or families conducting the sale.
- (b) **Sign Standards.** See § 4.9: *Signs*.
- (c) **Hours of Operation.** The hours of the sale shall not be before sunrise or after sunset. Sunday sales are prohibited.
- (d) **Amplification Devices Prohibited.** No public address system, amplifications system, megaphone, or similar amplification device shall be utilized at any garage sale.
- (e) **Alcohol Prohibited.** No alcoholic beverages or beer of any type shall be served or given away on or near the premises of the sale.
- (f) **Violations and Enforcement.**
  - (1) If, upon inspection of the premises, the Zoning Administrator determines that a sale is being conducted in violation of this Section, the person to whom the permit is issued or, in the event no permit was obtained, the owner(s) of the property or the tenant(s) on the property shall be issued a citation for violation of this Section and/or the right to continue the sale terminated.
  - (2) Any person found to be in violation of this Section shall be punishable by a fine not to exceed \$50.00 for the first offense and \$100.00 for any subsequent offense.

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<sup>74</sup> Carries forward § 21.7.2.a.1(1) *All Districts, Prohibitions* (Parking and Storage Requirements).

<sup>75</sup> This Paragraph adds timeframes for removal, rather than limiting construction-related storage to six months “unless otherwise permitted for a longer period of time as a result of the duration of the construction project.”

<sup>76</sup> Carries forward § 21.148 *Garage Sales* with minor (non-substantive) revisions. Relocates provisions for temporary use permit and display of permit to Subsection 3.5.3: *Temporary Use Permit Required*.

### 3.7.4 MOBILE FOOD VENDING<sup>77</sup>

- (a) **Allowed Merchandise.** Allowed merchandise is limited to food, hot and cold beverages containing no alcohol, and ancillary related items.
- (b) **Trash and Recycling.** Trash and recycling receptacles shall be available for patron use. Prior to leaving a vending site, a mobile food vendor shall remove all trash remaining on the site resulting from sales made by the vendor.
- (c) **Prohibitions.** A mobile food vendor shall not solicit or conduct business with people in motor vehicles.
- (d) **Exemptions.** Catered events and special events are exempt from the requirements in this Section.

### 3.7.5 OPEN AIR MARKET

- (a) **Market Manager Required.** All temporary open air markets shall have a market manager authorized to direct the operations of all vendors participating in the market on the site of the market during all hours of operation.
- (b) **Parking.** All temporary open air markets shall provide at least three off-street parking spaces for each vendor stall.
- (c) **Trash and Recycling Receptacles.** A temporary open air market shall provide trash and recycling receptacles for patron use and remove all trash and recycling from the site each day.

### 3.7.6 PORTABLE STORAGE UNIT<sup>78</sup>

There shall be no more than one portable storage unit per site.

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<sup>77</sup> Proposed new use to accommodate food trucks in accordance with SCDES requirements.

<sup>78</sup> Carries forward § 21.7.2.a.1(2) *All Districts, Prohibitions* (Parking and Storage Requirements).



## ARTICLE 4: SITE & DEVELOPMENT STANDARDS

### 4.1 GENERAL PROVISIONS<sup>79</sup>

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#### 4.1.1 PURPOSE

- (a) The purpose of this Article is to:
- (1) Protect and enhance the City of Forest Acres' overall development pattern in a cohesive and consistent manner;
  - (2) Support high quality relationships between buildings and streets; and
  - (3) Encourage buildings and site design to blend harmoniously with the natural surroundings and neighboring development.
- (b) The standards in this Article are not intended to stifle innovative design or creativity. Instead, they are intended to serve as the minimum standards necessary to ensure that new development and redevelopment meet the purposes described above.

#### 4.1.2 APPLICABILITY<sup>80</sup>

- (a) **Generally.** This Article applies to all development in the City of Forest Acres, except as otherwise provided in the individual sections and subsections.
- (b) **Relationship to the Centers & Corridors Overlay Standards.** In addition to the standards in this Article, any development located within the Centers and Corridors Overlay is subject to the overlay standards. In the event of a conflict between the requirements of this Article and the overlay, the overlay requirements take precedence.
- (c) **Relationship to Other Jurisdictions.** Development and redevelopment may be subject to requirements and review procedures of other jurisdictions in instances where property abuts County- or State-maintained rights-of-way. Developers must coordinate with the proper reviewing authority and comply with all applicable rules and regulations.

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<sup>79</sup> This section carries forward Article XIV *Area, yard, and height requirements*; §21.5.7 *Corner lots*; §21.5.8 *Double frontage lots*; §21.5.11 *Exceptions for front yard setbacks for dwellings*; §21.5.13 *Side and rear yard setbacks for residential districts*; §21.5.16 *Height limits*; and §21.134 *District regulations (C-5)*.

<sup>80</sup> Carries forward § 21.5 *Application of regulations*.

## 4.2 LOT STANDARDS

- (a) **One Principal Building to a Residential Lot.** Only one principal building and its customary accessory buildings may be erected on any lot in a residential district, except as otherwise allowed by Article 3: *Use Regulations*.
- (b) **Reduction of Lot Area.** A lot shall not be reduced in size so that the lot width or depth; front, side, or rear yard lot area; or other requirements of this Article are not maintained. This does not apply when a portion of a lot is acquired for public purposes.
- (c) **Lot Frontage and Lot Width.**
- (1) A principal building shall not be erected on any lot that does not have the minimum lot width specified in Table 4.2-1: *Minimum Lot Dimensions for Residential Districts* or Table 4.2-2: *Minimum Lot Dimensions for Non-Residential Districts*, as applicable.
  - (2) Except for townhouse dwelling units located on individual fee simple lots, all lots shall maintain a minimum lot frontage of 25 feet, measured at the front property line. Flag lots are specifically prohibited.
  - (3) See Figure 4.2-1: *Minimum Lot Width and Lot Frontage*.
- (d) **Lot Area and Lot Coverage.** These standards govern the amount of land to be used for certain types of development or land use. They ensure each lot is of a certain size, providing adequate space for buildings and other structures while maintaining a desirable level of openness and spacing between neighboring lots. Lot area and lot coverage is regulated by Table 4.2-1: *Minimum Lot Dimensions for Residential Districts* and Table 4.2-2: *Minimum Lot Dimensions for Non-Residential Districts*, as applicable.

**Table 4.2-1: Minimum Lot Dimensions for Residential Districts**

District	Minimum Lot Area (square feet) <sup>A</sup>				Maximum Lot Coverage (GFA as a percent of lot area)	
	1 Dwelling Unit	2 Dwelling Units	3 or More Dwelling Units	Townhouse Dwelling Units <sup>B</sup>	Minimum Lot Width (feet)	
R-1	15,000	NP	NP	NP	90	25%
R-1a	12,000	NP	NP	NP	85	30%
R-2	10,000	15,000	NP	NP	70	35%
R-3	10,000	15,000	15,000 for the first two DU, plus 3,500 for each additional DU	2,500	20 <sup>B</sup> or 70	40%

**Key:** NP = Not Permitted | DU = dwelling unit

A. Excludes Accessory Dwelling Units (See Sec. 3.4.3: *Accessory Use Table* and Sec. 3.5: *Accessory Use Conditions*).

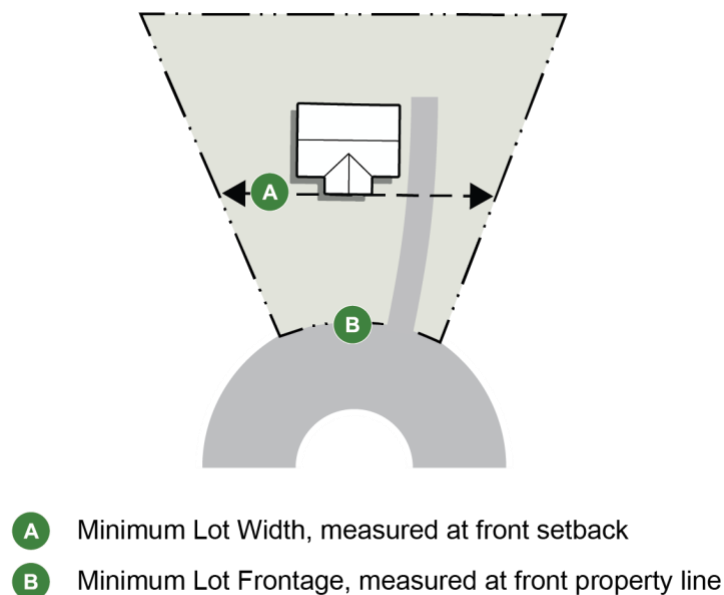
B. When each townhouse dwelling unit is located on its own fee simple lot.

**Table 4.2-2: Minimum Lot Dimensions for Non-Residential Districts**

District	Minimum Lot Area (Square Feet) <sup>A</sup>			Minimum Lot Width (Feet)	Maximum Lot Coverage (GFA as a percent of lot area)
	Generally	With 2 Dwelling Units	With 3 or More Dwelling Units		
<b>P-1</b>	N/A	NP	NP	70	60%
<b>P-2</b>	N/A	NP	NP	70	60%
<b>C-1</b>	7,500	15,000	NP	70	N/A
<b>C-2</b>	7,500	15,000	NP	70	N/A
<b>C-3</b>	7,500	NP	NP	70	N/A
<b>C-4</b>	7,500	15,000	15,000 for the first two DU, plus 3,000 for each additional DU	70	N/A
<b>C-5</b>	7,500	15,000	15,000 for the first two DU, plus 3,000 for each additional DU	70	N/A

**Key:** NP = Not Permitted | N/A = Not Applicable | DU = dwelling unit | GFA = Gross Floor Area

A. Excludes Accessory Dwelling Units (See Sec. 3.4.3: *Accessory Use Table* and Sec. 3.5: *Accessory Use Conditions*).

**Figure 4.2-1: Minimum Lot Width and Lot Frontage**

## 4.3 YARD SETBACKS

- (a) **Yard Setbacks.** Table 4.3-1: *Setbacks* specifies setbacks required for structures and driveways.<sup>81</sup>
- (b) **Yard Service to One Building.** No part of a yard, open space, off-street parking space, or loading space required in connection with any building for the purpose of complying with this Chapter shall be included as part of a yard, open space, or off-street parking or loading space required for any other building.

**Table 4.3-1: Setbacks**

District	Setbacks (feet)					
	Front Yard <sup>A B</sup>	Side Yard	Side Yard, Corner Lot <sup>C</sup>	Rear Yard <sup>B</sup>	Accessory Structures <sup>E</sup>	Driveways <sup>F</sup>
<b>R-1</b>	35	10	17.5	20	5	2
<b>R-1a</b>	35	10	17.5	20	5	2
<b>R-2</b>	35	10	17.5	20	5	2
<b>R-3</b>	35	10 or 0 <sup>G</sup>	17.5	20	5	2
<b>P-1</b>	25	10	12.5	20	3	N/A
<b>P-2</b>	25	10	12.5	20	3	N/A
<b>C-1</b>	25	10	12.5	20	3	N/A
<b>C-2</b>	25	10	12.5	20	3	N/A
<b>C-3</b>	25	10 <sup>D</sup>	12.5	20	3	N/A
<b>C-4</b>	25	10 <sup>D</sup>	12.5	20	3	N/A
<b>C-5</b>	25	10 <sup>D</sup>	12.5	20	3	N/A

**Key:** NP = Not Permitted | N/A = Not Applicable

A. Exceptions for front yard setbacks for dwellings. The setback requirements of this Article for dwellings do not apply to any lot where the average existing setback line on lots located wholly or in part within 100 feet on each side of such lot, within the same block and zoning district and fronting on the same side of the street or road as such lot, is less than the minimum setback required. In such cases the setback on such lots may be less than the required setback, but no less than the average setbacks on the aforementioned lots, and in no case less than 10 feet from the street or road right-of-way.

B. On double frontage lots, front yard setbacks apply for principal and accessory buildings on each street.

C. This setback applies along the side lot line adjacent to the street.

D. Common wall construction to adjacent properties spanning property lines may be utilized in accordance with applicable Building and Fire Code requirements. In such case, a side setback is not required along the common wall.

E. Accessory Structures must conform to § 3.4: *Accessory Uses & Structures*.

F. Parking facilities or driveways shall not be located closer than two feet from the side or rear property line of lots of record in residential districts.

G. The lesser setback applies only for shared lot lines between two townhouse dwellings units. The greater setback applies for all other uses and for end units on a townhouse dwelling.

<sup>81</sup> This table replaces “Setbacks from any Public Highway, Street, or Road” with a side yard setback for corner lots. In residential districts, proposes to reduce the side yard setbacks along the street from 35 feet to 20 feet per staff input. For all other districts, the side yard setback for corner lots is the same as the front setback. Footnote B requires double frontage lots to maintain the required front yard setback along both streets. Effectively, this maintains the current “Setbacks from any Public Highway, Street, or Road” except in the residential districts as described above.

## 4.4 HEIGHT

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- (a) **Maximum Height.** Principal structures are limited to 40 feet<sup>82</sup> in height, except as provided in 4.4(b): *Special Exceptions* and in § 2.3: *Centers & Corridors Overlay District (CC-OD)*.
- (b) **Special Exceptions.**
- (1) Special Exceptions may be granted to the maximum height of the following structures located in the P-1, P-2, C-1, C-2, C-3, and C-4 Zoning Districts as authorized by the Zoning Board of Appeals for the following:
- a. Church spires;
  - b. Belfries;
  - c. Cupolas and domes not intended for human occupancy;
  - d. Monuments;
  - e. Water towers;
  - f. Observation towers;
  - g. Transmission towers;
  - h. Communication towers;
  - i. Conveyors;
  - j. Flagpoles;
  - k. Chimneys;
  - l. Masts;
  - m. Aerials; and
  - n. Similar structures.
- (2) Special Exceptions to the maximum height standard shall:

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<sup>82</sup> Proposed here is to increase maximum building height from 35 feet to 40 feet because Section 11.2.3 proposes to align the measurement of height with the Building Code (which measures height from grade to the average height of the highest roof surface). The City currently measures the height of principal structures from the mean finished ground level to the building eave and the height of accessory structures from the finished ground level to pinnacle of the roof.

- a. Not cover more than 25% of the roof area of the structure to which they are attached; and
- b. Comply with applicable screening standards of this Article.

## 4.5 NEIGHBORHOOD TRANSITION STANDARDS<sup>83</sup>

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### 4.5.1 PURPOSE

- (a) The intent of this Section is to encourage development that relates to neighboring residential districts while minimizing visual, noise, and lighting impacts.
- (b) Specifically, development in Neighborhood Transition areas should:
  - (1) Provide effective buffering for single-family and two-family residential uses outside the district using setbacks, landscaping, and other measures within the district appropriate to meaningfully preserve existing community character; and
  - (2) Provide innovative site layout techniques and/or district restrictions intended to prevent impacts from outdoor lighting and noise on residential properties outside the district.

### 4.5.2 APPLICABILITY

- (a) **Zoning Districts.** These standards apply to all non-residential zoning districts and residential uses other than single-family or two-family dwellings that abut R-1 and R-2 zoning districts.
- (b) **Planned Development Districts.** Planned Development Districts may propose alternative standards but in no instance shall Planned Development Districts reduce the quality or intent of standards within this Section.

### 4.5.3 STANDARDS

- (a) **Enhanced Screening and Buffering.** Enhanced screening is required along lot lines between residential and commercial uses or multi-family developments, either with dense planting material and/or opaque, physical structures such as walls or fencing abutting the property line.
  - (1) *Plantings.* A minimum depth of 10 feet shall be used for areas with planting material. Plantings shall include at least the following number of plants per 100 linear feet:

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<sup>83</sup> New section to address input from Focus Groups.

- a. Three canopy/shade trees;
  - b. Six understory evergreen trees; and
  - c. Forty evergreen shrubs.
- (2) **Fence or Wall.** In lieu of the above standard, a high opacity fence or wall between 6 and 8 feet high may be used in conjunction with a minimum five feet deep planting area towards the residential use and consist of the following number of plants per 100 linear feet:
  - a. Four understory trees; and
  - b. Thirty shrubs.
- (b) **Rear Wall Planes.** Long, continuous building walls shall be avoided. Rear façades of buildings facing residentially-zoned property shall not be greater than 80 feet wide without a break in massing using one or more of the following design strategies:
  - (1) An offset or jog in the wall plane with a depth greater than or equal to one foot;
  - (2) A variation of material;
  - (3) A variation of roof form or pitch; or
  - (4) A change in height or in the number of stories.
- (c) **Outdoor Lighting.** As specified in Table 4.8.6-1: *Maximum Allowable Backlight, Uplight, and Glare (BUG) Ratings*, when the subject property is located in Lighting Zone 2 and shares one or more lot lines with a lot located in Lighting Zone 1, luminaires on the shared lot line shall comply with the BUG ratings for LZ-1.

## 4.6 PARKING & ACCESS

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### 4.6.1 PURPOSE

- (a) The purpose of this Section is to ensure reasonable and adequate accommodations for access, circulation, and parking in the City of Forest Acres, recognizing that parking lots and similar facilities are a necessary element in a suburban environment to serve the needs of buildings and land uses.
- (b) These standards provide clear regulation of access and parking facilities to avoid negative impacts such as:
  - (1) Increased storm water volume, velocity, and pollutants;

- (2) Increased surface level heat and glare;
- (3) Reduction in the efficiency of street interconnectivity;
- (4) Degradation of the multimodal transportation network, including pedestrian and bicycle networks; and
- (5) Interruption of the streetscape aesthetic and character.

#### 4.6.2 APPLICABILITY

Unless otherwise specified, this Section applies to:

- (a) **New Development.** All new development is subject to the standards of this Section.
- (b) **Existing Development, Expansion of Existing Building.** At the time any principal structure is enlarged or increased in gross square feet for the purposes of adding capacity for dwelling units, guest rooms, outdoor seating area, or floor area.
- (c) **Existing Development, Change of Use.** Before conversion from one type of use occupancy to another, if a change of use causes an increase in the required number of off-street parking, stacking, or loading spaces, such additional spaces shall be provided in accordance with the requirements of this Section. However, if a change in use would require an increase of less than 5% of the required number of parking spaces, or less than five spaces, no additional off-street parking is required.<sup>84</sup>

#### 4.6.3 VISIBILITY AT INTERSECTIONS AND ACCESS POINTS<sup>85</sup>

- (a) **Intersection Sight Distance.** Intersection sight distance, as defined, required, and enforced by SCDOT, is an area of visibility maintained at a corner of an intersection or access point that allows for the safe operation of vehicles, trains, pedestrians, and cyclists in the proximity of intersecting streets, rail lines, sidewalks, and bicycle paths.
- (b) **Visibility Clearance.** Landscaping, trees, fences, walls, signs, or similar items that the Building Official determines is an obstruction to visibility, extends into sight lines, or is a traffic hazard, shall not be located between two and one-half (2½) and 10 feet above the established street grades at the following intersections and access points:

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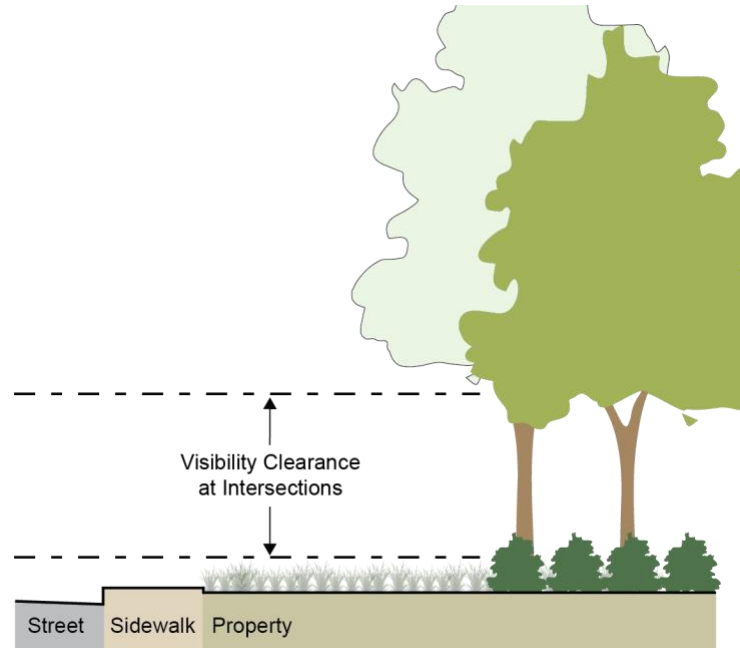
<sup>84</sup> This new provision is intended to provide flexibility for reuse of existing structures.

<sup>85</sup> This Section consolidates § 21.5.15 *Vision Clearance Carries* and §21.8.4 *Site Distance for Landscaping Adjacent to Public Rights-Of-Way and Points of Access*. Revised for clarity.



- (1) Any corner lot at the intersection of two public rights-of-way; or,
- (2) Access ways or driveways intersecting a public right-of-way.

**Figure 4.6.3: Visibility Clearance at Intersections**



#### 4.6.4 VEHICULAR ACCESS

Vehicular access in all non-residential districts shall minimize the number of driveways connecting to the primary roadway and be from driveways connecting to side streets where possible and/or use cross or joint access easements with adjacent property owners.

- (a) **Joint Access.** In order to minimize curb cuts, promote inter-parcel connectivity, and maximize a property's developable site area, joint access is strongly encouraged. Joint access means a single, shared driveway providing access from a street to multiple properties.
- (b) **Cross Access.** In order to promote inter-parcel connectivity and reduce reliance on major thoroughfares for primary means of access between properties, cross access is strongly encouraged. Cross access means a drive aisle providing access from one lot to another.
- (c) **Access Easement.**
  - (1) Where joint or cross access is proposed, the property owner must record with the Richland County Register of Deeds an easement agreement that defines maintenance responsibilities of landowners pertaining to the joint access and provides for the mutual right of ingress and egress for both property owners. The easement must also be referenced on a final plat.

- (2) If an easement agreement expires, terminates, or is amended in a manner contrary to this Section and the total number of required parking spaces has been reduced in accordance with 2.3.7(f): *Parking Reduction*, then the property owner must provide the total amount of required off-street parking in accordance with this Section within 60 days of such action. Unless remediating steps are taken that bring the property into compliance with parking requirements, the property may be considered in violation of this Chapter.
- (d) **Future Adaptation.** If the applicant is unable or unwilling to execute a cross access agreement, then access lanes and parking shall still be oriented to facilitate future cross access connections with adjacent parcels.

#### 4.6.5 PROHIBITED PARKING & STORAGE OF VEHICLES

- (a) **All Districts.** The following are prohibited in all zoning districts:
  - (1) Tractor trailers and semi-trailers except for the purpose of loading or unloading merchandise not to exceed a period of three days and not for any type of storage.
  - (2) Automobiles, trucks, tractors, buses, other motor vehicles, boats, campers, or trailers of any kind or type, not in normal operating condition, without current license or permit, or deemed abandoned as defined in City Code [Section 10-6](#) are prohibited other than in a structure fully enclosed on at least three sides.
- (b) **Residential Districts.** The following are prohibited in all residential zoning districts:
  - (1) Any vehicle, truck, or trailer used for a business or commercial purposes over 19 feet in length;
  - (2) Campers, recreational vehicles, boats, and trailers in the front yard, except in cases where the geographical layout of the property or improvements thereon make backyard parking physically impossible, dangerous, or impractical;
  - (3) Any motor vehicle in the front or side yard except in a driveway or parking area surfaced with gravel, rock, concrete, or asphalt. If the Zoning Board of Appeals grants a variance to this provision, the driveway or parking surface area shall not exceed 30% of the total front and side yard; and
  - (4) Commercial solid waste dumpsters except for properties containing four or more housing units.

#### 4.6.6 REQUIRED NUMBER OF VEHICULAR SPACES<sup>86</sup>

(a) **Generally.**

- (1) Required parking spaces shall be located on the same lot on which the principal use is located, except as otherwise provided in this Section.
- (2) Permanent off-street automobile parking spaces shall be equal in number to at least the minimum requirements for the specific uses set forth in Table 4.6.6-1: *Minimum Number of Required Spaces*, except as provided in 4.6.6(a)(5) below.
- (3) Except for residential uses, all uses must provide parking spaces for fleet and assembly area/use parking, where applicable, as specified in Table 4.6.6-1: *Minimum Number of Required Spaces*.
- (4) Uses that primarily involve assembly, such as special event facilities, religious institutions, arenas, stadiums, auditoriums, and concert halls, do not have separate parking ratios and are subject to the “Places of Public Assembly” ratio specified in Table 4.6.6-1: *Minimum Number of Required Spaces*.
- (5) In the event that the required minimum parking spaces cannot be placed on the lot without the demolition of an existing structure or causing damage to significant trees on the site or in the public right-of-way, the Zoning Administrator may authorize up to a 25% reduction in the total number of parking spaces required on the lot.

(b) **Unlisted Uses.**

- (1) The Zoning Administrator may apply the minimum number of off-street parking spaces required for a listed use that they deem most similar to the proposed use.
- (2) An applicant proposing to develop a principal use not listed in Table 4.6.6-1: *Minimum Number of Required Spaces* shall propose the amount of required parking by one of the three methods listed below in 4.6.6(d): *Alternative Parking Plan*, 4.6.6(e): *Campus Uses*, and 4.6.6(f): *Shopping Centers and Mixed-Use Developments*.

(c) **Parking Plan.**

- (1) All development applications subject to review for compliance with the standards of this Section shall include a parking plan.
- (2) The parking plan shall designate the number and location of required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the

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<sup>86</sup> Carries forward §21.7 *Off-Street Automobile Parking and Storage* and significantly expands the listed uses.

development they are designed to serve, including and vehicular, pedestrian, bicycle, and transit circulation systems for the development.

- (3) The parking plan may be integrated with the required landscape plan.
- (d) **Alternative Parking Plan.** The Zoning Administrator may approve an alternative parking plan that proposes ratios of off-street parking spaces using one of the methods below.
  - (1) The applicant may demonstrate the minimum off-street parking space requirement by reference to standard parking resources published by the Institute for Transportation Engineers (ITE), Urban Land Institute (ULI), National Parking Association, or the American Planning Association (APA); or
  - (2) The applicant may conduct a parking demand study to demonstrate the appropriate minimum off-street parking space requirement, which may consider factors such as, but not limited to, proximity to transit services, transportation demand management strategies, time of day demand factors, and commonly accepted standard studies.
- (e) **Campus Uses.** Developments within a campus-like setting, such as hospitals and universities, may submit for approval an alternative parking plan in accordance with Paragraph D above and the following conditions:
  - (1) Uses associated with campus-like settings have a greater degree of variability that make it impractical to assign a single parking ratio. Campus settings such as hospitals, colleges and universities, religious institutions, and uses associated with emergency services, such as fire, EMS, and police stations, might include synergistic variables above and beyond the minimum baseline considerations of this Section that contribute and influence the supply and demand of parking.
  - (2) Factors might include Transportation Demand Management concepts, alternate forms of commuting, valet and tandem parking, or alternative methods of campus transport such as on-site shuttle or bus services. These types of campus settings shall consult with the Zoning Administrator and establish a comprehensive and campus-wide alternative parking plan for approval by the Zoning Administrator.
- (f) **Shopping Centers and Mixed-Use Developments.**<sup>87</sup> Developments containing more than one use may submit for approval either:
  - (1) A parking plan showing the sum of total parking spaces required of all combined uses within the proposed development; or,

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<sup>87</sup> This replaces the existing ratio for shopping centers (1 space per 200 GLA).

- (2) An alternative parking plan in accordance with Paragraph D above. Applicants must calculate minimum parking requirements based on the potential to share parking between uses, thus reducing the overall parking footprint that would result from each individual use meeting minimum standards.

**Table 4.6.6-1: Minimum Number of Required Spaces<sup>88</sup>**

Use	Number of Required Spaces
<b>Generally</b>	
Assembly Areas and Uses (with fixed seating), unless otherwise listed	1 per 4 seats <sup>89</sup>
Assembly Areas and Uses (without fixed seating), unless otherwise listed	1 per 30 SF of net assembly area
Fleet Vehicles	All uses must provide parking spaces for fleet vehicles
<b>Accessory Uses</b>	
Accessory Dwelling Unit	1 per DU
Home Occupations	See § 3.5.5: <i>Home Occupation</i>
<b>Accommodation &amp; Lodging Uses</b>	
Bed & Breakfast, Inns, or Hotels	1 per <b>bedroom</b>
Short-Term Rentals	See § 3.3.14: <i>Short-Term Rentals</i>
<b>Arts, Entertainment, &amp; Recreation</b>	
Adult or Sexually Oriented Business	1 per 250 SF GFA for the first 2,500 SF and 1 per 500 SF GFA thereafter
Studio Space (Art Gallery, Artisan Workshop, Museum or Cultural Facilities)	1 per studio/workshop space or 1 per practitioner occupying the site on a full-time basis, plus 1 per 1,000 SF of net exhibit or gallery space
Indoor Recreation Facilities	1 per 200 SF GFA
Outdoor Recreational or Entertainment Facility (unless otherwise listed)	1 per each 2,000 SF of site area, unless otherwise listed below; 25 per football field or basketball court; 20 per diamond; 1 for each hole of miniature golf; and 1 per 100 SF of water surface area for pools
Driving Range; Miniature Golf Course	4 for each green, plus 1 for each driving tee on a driving range, plus requirements for any other associated use (such as retail, restaurant, or office)

<sup>88</sup> Red text indicates new or revised parking ratios. The adopted version of the UDO will include this text in black rather than red.

<sup>89</sup> Note: Linear feet of bench seating per seat shall be determined by and consistent with the Building Code.

**Table 4.6.6-1: Minimum Number of Required Spaces<sup>88</sup>**

<b>Use</b>	<b>Number of Required Spaces</b>
<b>Civic Uses</b>	
Community Center, Recreation Center, or Neighborhood Building	1 space per 750 SF GFA; or per parking analysis
Convention Center	See Assembly Area or Use
Government Facility (unless otherwise listed)	1 per 300 SF GFA
Library, Museum, or Cultural Facility	1 per 300 SF GFA; or 1 per studio/workshop space or 1 per practitioner occupying the site on a full-time basis; plus, 1 per 1,000 sf GFA of exhibit or gallery space; Whichever is less
<b>Eating &amp; Drinking Establishments</b>	
Bar, Tavern or Lounge, Nano Brewery, Restaurant and similar eating establishments, Wine Bar <sup>90</sup>	1 per 100 SF GFA, plus 50% of any outdoor area at the above ratio
<b>Educational Uses<sup>91</sup></b>	
College, Community College, University, Vocational School	See Campus Use
School – High School	1 per classroom, laboratory, or instruction area, plus 1 space per 4 students based on design capacity
School – Elementary & Middle	2 per classroom
<b>Medical Uses</b>	
Medical or Dental Office, Clinic, or Lab	1 per 300 SF GFA
<b>Office Uses</b>	
General and Professional Office, unless otherwise listed <sup>92</sup>	1 per 300 SF GFA
Banks, Financial Institutions <sup>93</sup>	1 per 300 SF GFA; plus 2 per walk-up ATM
Data Center	1 per 500 SF GFA for the first 3,000 sf and 1 per 2,500 SF GFA thereafter
Government Office	See Government Facility, above

<sup>90</sup> Proposed new ratio based on building square footage rather than number of seats, which can change over time. Current ratio is 1 per 4 seats provided for patron use, plus 1 per 2 employees on the shift with the highest employment. The City could consider parking exemptions up to a certain GFA (e.g., the first +/- 2,000 sf) in the Centers & Corridors Overlay.

<sup>91</sup> Proposes new ratios. Current ratio for “public and private schools” is 1 space for every 4 seats in the main auditorium or assembly room.

<sup>92</sup> Carries forward current ratio.

<sup>93</sup> Carries forward current ratio and adds parking for walk-up ATMs.

**Table 4.6.6-1: Minimum Number of Required Spaces<sup>88</sup>**

<b>Use</b>	<b>Number of Required Spaces</b>
<b>Residential and Group Living Uses<sup>94</sup></b>	
Single-Family Dwelling, Two-Family Dwelling, Manufactured Housing, Mobile Home	2 per DU
Townhouse, Three- or Four-Family Dwelling, or Neighborhood Courtyard Housing	2 per DU
Multi-Family and Group Living Uses	1 per 1-bedroom or efficiency unit; 1.5 per 2-bedroom unit; 2 per 3- or more- bedroom unit; Plus visitor parking at a ratio of 10% of the total required parking for such development
<b>Retail and Personal Services</b>	
Retail and Service Businesses, unless otherwise listed <sup>95</sup>	1 per 300 SF GFA
Shopping Centers	See Shopping Centers and Mixed-Use Developments in Paragraph F above.
Animal Care (Shelters, Kennels, Day Care, Grooming, Training, Indoor Boarding)	1 per 1,000 SF GFA
Veterinary Hospitals, Offices, or Clinics	1 per 300 SF GFA
<b>Special Care Residential Uses</b>	
Community Residence	1 per bedroom
Continuing Care Retirement Community and Long-Term Care Facility <sup>96</sup>	1 per residential dwelling unit; 1 per hospital bed; 1 per every 3 group care beds; 1 per every 5 nursing beds
<b>Vehicle-Related Uses</b>	
Automobile Sales, Rental or Leasing Center, including RVs	1 per 300 SF of indoor sales area, plus 1 per 5,000 SF of outdoor display area
Gas Stations <sup>97</sup>	1 per 300 SF GFA, in addition to space provided for vehicles being fueled

<sup>94</sup> Carries forward current ratio of 2 spaces per dwelling unit, except for multi-family (5+ dwelling units) and group living uses where the required number of parking spaces is proposed to be based on the number of bedrooms.

<sup>95</sup> Current ratio is based on “sales floor area.” The new ratio uses GFA for consistency with all other (non-retail) uses.

<sup>96</sup> Proposed new ratios. Current ratios for “hospitals, nursing homes, extended care facilities, assisted care facilities, or similar institutions” is 1 space for every 2 beds intended for patients, not including bassinets, plus 1 space for every 3 employees on the shift with highest employment.

<sup>97</sup> Proposed new ratio. Current ratio for “filling stations” is 3 spaces for each grease rack or similar facility, plus 1 space for each employee on the shift with highest employment.”

**Table 4.6.6-1: Minimum Number of Required Spaces<sup>98</sup>**

Use	Number of Required Spaces
<b>Warehouse, Storage, and Distribution Uses</b>	
Self-Service Storage Facilities	1 per 20 units, or 5 spaces in the vicinity of leasing office for facilities providing a minimum 20-foot drive aisle width adjacent to all exterior storage unit doors
Warehouse	1 per 500 SF GFA of building or tenant space for the first 3,000 SF, then 1 per 2,500 SF GFA of building or tenant space thereafter

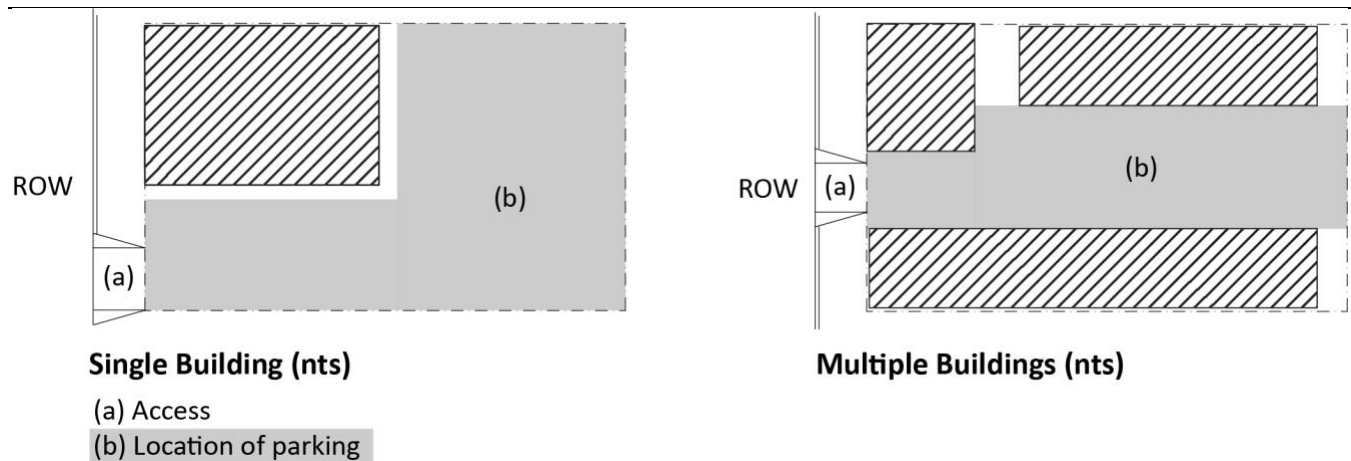
**Key:** DU = Dwelling Unit | SF = square feet | GFA = Gross Floor Area

#### 4.6.7 OFF-STREET PARKING LAYOUT AND DESIGN<sup>98</sup>

- (a) **Applicability.** Except for off-street parking areas serving one-, two-, three-, and four-family dwellings, all land uses are subject to the off-street parking layout and design provisions of this Section.
- (b) **Parking Space Access.** Off-street parking spaces shall have direct access to a street or alley.
- (c) **Vehicular Circulation.** All off-street parking areas shall be designed to:
  - (1) Avoid requiring vehicles to back into traffic on major or secondary arterials;
  - (2) Ensure safe and efficient circulation of vehicles, including emergency service vehicles, service vehicles, and customary vehicles in accordance with the Building and Fire Codes;
  - (3) Mitigate conflicts with pedestrian movement within the site; and
  - (4) Allow adequate space for maneuvering of vehicles into and out of any parking space.
- (d) **Location of Parking.** The majority of a use's off-street parking spaces shall be located to the side or rear of the building they serve or, in the case of developments with multiple buildings, shall be surrounded by buildings on at least three sides.

<sup>98</sup> Carries forward a portion of §21.7.1 and §21.7.4.b (*Off-Street Automobile Parking and Storage*). Proposes new location requirements pursuant to Focus Group input. Adds cross-reference to the Building Code for accessible spaces.



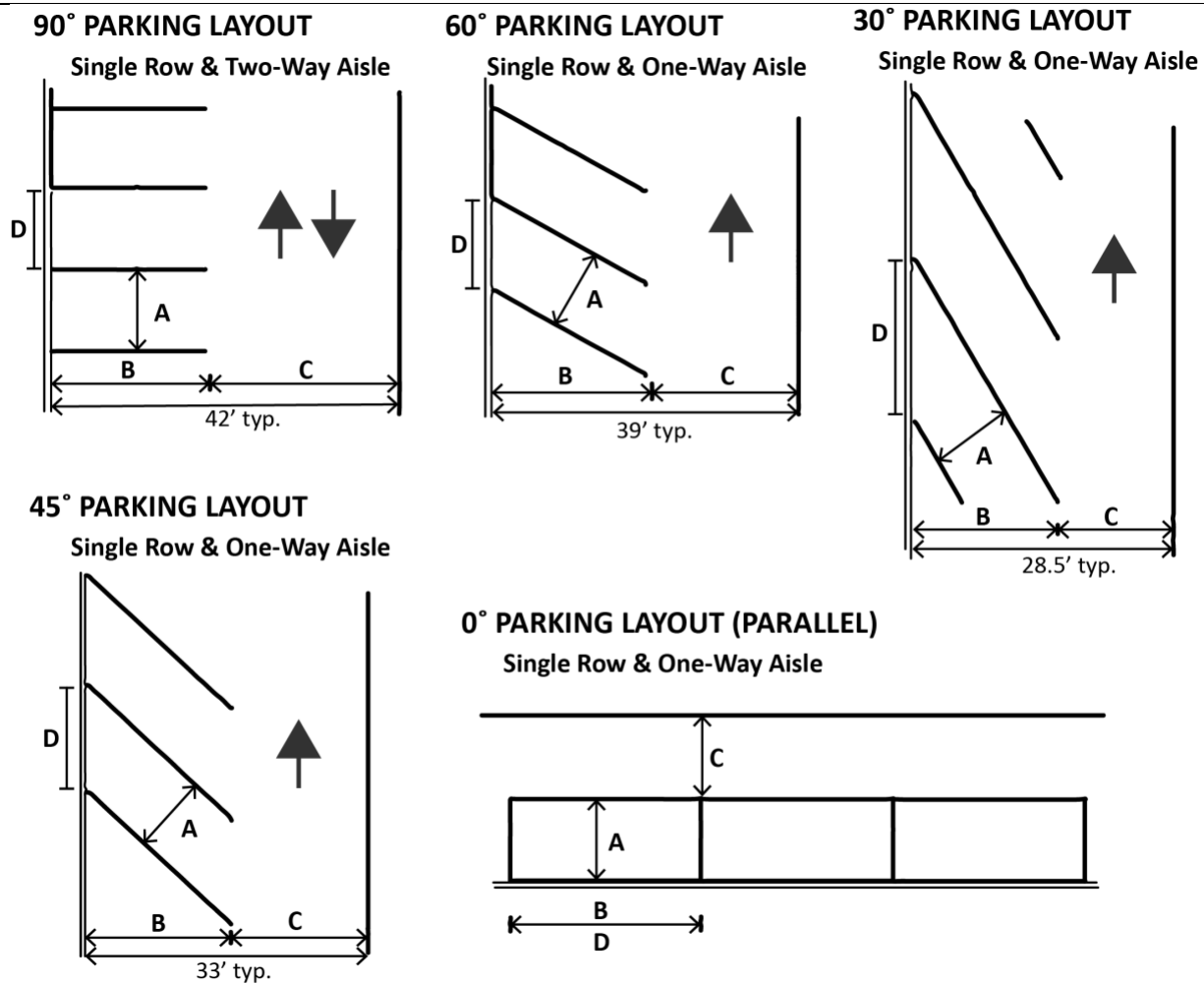
**Figure 4.6.7-1: Off-Street Parking Access and Placement**

- (e) **ADA Accessibility.** The minimum required number of accessible parking spaces is the same as required by the current Building Code.
- (f) **Parking Designations and Markings.** Parking lots or areas shall be designed as follows:
- (1) Authorized parking designated by white markings;
  - (2) Unauthorized parking designated by yellow markings;
  - (3) Fire zone parking designated by red markings and/or otherwise designated by words or symbols;
  - (4) Accessible parking designated by blue markings and/or otherwise designated by words or symbols; and
  - (5) Loading or unloading spaces designated by yellow markings and further designated by words or symbols.

**Table 4.6.7-1: Parking Layout Dimensions**

Parking Angle (degrees)	A. Stall Width (min) (ft)	B. Stall Depth (perp to curb) (ft)	C. Drive Aisle Width <sup>1</sup> (one- way) (ft)	D. Length of Curb per Stall (ft)
0	8	23	12	22
30	9	17' 4"	11	18
45	9	19' 10"	13	12' 9"
60	9	21	18	10' 5"
90	9	20	22	9

1. Aisles for two-way traffic shall be at least 22' wide

**Figure 4.6.7-2: Off-Street Parking Layout and Design**

#### 4.6.8 ON-STREET PARKING<sup>99</sup>

In the Downtown, City Center, and Neighborhood Center Subdistricts of the Centers and Corridors Overlay District, applicants may request an alternative plan through Richland County to provide a reduction to the minimum number of off-street parking spaces required through on-street parking along streets adjacent to the development.

<sup>99</sup> New section that implements a 2018 Comprehensive Plan recommendation to accommodate on-street parking.

#### 4.6.9 SHARED PARKING<sup>100</sup>

- (a) **Purpose.** Uses on contiguous lots or uses within a mixed use development, shopping center, office/business park, or medical or school campus may have different hours of operation and peak parking demand hours. Shared parking offers the potential to reduce the amount of impervious area and to enhance the efficiency of site design.
- (b) **Applicability.** The provisions in this Subsection are available for uses on contiguous lots and for uses within:
  - (1) A mixed-use development;
  - (2) A retail or shopping center;
  - (3) An office, business, or industrial park; and
  - (4) A medical or school campus.
- (c) **Generally.** Off-street parking spaces may be shared among more than one use, whether the uses are on the same lot or on separate lots, if the total number of off-street parking spaces is at least equal to the sum of the individual off-street parking space requirements for each use specified in Table 4.6.6-1: *Minimum Number of Required Spaces*, except as provided in Paragraph 4.6.9(e) below.
- (d) **Shared Parking Agreement Required.**
  - (1) When off-street parking spaces are shared among more than one use, a legally sufficient agreement, approved by the City Attorney prior to execution, ensuring the perpetual joint usage and maintenance of the shared parking area(s) shall be recorded with the Richland County Register of Deeds.
  - (2) The agreement must include provisions for written notice to the Zoning Administrator prior to termination or an amendment to the agreement. The agreement must also require the owner of each affected property to provide written consent to any application for a Conditional Use Permit or Building Permit relying on shared parking as provided for thereunder.
  - (3) An executed shared parking agreement shall be submitted to the Zoning Administrator prior to Conditional Use Permit or Building Permit approval, as applicable, reviewed and approved by the City Attorney, and recorded within 30 days of approval. The recorded

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<sup>100</sup> New section to address Focus Group input and to implement a 2018 Comprehensive Plan recommendation to encourage and promote shared parking facilities. Shared parking gives land owners an option to opt into an arrangement that benefits both parties, as long as the uses on both properties complement in terms of hours of peak activity.

shared parking agreement must be submitted to the Zoning Administrator prior to the issuance of a certificate of occupancy.

- (4) If a shared parking agreement is revoked by the parties to the agreement, off-street parking shall be provided in another location in accordance with the requirements of this Section.
- (5) If a shared parking agreement terminates or is amended in a manner contrary to this Section, off-street parking shall be provided in another location in accordance with the requirements of this Section within 60 days of such action. Unless remediating steps are taken that bring the property into compliance with parking requirements, the property may be considered in violation of this Ordinance.

(e) **Reduction in Required Number of Off-Street Parking Spaces.**

- (1) Where off-street parking spaces are shared among two or more uses that have different hours of operation or peak parking demand hours, the Zoning Administrator may allow a reduction in the total number of required parking spaces based upon a determination that the reduced parking arrangement would materially satisfy the intent of parking requirements under this Ordinance during all hours of operation.
- (2) The reduction shall be based on a shared parking analysis prepared by a professional engineer or transportation planner that clearly demonstrates reduced parking is sufficient to accommodate demand associated with the applicable uses.
- (3) In the shared parking analysis, the professional engineer or transportation planner shall assess:
  - a. Site-specific elements, including the size and type of the proposed development and the composition of uses or tenants;
  - b. The anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses, using:
    - 1. Actual parking counts for uses or combinations of uses that are the same or comparable to the proposed use(s) in terms of density, scale, bulk, area, type of activity, and location; and/or
    - 2. Relevant data from the Institute of Transportation Engineers (ITE) or another generally accepted resource for parking demand data; and
    - 3. The availability of current or planned public transportation routes, greenways, and other pedestrian and bicycle connections.
- (4) If one or more uses change, or there is a material change in the hours of operation of one or more uses, a new shared parking analysis is required to demonstrate whether

the parking reduction continues to accommodate the parking demand for each use. If the number of parking spaces provided no longer accommodates the parking demand generated by each use, parking shall be provided in accordance with this Section.

#### 4.6.10 BICYCLE PARKING<sup>101</sup>

- (a) **Applicability.** This Section applies to all new development of commercial uses and multi-family developments comprising five or more dwelling units.
- (b) **General Standards.**
  - (1) *Location.* Bicycle parking facilities shall be placed in a usable and accessible location.
  - (2) *Minimum Amount Required.* Developments shall provide the greater of:
    - a. Racks for 5% of the number of required off-street vehicular parking spaces; or
    - b. Two bicycle parking spaces.
- (c) **Specifications.** Bicycle parking facilities shall be standard bicycle racks or other secured, lockable facilities.

#### 4.6.11 VEHICLE QUEUING<sup>102</sup>

- (a) **Purpose.** The vehicle queuing requirements are intended to limit the impact of new drive-through uses and services on adjacent roads.
- (b) **Applicability.** This Section applies to any use or operation with an associated drive-in or drive-through facility.
- (c) **Queuing Lane Location and Design.**
  - (1) *Vehicle Queuing Lanes.* All vehicle queuing lanes shall:
    - a. Be located entirely on the lot containing the use or operation subject to this Section;
    - b. Not encroach into any public right-of-way;

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<sup>101</sup> New section that implements a 2018 Comprehensive Plan recommendation to revise design criteria to include secure bicycle parking at destinations.

<sup>102</sup> New Section

- c. Be clearly marked; and
  - d. Not interfere with or degrade the function of parking spaces, drive aisles, loading areas, internal circulation, driveway access, or fire lanes.
- (2) *Pedestrian Crossing Areas.* Pedestrian areas that cross a vehicle queuing lane shall be clearly marked with a sign and painted, stamped, or constructed with alternative materials.
- (d) **Queuing Lane Dimensions.**
- (1) *Minimum Queuing Lane Width.* Vehicle queuing lanes shall be at least nine feet in width, excluding curbs.
  - (2) *Minimum Queuing Lane Length.*
    - a. The total minimum length of a queuing lane is specified by the number of vehicle spaces the lane must accommodate. Each vehicle space must be at least 20 feet in length.
    - b. All facilities subject to this Section shall provide a vehicle queuing lane or lanes that accommodate at least the minimum number of vehicle spaces specified in the Table 4.6.11-1: *Minimum Number of Vehicle Queuing Spaces Required*.
    - c. A queuing lane is measured as the linear distance between the queuing lane entrance and the drive-through service area/window.

**Table 4.6.11-1: Minimum Number of Vehicle Queuing Spaces Required**

Land Use	Number of Spaces (per queuing lane)
ATM (Standalone)	3
Bank (ATM or Teller Window)	4
Car Wash (Automatic)	5
Car Wash (Full Service)	8
Car Wash (Self-Service)	2 per bay
Parking Lot with Gated Entrance	3
Pharmacy	6
Restaurant, with One Drive-Through Lane	8
Restaurant, with Two Drive-Through Lanes	4
Retail or Service (not otherwise listed)	3
Vehicle Repair (Quick Service, such as oil changes)	3 per bay

#### 4.6.12 OFF-STREET LOADING AREAS<sup>103</sup>

- (a) **Purpose.** The purpose of this Subsection is to ensure large buildings have sufficient off-street space for the loading and unloading of vehicles.
- (b) **Applicability.** This Section applies to all new development containing an office, service, or retail use with a gross floor area of 20,000 square feet or more.
- (c) **Design of Off-Street Loading Areas.**
  - (1) An off-street loading area shall have minimum plan dimensions of 10 feet by 25 feet with adequate means for ingress and egress.
  - (2) Minimum overhead clearance for off-street loading areas is 14 feet.
  - (3) Off-street loading spaces shall be designed so that vehicles can maneuver for loading and unloading entirely within the property lines of the premises.

#### 4.6.13 DRIVEWAY SEPARATION

New driveways must meet the separation distance required by the owner of the right-of-way that the driveway accesses (e.g., SCDOT or Richland County).

### 4.7 BUFFERS AND LANDSCAPING

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#### 4.7.1 PURPOSE

The purpose of this Section is to provide separation and screening between land uses of different impacts that also sustains a healthy natural environment for planting and landscaping.

#### 4.7.2 APPLICABILITY<sup>104</sup>

- (a) This Section applies to properties with:
  - (1) New buildings associated with a Building Permit in a non-residential zoning district;

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<sup>103</sup> Carries forward §21.8.7.

<sup>104</sup> Carries forward § 21.8.6 *Landscaping, Other Applicable Regulations*.

- (2) A new use established in a non-residential zoning district or a new multi-family use in the R-3 District;
  - (3) Additions or alterations associated with a Building Permit of any principal building in a non-residential zoning district that is enlarged or increased in capacity by adding dwelling units, guest rooms, or floor area (including indoor and outdoor seating area); and
  - (4) Additions or alterations associated with a Building Permit of a multi-family dwelling that is enlarged or increased in capacity by adding dwelling units or floor area.
- (b) All non-residential zoning districts and residential uses other than single-family or two-family dwellings that abut R-1 and R-2 zoning districts must comply with § 4.5: *Neighborhood Transition Standards*.

### 4.7.3 GENERAL PROVISIONS

- (a) **Credit for Existing Plant Material.**<sup>105</sup> The Zoning Administrator may adjust the application of the standards, in part or in whole, to allow credit for healthy plant material on a site prior to its development if, in their opinion, such an adjustment is consistent with the intent of this Section.
- (b) **Plant Material Specifications.**<sup>106</sup>
- (1) *Nursery Stock Standards.* All plant material must meet the guidelines outlined in the American National Standards Institute (ANSI) [Z60.1 American Standard for Nursery Stock](#).
  - (2) *Health of Stock.* Vegetation selected for planting must be free from injury, pests, disease, nutritional disorders, or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability.
  - (3) *Trees.*
    - a. Trees planted to meet the requirements of this Section must comply with § 5.2.7: *Plant Material Standards*.
    - b. Trees of species providing roots known to cause damage to public roadways or other public works shall not be planted closer than 12 feet to such public works,

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<sup>105</sup> Carries forward § 21.8.5 *Existing Plant Material*.

<sup>106</sup> Carries forward § 21.7.5.c. *Plant Material*.



unless the tree root system is completely encased with container for which the minimum interior dimensions shall be five feet square and five feet deep.

- (4) *Shrubs*. Shrubs must be at least two feet, six inches in height at the time of planting. Hedges shall be of non-deciduous species and planted and maintained so as to form a continuous, unbroken, solid, visual screen within a maximum of one year after planting.
- (5) *Vines*. Vines must be at least 12 inches in height at the time of planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.
- (6) *Ground Covers*. Ground covers used in lieu of grass shall be planted in such manner as to present a finished appearance and reasonably complete coverage within three months after planting.
- (7) *Lawn Grass*. Grass shall be species normally grown as permanent lawns in the City of Forest Acres. Grass areas may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales or other areas subject to erosion. In areas where other than solid sod grass seed is used, nurse-grass seed shall be sown for early coverage with protection until coverage is otherwise achieved.

#### 4.7.4 PERIMETER & RIGHT-OF-WAY BUFFERS<sup>107</sup>

##### (a) Exemptions.

- (1) Perimeter and right-of-way buffers are not required when the subject property is separated from the adjacent property or right-of-way by a natural area that meets or exceeds the level of screening required by the applicable buffer. In such cases, the natural area must be maintained in perpetuity in the same manner as a planted buffer (see § 4.7.10: *Maintenance & Inspections*).
- (2) Where two lots share a driveway along a common side or rear lot line, the buffer may be eliminated where this vehicular access occurs.
  - a. If the two lots share a fully interconnected parking lot, the buffer may be entirely eliminated along the common lot line(s) where the parking lot connection exists.
  - b. Portions of the lots not interconnected are required to provide the buffer as normally required.

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<sup>107</sup> This Subsection carries forward § 21.8.1 *Landscaping* and expands the provisions to include the entire lot frontage, rather than just the frontage adjacent to parking areas (“right-of-way buffers”). This Subsection replaces § 21.8.2 *Landscaping* with more robust standards for “perimeter buffers.”

(b) **Location.**

(1) Perimeter and right-of-way buffers:

- a. Are located along the outer perimeter of a lot, extending to the lot line; and
- b. Are not located on any portion of an existing public or private street.

(2) Perimeter buffers are located along all lot lines that are not adjacent to a public or private right-of-way.

(3) Right-of-way buffers are located along all lot lines that are adjacent to a public or private right-of-way.

(c) **Relationship to Setbacks.** Where front, side, and rear setbacks (required yards) are required by this Article, perimeter and right-of-way buffers may be established within the setback area (required yards).

(d) **Relationship to Utility Lines.** If utility lines run parallel or near parallel to a lot line that requires a buffer, the required buffer must begin at the edge of the utility easement/right-of-way closest to the proposed development/improvement.

(e) **Allowed Encroachments.** The following improvements may encroach into a perimeter or right-of-way buffer:

- (1) Monument signs;
- (2) Utility lines if the utility line is generally perpendicular to the buffer;
- (3) Driveways; and
- (4) Clearing for sight distances, as required by § 4.6.3: *Visibility at Intersections and Access Points*.

(f) **Perimeter Buffer Width and Planting Requirements.**<sup>108</sup> Table 4.7.4-1: *Perimeter Buffer Planting and Screening Requirements* establishes three types of perimeter buffers with varying widths and planting requirements.

- (1) *Natural Buffers.* Natural buffers consist of vegetation only.
- (2) *Structured Buffers.* Structured buffers consist of vegetation and a fence or wall that meets the standards in § 4.7.8: *Fences & Walls*.

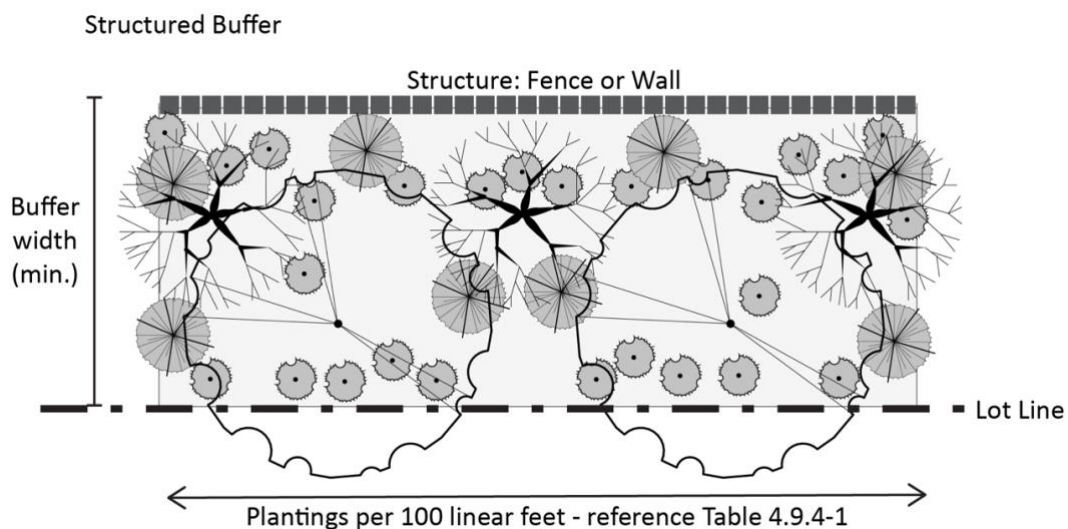
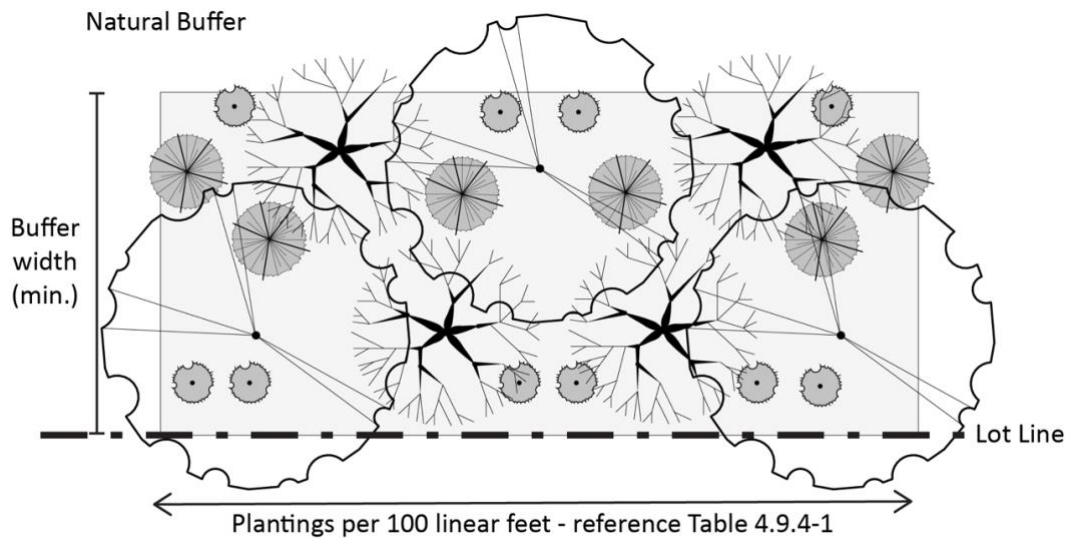
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<sup>108</sup> Replaces § 21.8.2 *Landscaping*.

**Table 4.7.4-1: Perimeter Buffer Planting and Screening Requirements**

Buffer Class	Buffer Width (min)		Required Number of Plantings per 100 Linear Feet (min)					
	Natural Buffer	Structured Buffer	Large or Medium Maturing Trees		Small Maturing Trees		Evergreen Shrubs	
			Natural Buffer	Structured Buffer	Natural Buffer	Structured Buffer	Natural Buffer	Structured Buffer
A	5 ft	n/a	n/a	n/a	3	n/a	8	n/a
B	12 ft	8 ft	2	1	3	2	8	n/a
C	20 ft	10 ft	3	2	4	3	16	n/a
D	30 ft	15 ft	4	3	5	4	24	n/a

**Key:** min = minimum required | ft = feet | n/a = not applicable

**Figure 4.7.4-1: Perimeter Buffer Planting and Screening**

(3) *Where Required.*

- a. A perimeter buffer is not required where identical zoning districts are adjacent to one another.
- b. Table 4.7.4-2: *Perimeter Buffer Classes by Zoning District* sets out the required buffer class based on the intensity of the adjoining district. Section 4.5: *Neighborhood Transition Standards* includes additional buffer requirements for non-residential zoning districts and residential uses other than single-family or two-family dwellings that abut R-1 and R-2 zoning districts.

**Table 4.7.4-2: Perimeter Buffer Classes by Zoning District**

Subject Property District	Adjacent Property District					
	R-1, R-1a, R-2	R-3	P-1, P-2	C-1, C-2, C-3	C-4, C-5	PDD
R-1, R-1a, R-2	A	A	A	A	A	A
R-3	C	A	A	A	A	B
P-1, P-2	C	B	A	A	A	B
C-1, C-2, C-3	C	C	B	B	B	C
C-4, C-5	D	D	D	C	B	D
PDD	C	C	C	C	C	C

- (4) *Remaining Areas to be Landscaped.* The remainder of the perimeter buffer shall be landscaped with grass, ground cover, mulch, rock, or other landscape material. All ground in the perimeter buffer shall be landscaped.<sup>109</sup>

- (5) *Use of Curbs and Wheel Stops.* Perimeter buffers shall be protected from vehicular encroachment by the use of curbing or wheel stops.

(g) **Right-of-Way Buffer Width and Planting Requirements.**<sup>110</sup> Standards for right-of-way buffers are as follows:

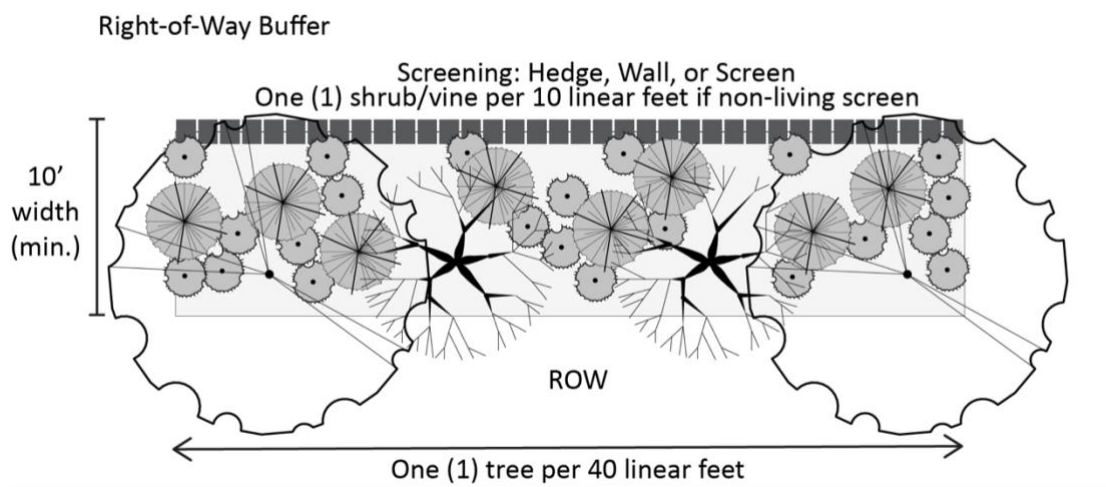
- (1) *Minimum Width.* The buffer must be at least 10 feet wide.
- (2) *Number of Trees Required.* The buffer must include one tree planted within each 40 linear feet or fraction thereof in a planting area of at least 25 square feet.
- (3) *Screening of Parking Areas.*

<sup>109</sup> The Planning Commission suggested landscaping could include non-living material to encourage low maintenance, drought-tolerant landscapes.

<sup>110</sup> Carries forward § 21.8.1 *Landscaping* and expands to include the entire lot frontage, rather than just the frontage adjacent to parking areas.

- a. Where the right-of-way buffer abuts a parking area, it must include a hedge, wall, or other durable landscape screen at least two feet, six inches in height.
  - b. If the durable screen is comprised of non-living material, one shrub or vine shall be planted abutting the screen for each 10 feet but not necessarily evenly spaced 10 feet apart. Such shrubs or vines shall be planted along the street side of the screen or of sufficient height at the time of planting to be readily visible over the top of the screen.
- (4) *Remaining Areas to be Landscaped.* The remainder of the right-of-way buffer shall be landscaped with grass, ground cover, mulch, rock, or other landscape material. All ground in the right-of-way buffer must be landscaped. Any areas landscaped with non-living landscape material must be surrounded with landscape edging to keep the material in place.<sup>111</sup>

**Figure 4.7.4-2: Right-of-Way Buffer**



#### 4.7.5 INTERIOR LANDSCAPING OF PARKING AREAS<sup>112</sup>

- (a) **Purpose.** The purpose of this Subsection is to set forth standards for landscaping within vehicular surface parking areas to:
  - (1) Contribute to the City's sense of character, aesthetic, and identity;

<sup>111</sup> The Planning Commission suggested landscaping could include non-living material to encourage low maintenance, drought-tolerant landscapes.

<sup>112</sup> Carries forward § 21.8.3 *Landscaping*. Adds sections for Purpose, Applicability, and provisions for Landscape Islands/Medians/Peninsulas.

- (2) Improve air quality;
- (3) Provide shade and reduce effects from heat;
- (4) Filter noise, odors, and particulates;
- (5) Minimize and treat stormwater runoff onsite; and
- (6) Increase habitat and shelter for wildlife.

(b) **Applicability.**

- (1) *New and Existing Parking Lots.* All expansions of impervious surfaces in existing parking lots and all new parking lots must comply with this Subsection.
- (2) *Exemptions.* The provisions of this Subsection do not apply to single-family dwellings or any building with less than five dwelling units and the property of such dwellings, regardless of zoning classification. Additional landscaping and buffer requirements may still apply. Refer to § 4.7.4: *Perimeter & Right-of-Way Buffers* and Article 6: *Land Development Regulations* for additional landscaping requirements.

(c) **Interior Plantings Required.** The owner, tenant, and/or agent of an off-street parking or other vehicular use area shall landscape the interior of these areas to define aisles and other vehicular use areas and to provide relief from the expanse of paving. Landscaping must be installed prior to issuance of a Certificate of Occupancy.

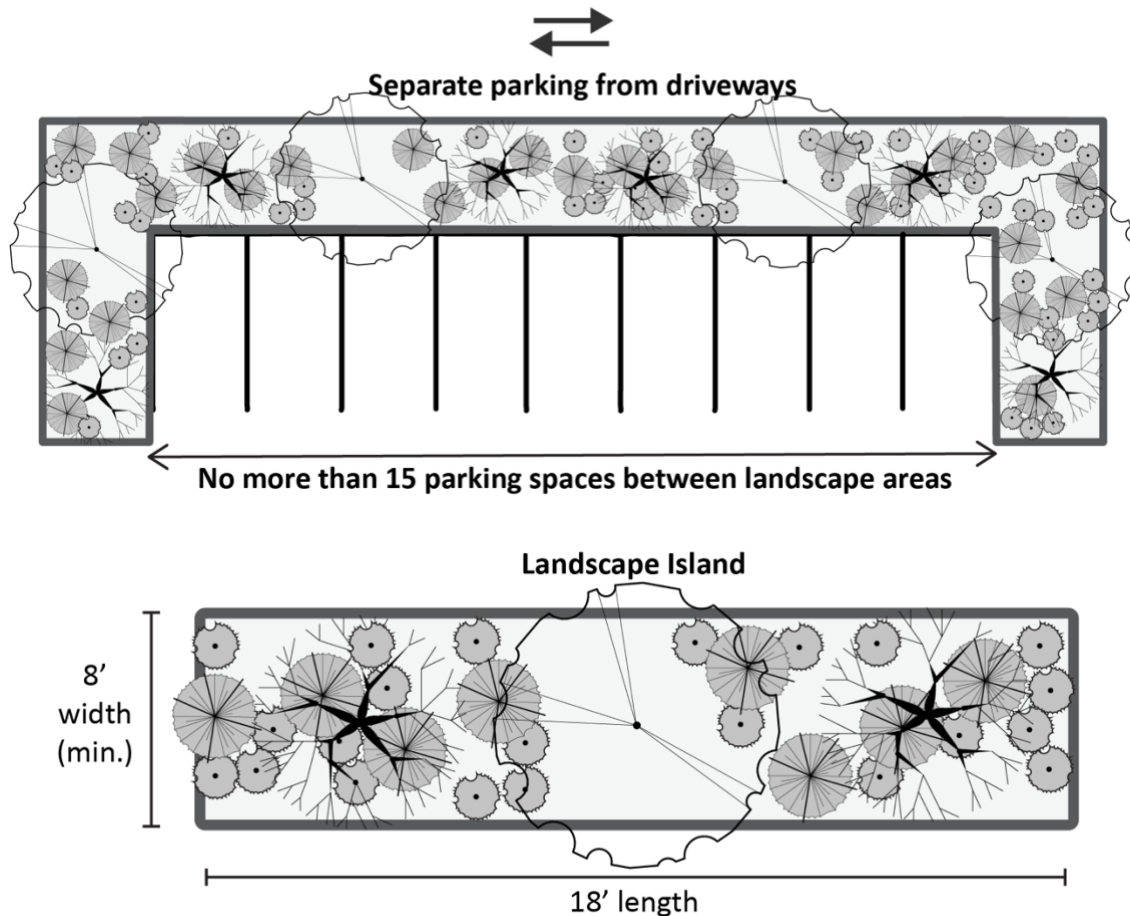
(d) **Trees.** In addition to the requirements of § 5.2.7: *Plant Material Standards*, trees planted to meet the requirements of this Section must, at maturity, be maintained in a clean condition with over seven feet of clear trunk (from ground level). This is intended to ensure visibility for pedestrians and drivers.

(e) **Landscape Islands, Peninsulas, and Medians.** Interior landscaping within parking lots shall be included in the form of landscape islands, peninsulas, or medians as follows.

- (1) Landscape islands, peninsulas, and medians within parking lots shall be located so as to define and direct vehicular movement and separate parking areas from driveways.
- (2) No more than 15 contiguous parking spaces shall be permitted in a row without an interrupting landscaped island or peninsula. See Figure 4.7.5-1.
- (3) Landscape islands shall have an overall minimum width of eight feet and length of 18 feet. Any landscape island, peninsula, or median that includes a canopy tree must have a soil depth of at least three feet. See Figure 4.7.5-1.

- (4) At least one broad-leaved canopy tree is required for each landscape island and peninsula. Trees may be located in groupings or stands within the site so long as the minimum number of required trees is met.
- (5) All landscape islands, peninsulas, and medians shall be landscaped with mulch, sod, shrubs, or other ground cover vegetation or non-living landscape material.

**Figure 4.7.5-1: Landscape Islands, Peninsulas, and Medians**



#### 4.7.6 BUILDING PERIMETER LANDSCAPING

##### (a) Minimum Size and Planting Requirements.

- (1) Building Perimeter Landscaping is required along high visibility building façades, including street-facing façades and façades that face publicly accessible areas, such as parking lots and sidewalks.
- (2) Building foundations shall be lined with a landscaped area with a minimum depth of three feet. Multiple species may be used around the building, although groups of less



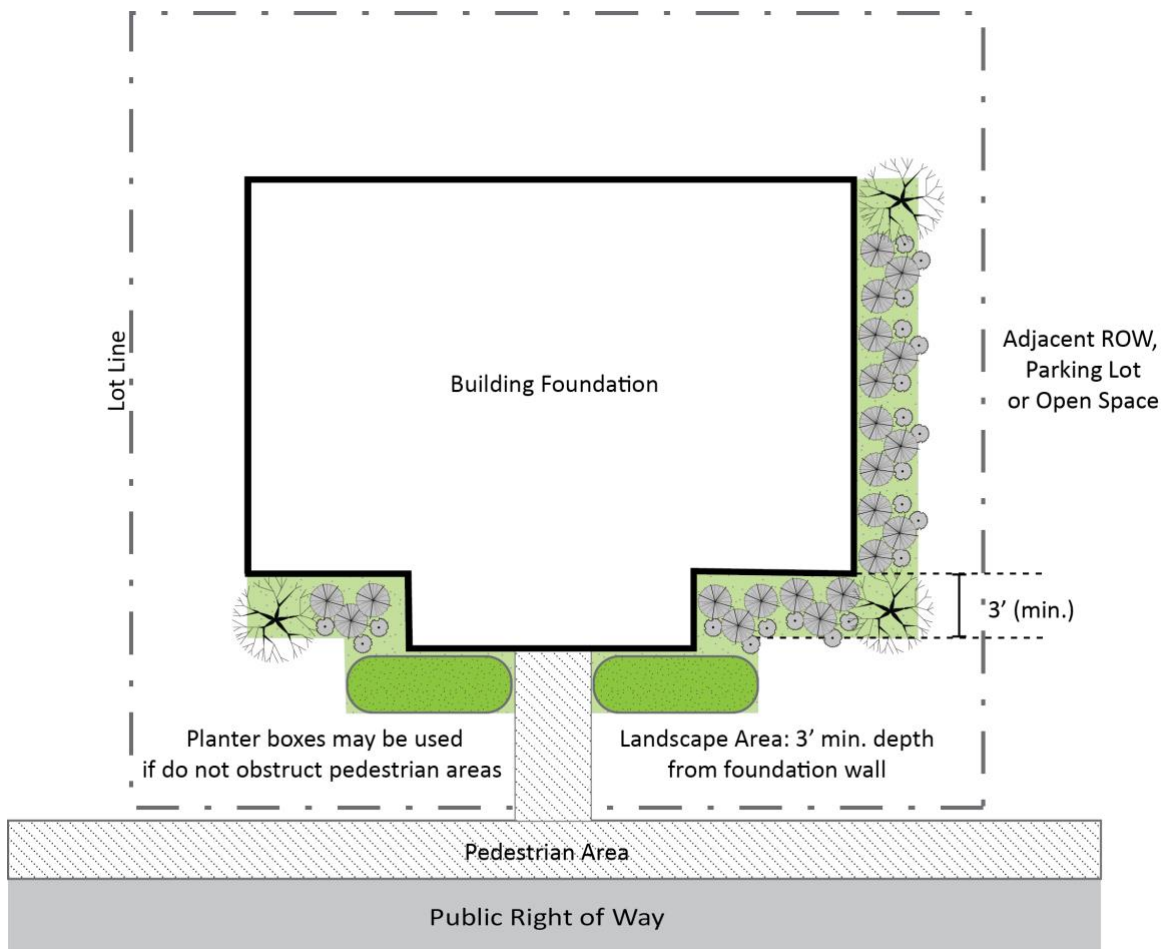
than three shrubs of each species are discouraged, unless used as an accent in the landscape.

- (3) Planter boxes or other containers may be used for building landscaping if the containers complement the architectural design of the building and do not obstruct pedestrian areas.

(b) **Measuring Building Perimeter Landscaping.**

- (1) Only the publicly visible perimeter of the building is measured and counted towards the building perimeter landscaping requirement.
- (2) Building perimeter is measured along the major plane of the building façade and does not include minor architectural offsets.
- (3) The measurement does not include portions of the façade that face loading and service areas, lot lines with a planted or natural buffer, or other areas not normally visible to the public.

**Figure 4.7.6-1: Building Perimeter Landscaping**





#### 4.7.7 SCREENING OF LOADING & SERVICE AREAS<sup>113</sup>

- (a) If not already screened by a building or buffer, the following areas must be concealed from view from public streets and neighboring properties:
  - (1) Loading areas;
  - (2) Trash collection or compaction;
  - (3) Recycling collection;
  - (4) Utility service areas; and
  - (5) Other similar “back-of-house” functions.
- (b) These areas shall be located to the side or rear of buildings and must be screened from view from adjacent property and street rights-of-way.
- (c) Such areas must be screened by an opaque material at least six feet in height consisting of masonry, rot-resistant wood, composite material approved by the Zoning Administrator, or evergreen shrubs that are at least one foot taller than the object to be screened.
- (d) If evergreen shrubs are used, plantings must be of the required height at time of planting.
- (e) If screened by a fence or wall with a gate, the gate shall be maintained in good working order and shall remain closed except when the service area is in use.

#### 4.7.8 FENCES & WALLS<sup>114</sup>

- (a) **Location.** Fences and walls are permitted in the required yards of all zoning districts in the City of Forest Acres, subject to the provisions of § 4.6.3: *Visibility at Intersections and Access Points*, and may be built to the lot line.
- (b) **Height.**
  - (1) *All Zoning Districts.* Fences and walls shall be no taller than seven feet.
  - (2) *Residential Zoning Districts.* Fences and walls located in the front setback area with 100% opacity shall be no taller than four feet. Structures taller than four and less than seven feet must be transparent to allow visibility through the fence or wall material.

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<sup>113</sup> New Section.

<sup>114</sup> Carries forward § 21.150 *Fences and Walls*.

**(c) Material.**

- (1) Fences and walls in residential districts shall not be constructed of concrete blocks or cement bricks. Where walls or fences are used for retention or support as in holding back earth or in damming water, this provision does not apply.
- (2) Chain link and wire mesh fences are prohibited in the required front yards in all zoning districts.

**4.7.9 TREE PROTECTION AND PLANTING PLAN REQUIRED<sup>115</sup>**

All applications for building permits shall be accompanied by a Tree Protection and Planting Plan in accordance with § 7.6: *Submittal Requirements* demonstrating compliance with the standards in this Section and in § 5.2: *Tree Protection & Preservation*.

**4.7.10 MAINTENANCE & INSPECTIONS****(a) Owner Responsibility and Maintenance.<sup>116</sup>**

- (1) *Installation.*
  - a. The owner, tenant, and/or agent are jointly and severally responsible for installing landscaped areas according to accepted commercial planting procedures with the quality of plant materials specified in 4.7.3(b): *Plant Material Specifications*.
  - b. All elements of landscaping shall be installed so as to meet all other applicable ordinances and code requirements of the City of Forest Acres. Landscaped areas require protection from vehicular encroachment by the use of curbing or wheel stops.
  - c. City staff shall inspect all landscaping and shall not issue a Certificate of Occupancy or similar authorization unless the required landscaping has been installed.
- (2) *Maintenance.*

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<sup>115</sup> New Section.

<sup>116</sup> Carries forward § 21.7.5.a. Installation and § 21.7.5.b. *Maintenance*. Adds allowance to remove hazard trees and invasive species.

- a. The owner, tenant, and/or agent is jointly and severally responsible for maintaining required landscaping in a healthy, neat, and orderly condition.
  - b. The owner shall provide each landscaped area with a readily available water supply with a minimum of one outlet within 150 feet of all plant material to be maintained.
- (3) Horticultural practices, including thinning and planting, may be used to maintain health of individual trees. Hazard trees and invasive species in buffers and landscaped areas may be removed.
- (b) **Inspection of Required Buffers and Required Landscaped Areas.**<sup>117</sup>
- (1) In the event a screen, wall, fence, planted dividing strip, or any other type of buffer is required by this Chapter for any use or is required by the Zoning Board of Appeals, such screen, wall, etc., is subject to periodic inspections by the Building Official to determine that such required walls, fences, etc., are being properly maintained.
  - (2) In the case of landscaping, all planted material shall be maintained in a healthy, growing condition, neat and orderly in appearance.
  - (3) Failure to maintain such required walls, fences, etc. to an acceptable standard may be deemed a violation of this Chapter.

## 4.8 OUTDOOR LIGHTING<sup>118</sup>

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### 4.8.1 PURPOSE

The purpose of this Section is to provide regulations for outdoor lighting that will:

- (a) Minimize adverse off-site impacts, such as light trespass, skyglow, and glare;
- (b) Allow reasonable lighting for non-residential properties and activities;
- (c) Provide a safe and secure nighttime environment;
- (d) Provide safe access into buildings; and
- (e) Enhance historic or notable features, buildings, and architectural elements.

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<sup>117</sup> Carries forward § 21.5.9 *Inspection of Required Buffers*.

<sup>118</sup> This new section regulates ground-mounted and building-mounted lighting.

### 4.8.2 APPLICABILITY

(a) **Generally.** Except as provided in 4.8.2(b): *Exemptions*, this Section applies:

- (1) At the time of initial construction of any principal building;
- (2) At the time of establishment of any principal use on a previously undeveloped lot; and
- (3) To new or replacement light fixtures installed on an existing developed property.

(b) **Exemptions.**

- (1) This Section does not apply to routine maintenance of existing light fixtures.
- (2) The following types of outdoor lighting are exempt from the requirements of this Section:
  - a. Lighting used only under emergency conditions;
  - b. Lighting used for the principal purpose of illuminating streets and sidewalks;
  - c. Traffic control signals and devices;
  - d. Security lighting;
  - e. Lighting for single-family, two-family, three-family, and four-family dwellings; townhouse dwellings; manufactured housing; and neighborhood courtyard housing;
  - f. Lighting for community residences;
  - g. Lighting solely used for signs;
  - h. Lighting associated with an approved temporary use;
  - i. Temporary lighting associated with a development site;
  - j. Lighting for public monuments and statues;
  - k. Underwater lighting in fountains, swimming pools, and other water features;
  - l. Lighting required pursuant to state and federal laws (e.g., FAA);
  - m. Lighting required by the Building Code; and
  - n. Seasonal lighting.

### 4.8.3 PROHIBITED OUTDOOR LIGHTING

The following types of outdoor lighting are prohibited:

- (a) **Outdoor Lighting Resembling Emergency Signals.** Outdoor lighting that contains reflectors or glaring, strobe, or rotating lights, beacons, beams, or flashing illumination resembling an emergency signal.
- (b) **Searchlights, Aerial Lasers, and Beacons.** Searchlights, aerial lasers (defined as lasers projected into the air or atmosphere), or any type of beacon used to attract attention to a property. This does not prohibit the use of a searchlight by authorized personnel for emergency purposes.
- (c) **Neon Lights.** Exposed neon tubing or lights, or any other tube having the appearance of exposed neon tubing, on architectural trim or any other exterior component of a structure or premises, or on the inside of any transparent window opening, doorway, or other element visible from the exterior. For purposes of this Section, exposed neon tubing or lights mean exposed tubing, typically in various bright colors, which is illuminated by an electric current which activates a gas or liquid contained in such tubing. This Subsection does not prohibit, where otherwise permissible, the use of neon tubing or lights on signage (including but not limited to, for example, window mounted “open” signs).
- (d) **Colored Lighting Used as Architectural Accents.** Colored lighting used to outline or accent the architectural elements of a structure, including but not limited to building corners, roof edges and eave lines, parapets, window openings, and doorways, including lighting on the interior of windows or doorways that is visible from the exterior. For purposes of this prohibition, colored lighting does not include white lighting, including but not limited to warm, natural, and cool white. This Subsection does not prohibit, where otherwise permissible, the use of colored lighting in signage, illuminated service station canopies, or temporary holiday displays.
- (e) **Glare Nuisance.** Any artificial light source that creates glare observable within the normal range of vision, under normal weather conditions, from any public walk, thoroughfare, or adjacent property is considered a nuisance and is prohibited.<sup>119</sup>

### 4.8.4 LIGHTING ZONES

- (a) **Generally.**
  - (1) Subsections 4.8.5: *Lighting Levels* and 4.8.6: *Limits to Off-Site Impacts* regulate the amount of outdoor lighting and off-site impacts by lighting zone.

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<sup>119</sup> The BUG ratings in 4.10.7: *Limits to Off-Site Impacts* addresses glare for new lighting; this provision is proposed to address glare from existing lighting.

- (2) Many zoning districts have common characteristics for the purposes of outdoor lighting regulations, and this Subsection combines zoning districts into common lighting zones. Table 4.8.4-1: *Lighting Zones* designates the zoning districts included in each lighting zone.

Table 4.8.4-1: Lighting Zones	
Zoning District	Lighting Zone (LZ)
R-1, R-1A, R-2, R-3, P-1, P-2, C-1	LZ-1
C-2, C-3, C-4, C-5	LZ-2

(b) **Description of Lighting Zones.**

- (1) *Lighting Zone 1 (LZ-1).* LZ-1 includes areas with low ambient lighting levels. These typically include low density residential neighborhoods, office parks, institutional areas, and open space and parks.
- (2) *Lighting Zone 2 (LZ-2).* LZ-2 includes areas with moderate ambient lighting levels. These typically include neighborhood business districts, mixed use areas, and commercial areas with nighttime activities.

#### 4.8.5 LIGHTING LEVELS<sup>120</sup>

- (a) Individual lighting power allowances for building exteriors are specified in the International Energy Conservation Code (ECC), which the City has adopted in [Sec. 5-2: Codes Adopted](#). The ECC includes allowances for building entrances and exits as well as uncovered parking areas, walkways, sales canopies, and outdoor sales areas.
- (b) The ECC regulates exterior lighting by lighting zone and generally describes the types of uses in each lighting zone. Section 4.8.4: Lighting Zones establishes lighting zones specific to Forest Acres, which are generally consistent with the lighting zones established in the ECC.

<sup>120</sup> A best practice is to regulate the amount of lighting using a lumens per acre or lumens per square foot limit. Proposed here is to use the individual lighting power allowances for building exteriors specified in the International Energy Conservation Code (IECC). These are de facto lumen per square foot or lumen per acre limits that serve as a basis to limit overlighting, especially in conjunction with the lighting zone-based scaled allowances. The watt per square foot limits in the IECC are periodically adjusted as lumen per watt efficacies increase due to technological advances. The City has adopted the 2009 IECC; the watt per square foot limits are significantly lower in the 2021 IECC (see 2009 IECC [Section 505.6](#) and 2021 IECC [Section C405.5.2](#)).

4.8.6 LIMITS TO OFF-SITE IMPACTS<sup>121</sup>

- (a) All luminaires shall be rated and installed according to Table 4.8.6-1: *Maximum Allowable Backlight, Uplight, and Glare (BUG) Ratings*. A luminaire may be used if it is rated for the lighting zone of the site or is lower in number for all ratings (B, U, and G).
- (b) Figure 4.8.6-1: *Backlight, Uplight, and Glare (BUG) Diagram* illustrates the areas illuminated by backlight, uplight, and glare. BUG ratings indicate the maximum amount of light allowed in each area.
- (c) Luminaires equipped with adjustable mounting devices permitting alteration of the luminaire aiming in the field are prohibited.
- (d) If a luminaire does not have a BUG rating, it must be fully-shielded (see Figure 4.8.6-2: *Examples of Fully-Shielded Luminaires*).

Table 4.8.6-1: Maximum Allowable Backlight, Uplight, and Glare (BUG) Ratings		
	Lighting Zone (LZ)	
	LZ-1	LZ-2 <sup>1</sup>
Backlight Rating (max)		
2 or more mounting heights from lot line	B3	B4
1 to less than 2 mounting heights from lot line and ideally oriented <sup>2</sup>	B2	B3
0.5 to 1 mounting heights from lot line and ideally oriented <sup>2</sup>	B1	B2
Less than 0.5 mounting height to lot line and ideally oriented <sup>2</sup>	B0	B0
Uplight Rating (max)		
All luminaires	U1	U2
Glare Rating (max)		
2 or more mounting heights from lot line	G1	G2
Any luminaire not ideally oriented within 1 to less than 2 mounting heights to any lot line	G0	G1
Any luminaire not ideally oriented within 0.5 to 1 mounting heights to any lot line	G0	G0
Any luminaire not ideally oriented within less than 0.5 mounting heights to any lot line	G0	G0
<b>Key:</b> max = maximum allowed   B = backlight   U = uplight   G = glare		

<sup>1</sup> When the subject property shares one or more lot lines with a lot located in LZ-1, luminaires on the subject property located along and at the corners of the shared lot line(s) must comply with the BUG ratings for LZ-1.

<sup>121</sup> Proposed here is to limit off-site impacts of exterior lighting using Backlight, Uplight, and Glare (“BUG”) ratings, which is a best practice. BUG ratings are provided on the manufacturer’s spec sheet for the luminaire. As such, they are easily verifiable during site plan review. Using BUG ratings eliminates the need to regulate footcandles at the lot line, which is a common standard in zoning and development codes.

**Table 4.8.6-1: Maximum Allowable Backlight, Uplight, and Glare (BUG) Ratings**

	Lighting Zone (LZ)	
	LZ-1	LZ-2 <sup>1</sup>

<sup>2</sup> To be considered “ideally oriented,” the luminaire must be mounted with the backlight portion of the light output oriented perpendicular to and towards the lot line.

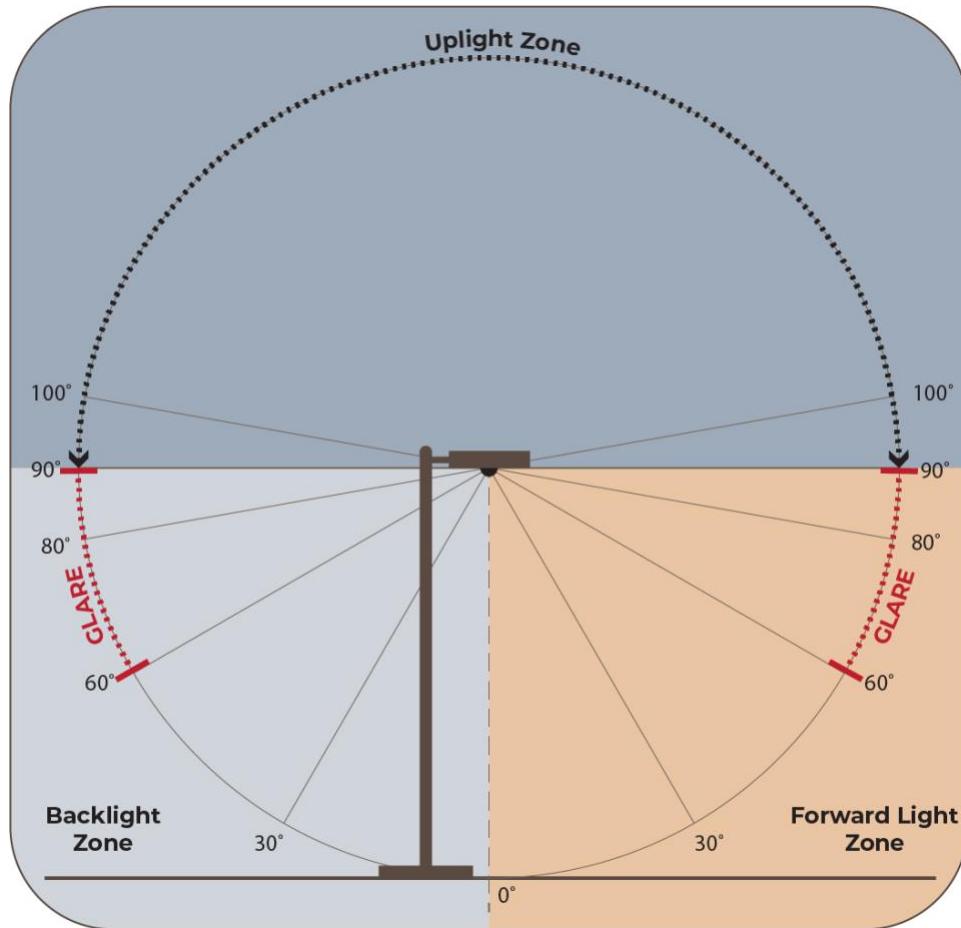
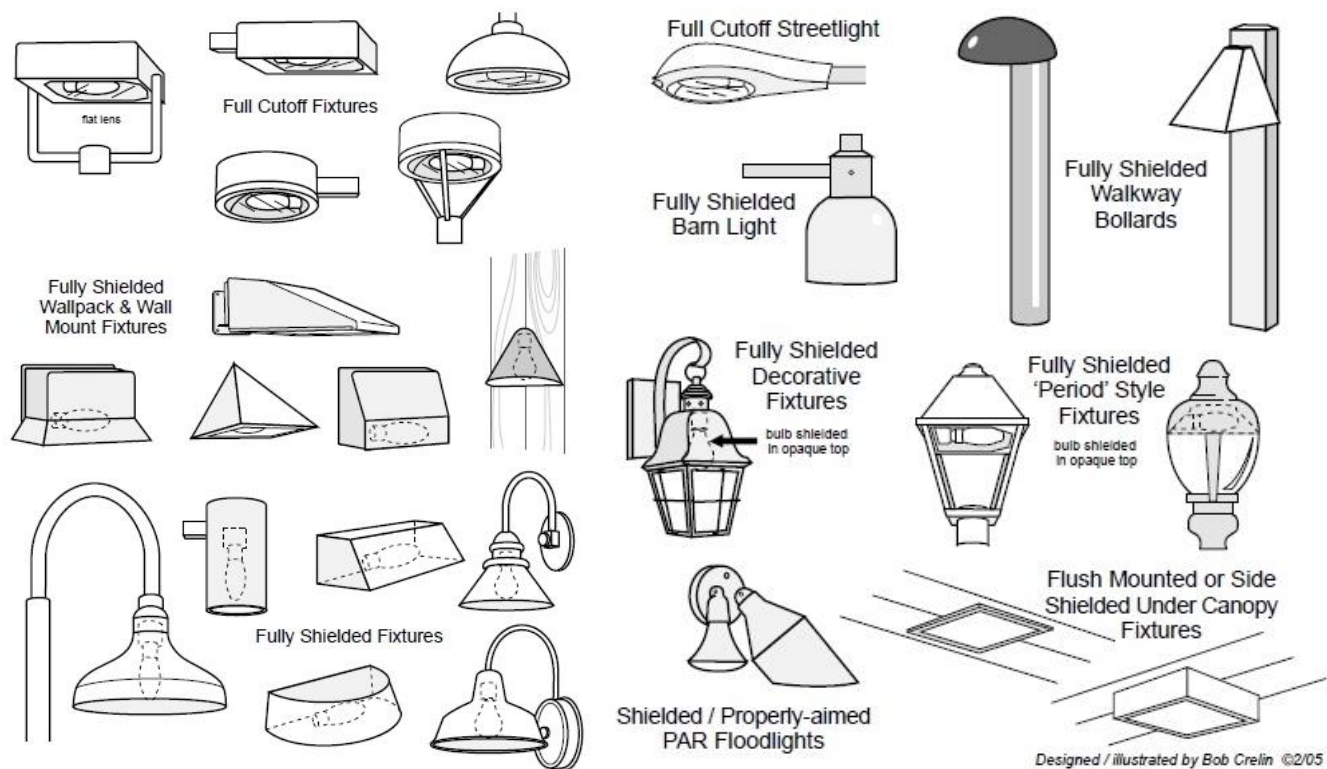
**Figure 4.8.6-1: Backlight, Uplight, and Glare (BUG) Diagram**



Figure 4.8.6-2: Examples of Fully-Shielded Luminaires



4.8.7 MOUNTING HEIGHT

- (a) Freestanding (ground-mounted) luminaires shall not exceed the mounting height specified in Table 4.8.7-1: *Maximum Mounting Height for Freestanding Luminaires* for the lighting zone in which the luminaire is located, except as otherwise provided in § 4.8.10: *Additional Standards for Special Purpose Lighting*.
- (b) Luminaires shall not be mounted on the exterior of a building above the first floor or higher than 16 feet, whichever is more restrictive.<sup>122</sup>

Table 4.8.7-1: Maximum Mounting Height for Freestanding Luminaires	
Lighting Zone	Mounting Height (max)
LZ-1	18 ft
LZ-2	24 ft

Key: max = maximum allowed | ft = feet

<sup>122</sup> This provision is borrowed from the Richland County [Land Development Code](#) [Sec. 26-5.11(c)(5)b.].

#### 4.8.8 LIGHTING COLOR<sup>123</sup>

The correlated color temperature of all exterior lighting shall be 4,000 Kelvin (4000K) or lower, with tolerance within the ANSI standard C78.377 for LED sources.

#### 4.8.9 ARCHITECTURAL ACCENT LIGHTING

- (a) Lighting used to accent architectural features, style of buildings, materials, colors, landscaping, flag poles, or art must be located, aimed, and shielded so that light is directed only on those features, with the light source not visible. LED or neon strip lighting intended to outline a building, canopy, or parapet does not meet this standard and is prohibited.
- (b) Furthermore, upward-directed architectural lighting must not be visible above the building roof line.

#### 4.8.10 ADDITIONAL STANDARDS FOR SPECIAL PURPOSE LIGHTING

- (a) **Outdoor Sports Fields and Amphitheaters.**
  - (1) *Applicability.* This Paragraph applies to the lighting equipment used to illuminate an outdoor sports field or amphitheater. This Paragraph does not apply to associated buildings or parking areas, which are subject to the other standards in this Section.
  - (2) *Lighting Levels.* Outdoor sports fields and amphitheaters are not subject to maximum lighting levels.
  - (3) *Mounting Height.* The maximum mounting height for luminaires is 80 feet.
  - (4) *Hours of Operation.* The operation of the lighting system for any game or event shall not continue more than one hour after the end of the game or event.
- (b) **Parking Structures.** Freestanding (pole-mounted) luminaires located on the highest floor of a parking structure shall not be placed along the perimeter of the structure. They may be placed on the interior of the highest floor if the mounting height is 12 feet or less from the floor surface.

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<sup>123</sup> Blue light emissions can be harmful to flora and fauna and can result in decreased nighttime visibility and increased skyglow (International Dark-Sky Association, [Why Is Blue Light at Night Bad?](#), December 22, 2016). In order to minimize blue light emission, warm spectrum amber lighting should be utilized rather than cool spectrum blue or white lighting.

#### 4.8.11 OUTDOOR LIGHTING PLAN REQUIRED

Submittal requirements are listed in § 7.6.6: *Outdoor Lighting Plan*.

### 4.9 SIGNS<sup>124</sup>

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#### 4.9.1 PURPOSE<sup>125</sup>

The purposes of this Section are to regulate signs as follows:

- (a) To enhance the aesthetics and visual appeal of the City by:
  - (1) Encouraging signs that are of a quality design, pleasing in appearance, and are appropriate in location, size, materials, and illumination to the type of activity to which they pertain;
  - (2) Encouraging signs that are compatible with the architectural style, characteristics, and scale of the building to which they are attached and that are compatible with adjacent buildings, businesses, and residences;
  - (3) Preserving and enhancing the natural scenic beauty or aesthetic features of natural areas visible from highways, streets, and adjacent areas; and
  - (4) Discouraging signs that contribute to the visual clutter of the streetscape, such as off-premises signs, oversized signs, and excessive temporary signs;
- (b) To promote traffic safety by:
  - (1) Preventing or limiting unreasonable distraction of operators of motor vehicles;
  - (2) Preventing the obstruction of the vision of operators of motor vehicles;
  - (3) Discouraging signs that cause traffic hazards or interfere with ingress/egress; and
  - (4) Preventing confusion with regard to traffic lights, signs, or signals;
- (c) To protect citizens' state and federal constitutional rights to free speech by:
  - (1) Providing ample opportunities for expression through signs;

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<sup>124</sup> The commentary at the beginning of this Section (in *italics*) is for reference and will not be included in the final UDO.

<sup>125</sup> This new Subsection provides a statement of purposes for the sign regulations, including aesthetics and traffic safety.

- (2) Avoiding regulatory triggers or distinctions based on a sign's content; and
- (3) Providing clear standards for approval of signs;
- (d) To promote the prosperity, economic well-being, and general welfare of the City and to preserve property values;
- (e) To promote safety, convenience, and enjoyment of travel and protection of the public investment on highways and streets within the City;
- (f) To ensure light, air, and open space; and
- (g) To implement the goals and policies of the Comprehensive Plan.

#### 4.9.2 APPLICABILITY<sup>126</sup>

- (a) This Section applies to new and existing signs within the City, except for the signs exempted from applicability in § 4.9.4: *Exemptions*.
- (b) This Section does not prohibit signs required by local, state, or federal law and does not authorize signs prohibited by state or federal law.
- (c) A person may not construct, install, operate, display, or otherwise use any sign without a permit if this Section requires a permit for the sign type and district.
- (d) A person may not construct, install, operate, display, or otherwise use any sign that this Section prohibits.
- (e) A person may not construct, install, operate, display, or otherwise use any sign at a time, place, or manner that this Section prohibits.
- (f) This Section does not apply to the ordinary repair and maintenance of existing signs, including painting, electrical repairs, and replacement of sign faces.

#### 4.9.3 CONTENT NEUTRALITY

- (a) **Content Neutrality.** Despite any other provision of this Section, the content of a sign's message does not limit its permissibility under this Section. However, location-based standards such as off-premises regulations will apply.

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<sup>126</sup> This new Subsection provides a clear statement of applicability.

- (b) **Substitution Allowed.** Any sign with a commercial message may contain any non-commercial message. Any sign with a non-commercial message may contain any other non-commercial message.

#### 4.9.4 EXEMPTIONS<sup>127</sup>

The following signs are exempt from obtaining the required sign permit. However, exempt signs must meet the requirements of this Chapter for erection, construction, installation, and alteration, except as described below.

- (a) **Government Signs.** This Section does not apply to signs erected by or on behalf of the City, State, County, or Federal Government on public property and in rights-of-way.
- (b) **Traffic Control Devices.** This Section does not apply to traffic control devices on public or private property that the Manual on Uniform Traffic Control Devices adopted in this State requires.
- (c) **Required Signs.** This Section does not apply to any sign or device that the City, State, Federal, or County government requires a person to erect, maintain, or display.
- (d) **Signs not Exceeding One Square Foot.** This Section does not apply to signs not exceeding one square foot in area.

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<sup>127</sup> This Subsection carries forward and significantly updates current § 21.164 *Signs Exempted from Permit* to provide for content neutrality. Exemptions have been added for:

- Government signs
- Required signs
- Traffic control devices
- Signs not visible from the right-of-way

The revision eliminates the exemptions for a number of temporary signs, which will be allowed in Subsection 4.9.11: *Temporary Signs*:

- Political signs
- Occupational signs
- Construction signs
- Real estate signs
- Signs for charitable organizations

#### 4.9.5 PROHIBITED SIGNS<sup>128</sup>

No person may erect, cause to have erected, or allow to remain erected any sign or condition prohibited in this Section:

- (a) No portion of any sign may be erected on or over public property or right-of-way, except where allowed by this Section;
- (b) No sign may be erected, constructed, installed or maintained, which because of size, location, type, illumination, or otherwise, interferes with visibility within the public right-of-way, interferes with the safe and smooth flow of vehicular or pedestrian traffic, or otherwise constitutes a hazard or danger to such traffic, including signs that present illusion of movement in any manner which may confuse, distract, or unduly defer attention;
- (c) Roof signs are prohibited;
- (d) No person shall attach any sign, paper, or other material to any tree, tower, public utility pole, public building, or fence. However, temporary signs may be displayed on privately owned utility poles as provided in § 4.9.11: *Temporary Signs*;
- (e) No person shall erect, maintain, or permit the erection of a balloon or other gas-filled device anchored to the ground or any structure;
- (f) No cloth, paper, banner, flag, or other device shall be attached, suspended from, or allowed to hang loose from any sign, building, or structure, except as allowed in this Section;
- (g) No person shall display signs on or attached to parked trucks, trailers, vans, or other vehicles, on private or public property, or visible from a public street, except those permanent signs on vehicles regularly used in the normal course of business, operations, or other bona fide transportation activity. Signs attached to or upon any vehicle are prohibited where the vehicle is allowed to remain parked in the parking row closest to a public street for more than three consecutive days. The location and period of use imply the intent to use the vehicle as a sign;
- (h) Pole signs are prohibited;
- (i) Portable signs are prohibited, except for A-frame signs as provided in § 4.9.11: *Temporary Signs*; and
- (j) Signs having a part or parts that move, revolve, or oscillate are prohibited.

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<sup>128</sup> This Subsection significantly updates § 21.166 *Prohibitions*. It eliminates the prohibitions on “advertising signs” in R-1, R-1a, & R-2 districts and adds a prohibition of roof signs.

#### 4.9.6 INTERPRETATION OF TABLES<sup>129</sup>

- (a) **Sign Districts.** This Section regulates sign characteristics based on the zoning district. Many zoning districts have common characteristics for the purposes of sign regulations, and this Section combines zoning districts into common sign districts for simplicity. Table 4.9.6-1: *Sign Districts* designates the zoning districts included in each sign district.

Table 4.9.6-1: Sign Districts		
Abbreviation	Sign District	Zoning Districts
RES	Residential	R-1 Single-Family Residential District R-1a Single-Family Residential District R-2 Duplex Residential District R-3 Multi-Family Residential District
COM	Commercial	C-1 Office and Limited Commercial C-2 Neighborhood Commercial C-3 General Commercial C-4 Concentrated Commercial C-5 Commercial Enterprise/Redevelopment Zone P-1 Public or Semipublic P-2 Institutional
FDC	Forest Drive Commercial	CC-OD: Forest at Beltline City Center Subdistrict Mixed Use Corridor Subdistrict
DTFA	Downtown Forest Acres	CC-OD: Downtown Forest Acres Subdistrict
FDOR	Forest Drive Office-Residential	CC-OD: Office-Residential Corridor Subdistrict
CCNC	Covenant Crossing Neighborhood Center	CC-OD: Covenant Crossing Neighborhood Center Subdistrict
PDD	Planned Development <sup>1</sup>	Planned Development <sup>1</sup>

<sup>1</sup> Planned Development District Standards are provided in Paragraph 4.9.6(b).

- (b) **Planned Development Districts.** As provided in Article 2: *Zoning Districts*, Planned Development Districts must include at least one residential use and at least one commercial use. For the purposes of this Section, the sign standards for Planned Development Districts are based on the use as follows:
- (1) The Residential Sign District (RES) standards apply to all residential uses in Planned Development Districts; and

<sup>129</sup> This new Subsection introduces the concept of sign districts and other issues referred to in the allowance tables.

- (2) The Commercial Sign District (COM) standards apply to all non-residential uses in Planned Development Districts.
- (c) **Multi-Tenant Developments.** A multi-tenant development is a building or group of buildings developed for multiple non-residential users occupying one development site that is under common ownership, control, or management. Common examples of a multi-tenant development include a shopping center, office park, multi-story multi-tenant building, or planned development.
- (d) **Measurements.**
- (1) *Height.* For freestanding signs, height is the distance from the highest point of the sign to the base of the sign at the ground level. Figure 4.9.6-1: *General Sign Measurements* illustrates this measurement.

**Figure 4.9.6-1: General Sign Measurements**



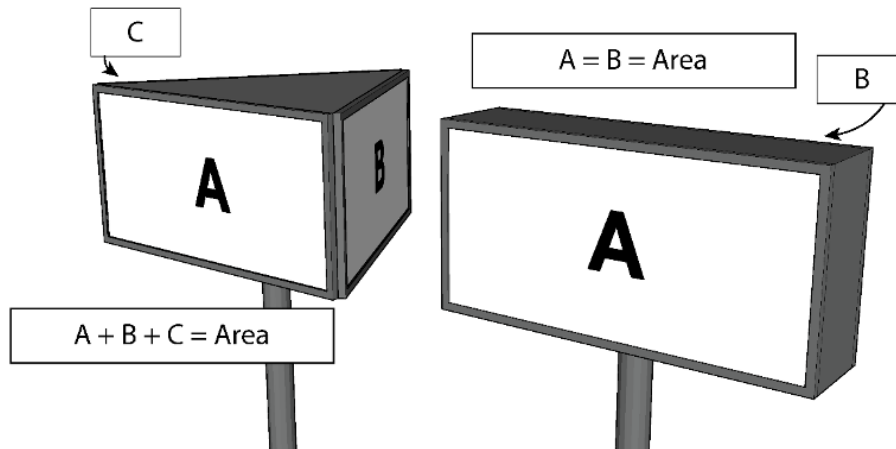
- (2) *Sign Area.*
- a. Generally, the sign area, measured in square feet ("SF"), is the width multiplied by the height of a single rectangle, parallel with the ground, that contains all sign copy, decorative embellishments, and internally illuminated or backlit panels, fabric, or similar material that is not an architectural design element of the building or sign support structure. Figure 4.9.6-1: *General Sign Measurements* illustrates this measurement.
  - b. Figure 4.9.6-2: *Area of Multi-Faced Signs* illustrates the area measurement for two-sided and multi-faced signs.
    1. If the faces of a multi-faced sign have the same area, have an interior angle of less than 45 degrees, and are not more than 18 inches apart,



then the sign area is the area of one side of the sign. This measurement commonly applies in cases where a sign has two sides of the same size that are parallel to each other.

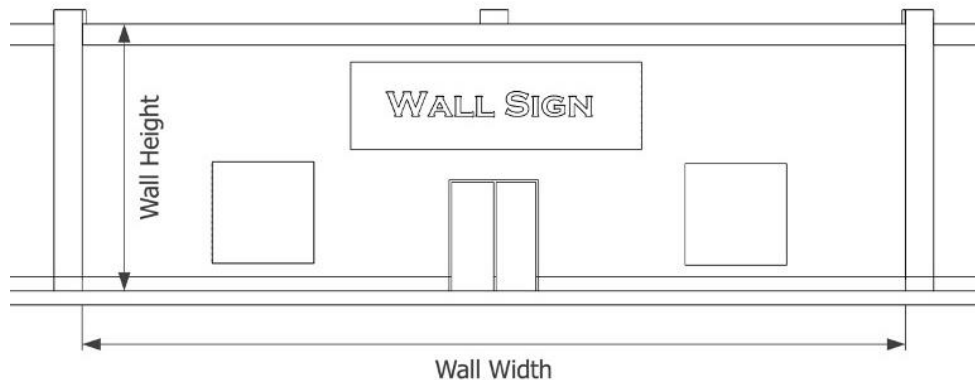
2. Where the faces of a multi-faced sign are not the same size, the interior angle formed by the faces is less than 45 degrees, and the faces are not more than 12 inches apart, the sign face area is the area of the larger side of the sign.
3. If the interior angle formed by the faces of a multi-faced sign is more than 45 degrees, or if the faces are more than 12 inches apart, then the sign face area is the cumulative area of all sides of the sign.

**Figure 4.9.6-2: Area of Multi-Faced Signs**



(3) *Wall or Façade Width.*

- a. Where this Section calculates a sign area allowance based on the width of a building's façade or wall, the width of the façade or wall is the horizontal distance for the width of the façade or wall at grade. Figure 4.9.6-3 illustrates this measurement.

**Figure 4.9.6-3: Measurement of Wall or Façade Width**

- b. For multi-tenant developments, the width of the façade or wall is the horizontal distance of the portion of the façade or wall between party walls or tenant separation partitions for the particular occupant at grade on the side of the building with the primary public entrance.

#### 4.9.7 SIGN FEATURES<sup>130</sup>

- (a) **Illumination.** The tables for each sign type state whether illuminated signs are allowed in the district and, if so, the allowed method of illumination, either internal or external.
- (b) **Standards for Illumination.**
  - (1) *Prohibition on Flashing Lights.* Illumination must be constant and may not flash on and off or change in intensity.
  - (2) *Internal Illumination.*
    - a. In internally illuminated signs, the light source is not directly visible so that the light source is only visible through the translucent surface of the sign or around opaque characters, such as a halo illuminated sign.

<sup>130</sup> This Subsection combines the standards of current §§ 21.134(5) (C-5 redevelopment district standards); 21.165.5(5) (standards for off-premises signs); & 21.165.6 (freestanding sign standards) and significantly updates the lighting and digital sign standards based on best practices developed by the United States Sign Council, an industry group that supports research in the field of on-premises signs.

- b. Exposed bulb and neon illumination are prohibited.
- (3) *External Illumination.* Signs that have external illumination must use fully shielded luminaires.
- (c) **Brightness of Signs.**
  - (1) *Nighttime Operation.* The display brightness of illuminated signs may not exceed a maximum luminance level of 700 cd/m<sup>2</sup> (Nits) during the time period from 30 minutes before apparent sunset until 30 minutes after apparent sunrise. Apparent sunset and sunrise are determined by the National Oceanic and Atmospheric Administration (NOAA) and vary throughout the year.
  - (2) *Daytime Operation.* The daytime luminance levels for all signs must be appropriate for the operation of the type of sign in daylight conditions. This generally means that internally and externally illuminated signs do not require illumination during the day, but digital message boards may need to significantly exceed the maximum luminance level required for nighttime operation.
- (d) **Manual Message Boards.** The tables for each sign type state whether manual message boards are allowed in the district and, if so, the maximum percentage of the sign area for a manual message board.
- (e) **Digital Message Boards.**
  - (1) *Allowance.* The tables for each sign type state whether digital message boards are allowed in the district and, if so, the maximum percentage of the sign area for an electronic message center.
  - (2) *Performance Standards.* All digital message boards must comply with the general luminance standards for illuminated signs in this Section as well as the following restrictions and requirements.
    - a. *Message Display Intervals and Transitions.*
      - 1. Each message appearing on an electronic message center must remain fixed for a minimum of 15 seconds.
      - 2. The transition between messages must be accomplished in one second or less.
      - 3. Message transitions may not use scrolling, traveling, flashing, spinning, rotating, fade, dissolve, any other moving effects, or dynamic frame effects or patterns of simulated movement.

- b. Digital message boards must contain a malfunction display lock that will freeze the sign in one position if a malfunction occurs or shuts the sign down.
- c. Digital message boards must use dimming technology that automatically adjusts the display's brightness based on light conditions or time of day.

#### 4.9.8 PERMANENT SIGN STANDARDS<sup>131</sup>

##### (a) Freestanding Signs.

- (1) *Definition.* A freestanding sign is an on-premises sign that is permanently affixed to the ground and is not a part of a building or other structure.
- (2) *Sign Allowances.*
  - a. Any freestanding signs erected, constructed, installed, or maintained in the City of Forest Acres must comply with the standards in Table 4.9.8-1: *Freestanding Sign Allowances*.
  - b. The general standard applies to lots where a single user occupies the lot, unless the use of the lot by multiple tenants qualifies it for the additional sign allowance for a multi-tenant development.
  - c. Multi-tenant developments have an additional allowance for sign area and height as appropriate for the district based on the larger number of users for a shared freestanding sign.

**Table 4.9.8-1: Freestanding Sign Allowances**

Standard	RES	COM	FDC	DTFA	FDOR	CCNC
<b>Allowed?</b>	No	Yes	Yes	Yes	Yes	Yes
<b>Permit Required?</b>	—	Yes	Yes	Yes	Yes	Yes
<b>General Standards</b>						
<b>Number per Frontage</b>	—	1	1	1	1	1
<b>Area (max. SF)</b>	—	60	60	60	32	32
<b>Height (max. ft.)</b>	—	15	15	15	8	8
<b>Setback (min. ft.)</b>	—	5	5	5	5	5
<b>Multi-Tenant Development</b>						
<b>Number per Frontage</b>	—	1	1	1	1	1

<sup>131</sup> This Subsection reformats and updates the current standards in § 165.6: *Sign Design Requirements*. Each permanent sign type is governed by a table showing the allowances for each district. The allowances vary from district-to-district based on the current standards and the stated goals of the new Centers & Corridors Overlay District. It also adds new standards for canopy signs with an additional sign allowance.

**Table 4.9.8-1: Freestanding Sign Allowances**

Standard	RES	COM	FDC	DTFA	FDOR	CCNC
Area (max. SF)	—	120	80	80	64	64
Height (max. ft.)	—	25	25	25	12	12
Setback (min. ft.)	—	10	5	5	5	5
<b>Sign Features</b>						
Illumination	—	Internal or External	Internal or External	Internal or External	Internal or External	External Only
Manual Message Board (max. % of sign area)	—	30%	30%	30%	—	—
Digital Message Board (max. % of sign area)	—	25%	25%	100%	—	—

**Key:** Yes = sign type or characteristic allowed | No = sign type or characteristic not allowed | NR = sign type allowed for non-residential uses only | “—” = standard does not apply

(3) *Number.*

- a. In general, one freestanding sign is allowed per lot.
- b. If a lot has frontages on two or more streets, the sign users may display one ground sign on each of the two road frontages. This standard limits the maximum number of signs per frontage to one, regardless of the number of sign users located on the lot.
- c. Multi-tenant developments must comply with the general standards of this Subsection regardless of the number of tenants or the number of lots. Each tenant may not display a separate freestanding sign.

(4) *Setbacks.*

- a. Signs must be located on the subject property and must have a minimum setback of as provided in Table 4.9.8-1: *Freestanding Sign Allowances*.
- b. Signs may not be installed within the setback or street right-of-way or project into the vertical plane of the setback or street right-of-way.
- c. All sign locations must conform to the South Carolina Department of Transportation's Access and Roadside Management Standards Sight Distance Formula.

(5) *Pole Signs Prohibited.* All permanent freestanding signs must be monument signs. Pole signs shall not be used as permanent freestanding signs in the City.

(b) **Attached Signs.**<sup>132</sup>

- (1) *Definition.* An attached sign is a permanent, on-premises sign that is attached to a building. Attached sign types include wall signs and projecting signs.
- (2) *Sign Allowances.*
- Attached signs must comply with the standards in Table 4.9.8-2: *Attached Sign Allowances*. The allowance for each wall may be allocated between wall signs and projecting signs.
  - Wall signs are allowed on the primary building façade and architecturally finished secondary walls facing the street or an on-site parking area or drive aisle. The rear of buildings and sides that do not meet the architectural standards do not qualify for wall signs.

**Table 4.9.8-2: Attached Sign Allowances**

Standard	RES	COM	FDC	DTFA	FDOR	CCNC
<b>Allowed?</b>	No	Yes	Yes	Yes	Yes	Yes
<b>Permit Required?</b>	—	Yes	Yes	Yes	Yes	Yes
<b>General Standard</b>						
<b>Number per Wall</b>	—	6	6	6	6	6
<b>Area (max. SF per linear ft. of wall width)</b>	—	1	1	1	1	1
<b>Cumulative Sign Area per Wall (max. SF)</b>	—	120	120	120	80	80
<b>Multi-Tenant Development</b>						
<b>Number per Wall (max.)</b>	—	6	6	6	6	6
<b>Area (max. SF per linear ft. of wall width)</b>	—	1	1	1	1	1
<b>Cumulative Sign Area per Wall (max. SF)</b>	—	200	120	400	80	80
<b>Sign Features</b>						
<b>Illumination</b>	—	Internal or External	Internal or External	Internal or External	Internal or External	External Only
<b>Manual Message Board (max. % of sign area)</b>	—	No	No	No	No	No
<b>Digital Message Board</b>	—	No	No	No	No	No

<sup>132</sup> This Subsection combines and updates the standards in § 21.135 Wall signs standards for redevelopment (Richland Mall) and § 21.165.2.

**Table 4.9.8-2: Attached Sign Allowances**

<b>Standard</b>	<b>RES</b>	<b>COM</b>	<b>FDC</b>	<b>DTFA</b>	<b>FDOR</b>	<b>CCNC</b>
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**Key:** Yes = sign type or characteristic allowed | No = sign type or characteristic not allowed | NR = sign type allowed for non-residential uses only | “—” = standard does not apply

(3) *Number of Attached Signs for Multi-Tenant Developments.*

- a. Tenants in multi-tenant buildings with a separate public entrance may each display the allowed number of wall signs on any wall where a public entrance is located.
- b. Multi-tenant developments with common entrances may display the number and size of attached signs as provided in this Section for the entire development. Individual tenants in multi-tenant buildings with common entrances may not display a separate attached sign.

(4) *Sign Area.*

- a. The sign area allowance for wall signs is one square foot of wall sign for each linear foot of the wall, subject to the cumulative attached sign maximum.
- b. A tenant or occupant in a multi-tenant development that has a separate entrance may display one wall sign on the frontage for that tenant’s primary public entrance.

(5) *Design Standards for Attached Signs.*

- a. For buildings with sloped and mansard roofs, an attached sign may not extend above the eaves to the same elevation as the roof.
- b. For buildings with a flat roof and no parapet wall, an attached sign may not extend above the top of the wall.
- c. For buildings with a flat roof and parapet wall, an attached sign may not extend above the top edge of the parapet.
- d. A sign may not extend above the top of the wall on flat-roofed buildings with a false roof that hides equipment wells or a flat roof.

**Figure 4.9.8-1: Illustration of Wall and Roof Signs**

(6) *Additional Design Standards for Wall Signs.*

- a. A wall sign may not extend more than 18 inches from the surface of the wall.
- b. However, a wall sign may be located on an attached awning and may not extend more than two inches from the surface of the awning.

(7) *Additional Design Standards for Projecting Signs.*

- a. Projecting signs may not project more than five feet from the building.
- b. Projecting signs must have clearance of nine feet from grade.

(c) **Canopy Signs.**<sup>133</sup>

<sup>133</sup> This Paragraph adds new standards for canopy signs with an additional sign allowance.



- (1) *Definition.* A canopy sign is a permanent, on-premises sign that is attached to a freestanding canopy.
- (2) *Sign Allowances.* Canopy signs are allowed in the C-3 and C-4 zoning districts, including locations in the Centers & Corridors Overlay District, and must comply with the standards in Table 4.9.8-3: *Canopy Sign Allowances*.

**Table 4.9.8-3: Canopy Sign Allowances**

Standard	Allowance
<b>Number (max. per canopy face)</b>	1
<b>Area (max. % of canopy face area)</b>	10%
<b>Sign Features</b>	
<b>Illumination</b>	Yes
<b>Manual Message Board (max. % of sign area)</b>	100%
<b>Digital Message Board (max. % of sign area)</b>	No

**Key:** Yes = sign type or characteristic allowed | No = sign type or characteristic not allowed | NR = sign type allowed for non-residential uses only | “—” = standard does not apply

- a. The allowed area of a canopy sign is based on the area of the canopy face on which the sign is located.
  - b. Canopy sign area is a separate allowance from attached signs. It will not count against the cumulative attached sign allowance.
- (3) *Design Standards for Canopy Signs.* A canopy sign must be located on the fascia or exterior surface of the canopy. It cannot project above or below the margins of the canopy.
- (d) **Window Signs.**
- (1) *Definition.* A window sign is a permanent, on-premises sign attached or affixed to the interior or exterior of a window. A window sign includes any sign or device that is located inside a building, that is three feet or less from a window or glass door, and that is clearly visible from outside the building.
  - (2) *Sign Allowances.* Window signs must comply with the standards in Table 4.9.8-4: *Window Sign Allowances*.

**Table 4.9.8-4: Window Sign Allowances**

Standard	RES	COM	FDC	DTFA	FDOR	CCNC
<b>Allowed?</b>	No	Yes	Yes	Yes	Yes	Yes
<b>Permit Required?</b>	—	No	No	No	No	No
<b>Area (max. % per window)</b>	—	50%	50%	50%	25%	25%

**Table 4.9.8-4: Window Sign Allowances**

Standard	RES	COM	FDC	DTFA	FDOR	CCNC
<b>Sign Features</b>						
<b>Illumination</b>	—	No	No	No	No	No
<b>Manual Message Board</b>	—	No	No	No	No	No
<b>Digital Message Board</b>	—	No	No	No	No	No

**Key:** Yes = sign type or characteristic allowed | No = sign type or characteristic not allowed | NR = sign type allowed for non-residential uses only | “—” = standard does not apply

- (3) *Area and Number.* The cumulative area for all signs in one windowpane or window panel may not exceed the percentage of the window area for the area standards for the district, regardless of the number of separate signs.
- (4) *Measurement.* The area of transparent and perforated elements counts toward the sign face area without a reduction for window area not covered with sign elements.
- (5) *Illuminated, Flashing, or Digital Signs.* Each tenant may display one illuminated or flashing window sign that does not exceed two square feet in size. All other illuminated, flashing, or digital signs visible from the exterior of the building are prohibited.

**(e) Residential Development Signs.**

- (1) *Definition.* A residential development sign is a freestanding sign located near the entrance drive or road to a residential development or an attached sign located on a multi-family building. An example of a typical residential development sign is one that identifies the name of the development or phase of development, sometimes incorporating architectural or landscape features. The example is provided to clarify the regulations and does not limit the content of residential development signs. The City will not review the content of residential development signs.
- (2) *Sign Allowances.* A residential development may only install or display a residential development sign on the site of a development in a residential district and must comply with the standards in Table 4.9.8-5: *Residential Development Sign Allowances*.

**Table 4.9.8-5: Residential Development Sign Allowances**

Standard	RES	COM	FDC	DTFA	FDOR	CCNC
<b>Allowed?</b>	Yes	No	No	No	Yes	No
<b>Permit Required?</b>	Yes	—	—	—	Yes	—
<b>Number per Entry (max.)</b>	2	—	—	—	2	—
<b>Area (max. SF)</b>	32	—	—	—	32	—
<b>Height (max. ft.)</b>	8	—	—	—	8	—
<b>Setback (min. ft.)</b>	5	—	—	—	5	—
<b>Sign Features</b>						
<b>Illumination</b>	External Only	—	—	—	External Only	—

**Table 4.9.8-5: Residential Development Sign Allowances**

Standard	RES	COM	FDC	DTFA	FDOR	CCNC
<b>Manual Message Board</b>	No	—	—	—	No	—
<b>Digital Message Board</b>	No	—	—	—	No	—

**Key:** Yes = sign type or characteristic allowed | No = sign type or characteristic not allowed | NR = sign type allowed for non-residential uses only | “—” = standard does not apply

(3) *Location Standards.*

- a. A residential development sign may only be located at the intersection of a public street and an entry road or private driveway into the development or at the entry to a separate phase of a development. The sign may have one of the following orientations:
  1. Two signs with one sign face each, located on opposite sides of the entry road or private driveway;
  2. One sign with two faces located within a landscaped area dividing two one-way entry roads or private driveways; or
  3. One sign with one sign face, located on one side of the entry road or private driveway.
- b. In addition, a multi-family residential development may display the signs allowed in this paragraph as a wall sign with the area allowance stated in Table 4.9.8-5: *Residential Development Sign Allowances*.

(4) *Design Standards.* Subdivision entry signs shall consist of stone, brick, concrete, metal, routed wood planks or beams, or similar durable materials that harmonize with the architectural style of the development.

#### 4.9.9 BILLBOARD SIGN STANDARDS<sup>134</sup>

- (a) **Definition.** A billboard is a permanent, freestanding, off-premises sign or sign structure with a height of more than 20 feet and one or more faces that have an area greater than 150 square feet upon which copy is placed on a poster or panel and mounted on a pole or metal structure, typically as follows:
  - (1) Wood posts or pole supports with dimensional lumber as the secondary support (A-frame) with a wood or metal catwalk and a single display panel;

<sup>134</sup> This Subsection primarily carries forward the existing standards in § 21.165.5: *Signs on Interstate Highways*. However, the update adds a definition for off-premises sign use.

- (2) Steel A-frame constructed with angle iron or steel supports with metal framing, catwalk, and a single display panel;
  - (3) Multi-mast structure constructed with steel poles, I-beam, or equivalent framing as primary support, with a catwalk, and a single display panel; or
  - (4) Monopole structure constructed with tubular steel support, tubular steel framing, metal catwalk, and a single display panel with a concrete foundation.
- (b) **Districts Allowed.** Billboard signs are permitted only in railroad rights-of-way and C-3 and C-4 zoning districts.
  - (c) **Location Standards.** All billboard signs must be located within 125 feet of the right-of-way of a highway that is part of the United States Interstate Highway System.
  - (d) **Sign Area.** The maximum display area must not exceed 378 square feet per side. The maximum dimensions are 10 feet, 6 inches vertically and 36 feet horizontally.
  - (e) **Height.** The maximum height of billboard signs is 40 feet.
  - (f) **Separation Distance.** Billboard signs provided for in this Subsection must be located at least 500 feet from any other off-premises sign.
  - (g) **Sign Features.**
    - (1) *Lighting.*
      - a. Billboard signs may include external illumination that is shielded as provided in § 4.9.7: *Sign Features*.
      - b. Billboard signs may not feature internal illumination, exposed bulbs, or neon tubes.
    - (2) *Digital Message Boards.* Billboard signs that include digital message boards must comply with the standards in § 4.9.7: *Sign Features*.

#### 4.9.10 INCIDENTAL SIGNS<sup>135</sup>

- (a) **Definition.** An incidental sign is a small permanent sign that is freestanding or attached to a building that is in addition to the primary sign types for the property, such as attached signs and freestanding signs, and that has a height and scale that is subordinate to the primary sign types

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<sup>135</sup> This Subsection significantly revises current § 21.165.4: Directional Signs to conform with content-neutrality. Signs will be limited by size and location on the lot.

allowed for the property. Examples of typical incidental signs include house numbers, occupant directories, directional signs, flags, and parking signs. The list of examples is provided to clarify the regulations and does not limit the content of incidental signs. The City will not review the content of incidental signs.

(b) **Incidental Sign Allowances.**

(1) Table 4.9.10-1: *Incidental Sign Allowances* states the standards for incidental signs.

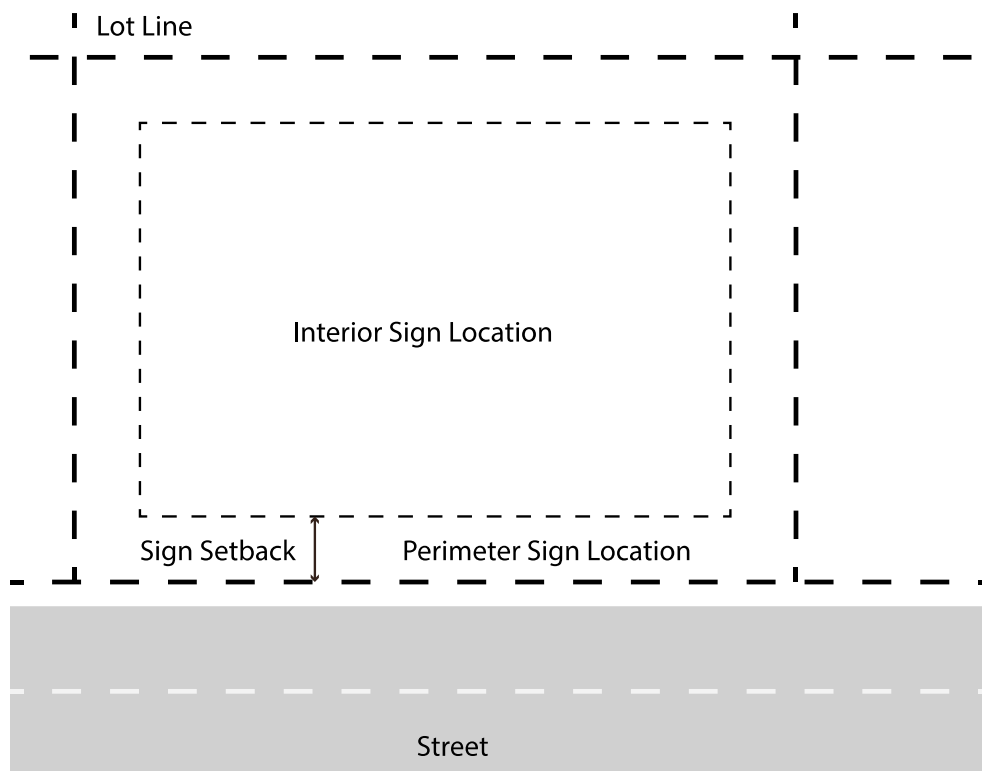
Table 4.9.10-1: Incidental Sign Allowances						
Standard	RES	COM	FDC	DTFA	FDOR	CCNC
<b>Perimeter Signs</b>						
<b>Allowed?</b>	No	Yes	Yes	Yes	Yes	Yes
<b>Permit required?</b>	—	No	No	No	No	No
<b>Setback (Min.)</b>	—	—	—	—	—	—
<b>Number (Max. per entrance/exit)</b>	—	1	1	1	1	1
<b>Sign Area (max. SF)</b>	—	3	3	3	3	3
<b>Sign Height (max ft.)</b>	—	3	3	3	3	3
<b>Character Height (max. in.)</b>	—	4	4	4	4	4
<b>Sign Features</b>						
<b>Illumination</b>	—	No	No	No	No	No
<b>Readerboard</b>	—	No	No	No	No	No
<b>EMD</b>	—	No	No	No	No	No
<b>Interior Signs</b>						
<b>Allowed?</b>	Yes	Yes	Yes	Yes	Yes	Yes
<b>Permit Required?</b>	No	No	No	Yes	Yes	Yes
<b>Number</b>	1	10 per acre	10 per acre	10 per acre	10 per acre	10 per acre
<b>Area (max. SF)</b>	3	3	3	3	3	3
<b>Height (max. ft.)</b>	3	3	3	3	3	3
<b>Setback (min. ft.)</b>	10	10	10	10	10	10
<b>Character Height (max. in.)</b>	3	3	3	3	3	3
<b>Sign Features</b>						
<b>Illumination</b>	No	Internal or External	Internal or External	Internal or External	External Only	External Only
<b>Manual Message Board</b>	No	No	No	No	No	No
<b>Digital Message Board</b>	No	No	No	No	No	No

**Key:** Yes = sign type or characteristic allowed | No = sign type or characteristic not allowed | NR = sign type allowed for non-residential uses only | “—” = standard does not apply

(2) *Sign Setback*

- a. This Section regulates the location and size of incidental signs based on a sign setback that varies by district and incidental sign type. Figure 4.9.10-1: *Illustration of Incidental Sign Setback* depicts the setback and placement of incidental signs.
- b. The sign setback is the setback from any property line and regulates the location and size of incidental signs. Table 4.9.10-1 defines the applicable setback for each sign type and district.

**Figure 4.9.10-1: Illustration of Incidental Sign Setback**



- (3) **Perimeter Incidental Signs.** Perimeter signs are signs allowed between the property line and the applicable sign setback. Examples of typical perimeter incidental signs include directional and entry/exit signs. The list of examples is provided to clarify the regulations and does not limit the content of incidental signs. The City will not review the content of incidental signs.
  - a. Table 4.9.10-1 defines the maximum number of perimeter incidental signs per entrance to a public street.
  - b. Perimeter signs are only allowed within five feet of a driveway entrance to a public street.
- (4) **Interior Incidental Signs.**

- a. Interior signs are only allowed within a platted lot and are not allowed within the applicable sign setback.
  - b. Table 4.9.10-1 defines the maximum allowances for interior incidental signs based on the number of signs per acre. Examples of typical incidental signs include house numbers, directional signs, directories, and parking signs. The list of examples is provided to clarify the regulations and does not limit the content of incidental signs. The City will not review the content of incidental signs.
- (5) *Character Height.* Table 4.9.10-1 provides a maximum character height for copy. All copy, characters, text, icons, pictograms, logos, and images must comply with the character height limit.
- (c) **Design Standards.**
- (1) *Sight Distance.* All sign locations must conform to the South Carolina Department of Transportation's Access and Roadside Management Standards Sight Distance Formula.
  - (2) *Installation.* An incidental sign on a wall shall affix flush against the wall of the building.
  - (3) *Painted Signs Prohibited.* Incidental signs must not be painted on an exterior wall.
- (d) **Flags.**<sup>136</sup>
- (1) *Definition.* A flag is a piece of durable fabric or other flexible material with distinctive colors and patterns mounted by attaching one side to a freestanding pole or a pole attached to a building.
  - (2) *Allowances.* Table 4.9.10-2: *Allowances for Flags* provides the allowances for flags.

Table 4.9.10-2: Allowances for Flags

Standard	RES	COM	FDC	DTFA	FDOR	CCNC
<b>Allowed?</b>	Yes	Yes	Yes	Yes	Yes	Yes
<b>Permit Required?</b>	No	No	No	No	No	No
<b>Number (max.)</b>	3	3	3	3	3	3
<b>Flag Area (max. SF)</b>	40	60	60	60	40	40
<b>Flagpole Height (max. ft.)</b>	District Height Limitation	District Height Limitation	District Height Limitation	District Height Limitation	District Height Limitation	District Height Limitation
<b>Setback (min. ft.)</b>	20	20	10	10	10	10

<sup>136</sup> This Paragraph replaces the content-based exemption for flags in current § 21.164(5) with a content-neutral version that provides limitations on the size and number of flags.

**Table 4.9.10-2: Allowances for Flags**

Standard	RES	COM	FDC	DTFA	FDOR	CCNC
Sign Features						
<b>Illumination</b>	Yes	Yes	Yes	Yes	Yes	Yes

**Key:** Yes = sign type or characteristic allowed | No = sign type or characteristic not allowed | NR = sign type allowed for non-residential uses only | “—” = standard does not apply

(3) *Design Standards.*

- a. A maximum of three flags may be displayed at one time. Each flag may be flown on a separate pole or one pole.
- b. The pole from which the allowed flags are flown shall not exceed the height limitation provided in § 4.4: *Height*.

#### 4.9.11 TEMPORARY SIGNS<sup>137</sup>

- (a) **Definition.** A temporary sign is a sign constructed of cloth, canvas, light fabric, cardboard, wood, wallboard, metal, or other light materials, with or without frames, that is intended to be displayed for a limited period of time only. Temporary signs include stake signs, post signs, A-frame signs, and feather signs. Examples of common temporary sign uses include political signs, public demonstrations, grand opening signs, contractor signs, real estate signs, and signs that announce an event such as a carnival, circus, or similar event. The list of examples is provided to clarify the regulations and does not limit the content of temporary signs. The City will not review the content of temporary signs.
- (b) **Prohibited Temporary Sign Types.** Subsection 4.9.5: *Prohibited Signs* prohibits the use of several common temporary sign types, including banners and balloons and other gas-filled figures.

**Table 4.9.11-1: Temporary Sign Allowances**

Standard	RES	COM	FDC	DTFA	FDOR	CCNC
A-Frame Signs						
<b>Allowed?</b>	No	Yes	Yes	Yes	No	Yes
<b>Permit Required?</b>	—	No	No	No	—	No
<b>Number (max. per Tenant)</b>	—	1	1	1	—	1

<sup>137</sup> This Subsection significantly updates all regulations relating to temporary signs by adopting a content-neutral allowance for area and duration of display. The content neutral approach completely replaces existing regulations for §§ 21.148 *Garage Sales*; 21.164(2) (political signs); 21.164(6) (construction signs); 21.164(7) (real estate signs); 21.164(11) (banners for charitable and educational events); 21.164(13) (utility pole banners); and 21.165.1(6) (other non-permanent signs). In the proposed draft, all of these sign types will be regulated uniformly as “temporary signs.”



**Table 4.9.11-1: Temporary Sign Allowances**

Standard	RES	COM	FDC	DTFA	FDOR	CCNC
Sign Area (max. SF)	—	12 sq. ft.	12 sq. ft.	12 sq. ft.	—	12 sq. ft.
Height (max. ft)	—	4 ft.	4 ft.	4 ft.	—	4 ft.
<b>Temporary Light Pole Banners</b>						
Allowed?	No	Yes	Yes	Yes	No	Yes
Permit Required?	—	No	No	No	—	No
Duration of Display	—	120 Days	120 Days	120 Days	—	120 Days
Number (max.)	—	2 per Pole	2 per Pole	2 per Pole	—	2 per Pole
Sign Area (max. SF)	—	8 <sup>1</sup>	8 <sup>1</sup>	8 <sup>1</sup>	—	8 <sup>1</sup>
Clearance (min. ft.)	—	9	9	9	—	9
Setback (min. ft.)	—	40	20	20	—	20
<b>All Other Temporary Signs</b>						
Allowed?	Yes	Yes	Yes	Yes	Yes	Yes
Permit Required?	No	No	No	No	No	No
Duration of Display (max.)	1 Without Time Limit 5 for 90 Days per Year	1 Without Time Limit 5 for 90 Days per Year	1 Without Time Limit 5 for 90 Days per Year	1 Without Time Limit 5 for 90 Days per Year	1 Without Time Limit 5 for 90 Days per Year	1 Without Time Limit 5 for 90 Days per Year
Number (max.)	6	6	6	6	6	6
Sign Area (max. SF)	6	8 <sup>2</sup>	8 <sup>2</sup>	8 <sup>2</sup>	6 <sup>2</sup>	6 <sup>2</sup>
Height (max SF)	5	6	6	6	5	5
Setback (min. ft.)	5	10	5	5	5	5
<b>Sign Features for All Temporary Signs</b>						
Illumination	No	No	No	No	No	No
Manual Message Board	No	No	No	No	No	No
Digital Message Board	No	No	No	No	No	No

**Key:** Yes = sign type or characteristic allowed | No = sign type or characteristic not allowed | NR = sign type allowed for non-residential uses only | “—” = standard does not apply

<sup>1</sup> The maximum allowed dimensions for light pole banners are 20 inches by 48 inches. Refer to Paragraph 4.9.11(d).

<sup>2</sup> One 32 SF temporary sign is allowed in the district. This sign may be displayed indefinitely without the applicable time limit.

(c) **A-Frame Signs.**

- (1) *Sign Allowances.* Table 4.9.11: *Temporary Sign Allowances* defines the maximum dimensional standards for A-frame signs per tenant or user with a separate public entrance.

(2) *Location and Use Standards.*

- a. A-frame signs must be located within 10 feet of the primary building entrance or public entrance for tenants in multi-tenant developments.
- b. A-frame signs may not be located within the ADA accessible route, minimum sidewalk, right-of-way, or required landscaped areas.

(3) *Design Standards.* A-frame signs may not employ manual message boards or changeable letter copy but may include chalkboards.

(d) **Temporary Light Pole Banners.**

- (1) *Sign Allowance.* Table 4.9.11-1: *Temporary Sign Allowances* defines the standards for light pole banners per parcel.
- (2) *Sign Area.* Light pole banners may not exceed 20 inches in width and 48 inches in length.
- (3) *Clearance.* The bottom edge of a light pole banner must have nine feet of clearance above grade.
- (4) *Setback.* All light pole banners must comply with the setback in Table 4.9.11-1: *Temporary Sign Allowances*. The setback applies to the front right-of-way from any public street or highway.
- (5) *Duration Light Pole Banners May Be Displayed.* No sign or banner may be displayed for more than 120 days per year.

(e) **All Other Temporary Signs.**

- (1) *Sign Allowance.* Table 4.9.11-1: *Temporary Sign Allowances* defines the allowance for all other types of temporary signs.
- (2) *Number.* Table 4.9.11-1: *Temporary Sign Allowances* defines the maximum limit for other temporary signs per tenant or occupant per parcel.
- (3) *Duration for Display of Temporary Signs.*
  - a. One temporary sign may be displayed on each lot without any time limitation.
  - b. All other temporary signs may only be displayed for 90 days or less per calendar year, measured cumulatively per sign.
- (4) *Owner Consent Required.* A person must obtain the consent of the property owner before placing a sign on that person's property.

- (5) *Hazardous Signs Prohibited.* A person may not place, erect, or maintain any temporary sign so as to pose a hazard to pedestrian or vehicular traffic along streets, sidewalks, or at street corners.
- (6) *Display Locations for Multi-Tenant Developments.* Except for A-frame signs, temporary signs in multi-tenant developments must be displayed within the occupant's window.
- (7) *Design Standards.*
  - a. Except for A-frame signs, temporary signs shall be implanted or anchored in the ground or affixed to the wall of a building or other permanent structure.
  - b. Temporary signs must not be anchored to the ground by temporary measures such as using sandbags or other weighted objects.

#### 4.9.12 COMMON SIGN PLANS<sup>138</sup>

Common sign plans are not required for planned developments or other land development projects. However, an owner or developer may present a common sign plan for review and comment by the Planning Commission as part a development review under Article 7: *UDO Procedures*.

#### 4.9.13 MAINTENANCE AND INSPECTIONS<sup>139</sup>

- (a) **Maintenance.** All signs, together with all their supports, braces, stays, guides, and anchors shall be kept in good repair to prevent the sign from falling into disrepair or creating an unsightly appearance.
- (b) **Inspections.** The Building Official or other designated city official, has the authority, but is not required, to inspect, when necessary, each sign regulated by this Chapter for the purposes of determining whether the sign is secure or insecure, whether it is still in conformance with this Chapter, and whether it is in need of removal or repair.

#### 4.9.14 ABANDONED SIGNS<sup>140</sup>

All permanent signs and support structures must be removed by the owner, agent, or person having the beneficial use of the building or structure within six months of the tenant or other occupant

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<sup>138</sup> This new Subsection provides a voluntary procedure for review of sign plans for larger developments.

<sup>139</sup> This Subsection carries forward § 21.169 *Maintenance* and § 21.170 *Inspection*.

<sup>140</sup> This Subsection carries forward the abandoned sign standards in current § 21.171 *Removal of Certain Signs* but defines the terms in more content-neutral manner and extends the time period from 60 days to six months.

ceasing its occupancy or use of the premises. A permanent sign on a premises that is unoccupied for six months is considered an abandoned sign.

#### 4.9.15 REMOVAL OR REPAIR OF CERTAIN SIGNS<sup>141</sup>

(a) **Notice Requiring Removal or Repair.**

- (1) *Generally.* When a sign is in violation of this Section or is abandoned, the Building Official will provide notice that the sign must be made to conform in all respects to this Section within 30 days after written notification by registered mail or personal service by the Building Official or other designated city official.
- (2) *Public Safety.* When a sign is an immediate peril to persons or property, the Building Official will provide notice that the sign must be made to conform in all respects to this Section within 24 hours after written notification by registered mail or personal service by the Building Official or other designated city official.

(b) **Penalties for Failure to Remove or Repair Sign.**

- (1) In the event the sign is not made to conform in all respects with the provisions of this Section, the permit for the sign, if one has been issued, will be revoked by the Building Official.
- (2) If the sign is not removed, the Building Official may remove the sign at the expense of owner of the property upon which it is located and will assess these costs against the owner of the property. The Building Official will not issue a permit to any person or owner who refuses to pay the costs assessed.
- (3) The Building Official may cause any sign that is an immediate peril to persons or property to be removed summarily and without notice.

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<sup>141</sup> This Subsection carries forward and revises the standards for removal in current § 21.171 *Removal of Certain Signs*.

## ARTICLE 5: ENVIRONMENTAL PROTECTION

### 5.1 GENERAL PROVISIONS

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#### 5.1.1 PURPOSE

- (a) Preserving and enhancing the City's natural resources provides environmental, economic, social, and health benefits to the community. Natural resources include forests; water resources, such as rivers, lakes, and wetlands; healthy tree canopy; open space and parks; and low impact development features. These components function optimally and provide the most benefits when they are interconnected.
- (b) The purposes of this Article are to:
  - (1) Protect human health and life;
  - (2) Conserve natural resources;
  - (3) Maintain and improve air, water, and soil quality;
  - (4) Provide wildlife habitat by reducing forest loss and fragmentation;
  - (5) Protect, facilitate, and enhance the aesthetic qualities of the community;
  - (6) Preserve, protect, maintain, and increase the City's tree canopy;
  - (7) Encourage the protection and planting of native trees;
  - (8) Increase the amount of open space in new developments;
  - (9) Improve the quality and usability of open space in new developments;
  - (10) Improve the quality of stormwater runoff discharge from new development and redevelopment to surface waters and groundwater; and
  - (11) Moderate temperature and promote energy conservation.

#### 5.1.2 APPLICABILITY

The regulations in this Article include different applicability provisions for tree protection (§ 5.2: *Tree Protection & Preservation*), water quality buffers (§ 5.3: *Water Quality Buffers*), open space (§ 5.4: *Open Space*), and low impact development (§ 5.5: *Low Impact Development*), based on the different concerns and situations each section is designed to address.

## 5.2 TREE PROTECTION & PRESERVATION<sup>142</sup>

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### 5.2.1 PURPOSE<sup>143</sup>

- (a) It is the policy of Forest Acres to maintain the forested characteristics that gives the city its name: *Forest Acres*.
- (b) The objective of this Section is the protection and replacement of trees consistent with economic development, environmental quality, and the healthful enjoyment of the community.
- (c) This Section is intended to provide reasonable conservation of existing trees or require planting of additional trees after development.
- (d) It is not the intent of this Section to cause unnecessary hardship to any individual, entity, or public agency.

### 5.2.2 APPLICABILITY<sup>144</sup>

- (a) **Generally.** This Section applies to the removal of trees in all zoning districts within the City of Forest Acres.
- (b) **Removal of Trees.** Removal of trees includes:
  - (1) The cutting of a tree's trunk that results in the death of the tree;
  - (2) Grading, grubbing, clearing of land, or other land disturbance activity that results in the removal of trees; and
  - (3) Any intentional or negligent act which will cause a tree to decline and die within a period of one year, including:
    - a. Damage inflicted upon the root system of a tree by:

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<sup>142</sup> This Section revises and consolidates Zoning Ordinance § 21.152.1: *Tree Protection* with the standards for tree protection and planting in Appendices A (Tree Protection During Construction Standards), B (Tree Protection and Planting Requirements), C (Tree Planting Standards), and D (Recommended Large, Medium and Small Tree Planting List). The revision expands and clarifies the current replanting standards and updates the recommended and prohibited tree lists.

<sup>143</sup> This Subsection carries forward and reorganizes the current purpose in Zoning Ordinance § 21.152.1: *Policy* and Subdivision Ordinance § 17-8: *Tree Protection*.

<sup>144</sup> This new Subsection outlines the applicability of the ordinance and carries the forward scope of the permitting requirements of § 21.152.2: *General Requirements, Permit*, the first paragraph of § 21.152.3: *Land Disturbance Activity*, and § 21.152.6: *Exemptions and Exceptions*.

1. Application of toxic substances;
  2. The operation of machinery;
  3. The change of natural grade by excavation or filling above the root system or around the trunk of a tree, and
- b. Damage from injury or fire inflicted on trees which result in or permit pest infestation.
- (c) **Protected Trees.** This Section applies to protect the removal of the following trees:
- (1) Any significant tree;
  - (2) Any tree located within 25 feet of the right-of-way of Forest Drive, Trenholm Road or Beltline Blvd; and
  - (3) Any tree located within the buffer zone between residential and commercial property required in § 4.7.4: *Perimeter & Right-of-Way Buffers*.
- (d) **Land Disturbance Activity.** This Section applies to any land disturbance activity that requires a City or County land disturbance permit and involves the clearing or cutting of trees in combination with other activities, including but not limited to, dredging, grading, or filling of land, which may result in soil erosion from water or wind and the movement or relocation of sediments.
- (e) **Exemptions and Exceptions.** This Section does not apply to the following land development activities and tree removal or maintenance operations:
- (1) Underground utility construction within a utility easement;
  - (2) The pruning or cutting of trees by a utility required to protect overhead utility lines; and
  - (3) Large and medium maturing trees planted within 10 feet of overhead utility lines.

### 5.2.3 MEASUREMENT STANDARDS<sup>145</sup>

- (a) **Diameter At Breast-Height (DBH) Measurement.** DBH is the standard measurement of tree diameter for trees existing on a site. The tree trunk is measured at a height of 4 ½ feet above

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<sup>145</sup> This new Subsection relocates the measurement standards in the definitions for clarity and to assist the user in locating measurement standards for trees.

the ground. If a tree splits into multiple trunks below 4 ½ feet, the measurement is of the trunk at its most narrow point beneath the split.

- (b) **Caliper.** Caliper is the standard measurement of tree diameter for nursery-grown tree stock. The trunk is measured at a height six inches above the top of the root mass.

#### 5.2.4 SIGNIFICANT TREES<sup>146</sup>

A significant tree is a healthy and structurally sound tree that meets the following criteria:

- (a) All trees having a diameter at breast height (DBH) of 18 inches or larger except those listed in Table 5.2.10-4: *Prohibited Trees*; and
- (b) Additional species listed in Table 5.2.4-1: *Significant Trees* at the sizes listed in the Table.

Table 5.2.4-1: Significant Trees		
Botanical Name	Common Name	DBH (minimum)
All Species except those listed in Table 5.2.10-4: <i>Prohibited Trees</i>	Various	18 inches
<i>Cercis candensis</i>	Eastern Redbud	4 inches
<i>Cornus florida</i>	Flowering Dogwood	4 inches
<i>Ilex opaca</i>	American Holly	4 inches
<i>Magnolia virginiana</i>	Sweet Bay	4 inches
<i>Oxydendrum arboreum</i>	Sourwood	6 inches

#### 5.2.5 TREE REMOVAL PERMIT REQUIRED<sup>147</sup>

- (a) **Applicability.** This Section applies to the removal of a protected tree on an individual lot of record. For tree removal related to development that requires a land disturbance permit, refer to § 5.2.9: *Procedures to Ensure Tree Preservation During Development*.
- (b) **When Required.** The landowner, occupant, or tenant of the lot or an agent must obtain a Tree Removal Permit as provided in § 7.3.11: *Tree Removal Permit* to cut or otherwise remove:
- (1) Any significant tree;

<sup>146</sup> This new Subsection carries forward and updates the definition of specimen trees in § 21.152.2: *General Requirements, Permit* and § 21.3.2: *Definitions*. It increases the specimen tree threshold from the current 12" to a 24" DBH standard for all trees but excludes pine trees and the invasive species listed in Table **Error! Reference source not found.**-4: *Prohibited Trees*.

<sup>147</sup> This Subsection carries forward the trees requiring a permit for removal and the permitted reasons for removal in § 21.152.2: *General Requirements, Permit*.



- (2) Any tree located within 25 feet of the right-of-way of Forest Drive, Trenholm Road or Beltline Boulevard; or
- (3) Any tree or shrub located within the buffer zone between residential and commercial property required in § 4.7.4: *Perimeter & Right-of-Way Buffers*.

#### 5.2.6 REPLANTING REQUIRED FOR PROTECTED TREES<sup>148</sup>

- (a) **Replanting Required.** The removal of significant trees protected by § 5.2.4: *Significant Trees* requires mitigation by planting replacement trees on the same lot.
- (b) **Replanting Rates.**
  - (1) The number of replacement trees must equal at least 50% of the number of significant trees removed; and
  - (2) The replacement trees must consist of at least 50% large maturing trees.

#### 5.2.7 PLANT MATERIAL STANDARDS<sup>149</sup>

- (a) **Tree Planting Standards.** The standards of this Subsection apply to all trees proposed to be planted.
- (b) **Plant Material Specifications.**
  - (1) *Nursery Stock Standards.* All plant material shall meet the guidelines outlined in the American National Standards Institute (ANSI) [Z60.1 American Standard for Nursery Stock](#).
  - (2) *Health of Stock.* Trees selected for planting must be free from injury, pests, disease, nutritional disorders, or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability.
  - (3) *Selection of Species.* Refer to § 5.2.10: *Recommended and Prohibited Trees* for suitable species choices.
    - a. Large Maturing Trees:
      - 1. Must have a caliper of at least three inches at the time of planting;

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<sup>148</sup> This new Subsection maintains the replanting rate at 2:1 for significant trees in current §§ 21.152.3: *Land Disturbance Activity* and 21.152.4: *Commercial Construction*.

<sup>149</sup> This new Subsection carries forward Appendix C with reorganization for clarity.

2. Must have a single trunk and have the potential to reach at least 45 feet tall and 25 feet wide at maturity; and
  3. Are suitable for areas with more than 200 square feet of total planting area, in a planting strip at least seven feet wide, or in a location at least six lateral feet from pavement or wall.
- b. Medium Maturing Trees:
1. Must have a caliper of at least 2½ inches at the time of planting;
  2. Must have a single trunk and have the potential to reach at least 25 feet tall and 20 feet wide at maturity; and
  3. Are suitable for areas with 100 to 200 square feet of total planting space, or in a planting strip at least five lateral feet wide, or in a location at least four lateral feet from pavement or wall.
- c. Small Maturing Trees:
1. Must have a caliper of at least two inches at the time of planting;
  2. May have a single trunk or multiple stems have the potential to reach at least 15 feet tall and 15 feet wide at maturity; and
  3. Are suitable for areas under utility lines, or in areas with less than 100 square feet of total planting area, or in a planting strip at least four feet wide, or in a location at least two lateral feet from pavement or wall.
- d. Large or Medium Maturing Tree species may not be planted within 20 lateral feet of any utility easement.

(c) **Planting Specifications.** Plantings shall be installed to current nursery industry standards.

- (1) The dimensions of the planting hole must be a minimum of two times the width of and no deeper than the tree root ball or container.
- (2) The planting hole sidewalls must be scored or roughened to eliminate the smooth, slick surface caused by the shovel or auger.
- (3) If containerized material is to be planted, any circling roots must be cut by slicing the root ball vertically from top to bottom in two to three well-spaced lines around the root ball with a sharp knife.
- (4) When the root ball rests on undisturbed soil in the planting hole, the top of the root ball must be level with the natural ground level or be slightly raised, not to exceed a height

of two inches above the natural ground level. No tree shall be planted with the top of the root ball below natural ground level.

- (5) If balled and burlapped plant material is used, all straps and ties must be removed and discarded, the top one-half of all of the burlap shall be removed and discarded, and the top one-third of the wire basket shall be removed and discarded.
  - (6) The soil used to backfill around the root ball must be native to the site, thoroughly watered after planting, and free of rocks, trash, and any construction debris.
  - (7) Organic mulch must be evenly distributed over the planting area to a settled depth of at least two inches. The mulch may not touch or be piled against the tree trunk.
  - (8) Permanent built-in or temporary (hose, gatorbag, bucket, etc.) irrigation systems must be installed and used to ensure the plants will survive the critical establishment period.
  - (9) The preferred planting season for trees begins on November 1st and ends on March 31st. Out-of-season planting is discouraged.
  - (10) When trees retained or planted as required by this Section die or are removed for any reason, they must be replaced during the next suitable planting season, except on single-family residential lots.
- (d) **Inspections of Planted Trees.** Qualified representatives of the City of Forest Acres shall inspect all trees planted pursuant to this Section, and no Certificates of Occupancy or similar authorization shall be issued prior to landscaping conforming to the requirements of this Section.
  - (e) **Maintenance.** Trees must be allowed to grow to their natural height and form. Topping of any large- or medium maturing tree is not permitted. Topping is the severe cutting back of branches to a stub, bud, or a lateral branch not large enough to assume the terminal role.

### 5.2.8 TREE PROTECTION DURING CONSTRUCTION<sup>150</sup>

- (a) **Tree Protection Standards.** The standards of this Subsection apply to trees proposed to be preserved.
- (b) **Critical Root Zone.** To protect the tree and root zone, a critical root zone must be established around each tree or group of trees to be retained prior to any land disturbance.

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<sup>150</sup> This new Subsection carries forward Appendix A with reorganization for clarity.

- (1) **Dimensions.** The critical root zone is the area surrounding a protected tree that extends outward from the base of the tree in all directions by six inches for every one inch of the tree's DBH.
- (2) **Activities in Critical Root Zone Area.**
  - a. Layout of the project site utility and grading plans must be designed avoid soil disturbance within the critical root zone.
  - b. Trenching is not allowed within the critical root zone, unless prior approval is received from the City building official.
  - c. Construction site activities, such as parking, materials storage, concrete washout, and burnhole placement, are not allowed within the critical root zone.
  - d. Root disturbance due to cuts or fill are not allowed within the critical root zone. All exposed roots one inch and greater in diameter at the edge of the critical root zone will be pruned with a clean cut flush to the soil edge.
  - e. Soil compaction is not allowed within the critical root zone.
  - f. Erosion and sedimentation control measures must be installed in a manner designed to prevent the accumulation of sediment within the critical root zone.
- (c) **Protective Barriers.** Tree protection fencing must be installed to protect the critical root zone and completely surround the zone.
  - (1) All tree protection fencing must be installed before the land disturbing and maintained throughout the construction process. Fencing may not be removed until final landscaping is installed.
  - (2) Tree protection fencing will consist of chain link, orange laminated plastic, wooden post and two rail fencing, or other equivalent restraining devices.
- (d) **Identification of Critical Root Zone.** The contractor must post a sign stating "Tree Protection Zone – Keep Out" every 300 feet on the required tree protection fencing. Signs requesting subcontractor cooperation and compliance with the tree protection standards are recommended for site entrances.
- (e) **Pruning.** Pruning of tree limbs to provide clearance for equipment and materials or for any other reason shall be done in accordance with standard arboricultural practices as provided in the ANSI A300, Part 1, Pruning Standards.

### 5.2.9 PROCEDURES TO ENSURE TREE PRESERVATION DURING DEVELOPMENT<sup>151</sup>

- (a) **Applicability.** This Section applies to the removal of protected trees related to development that requires a land disturbance permit. For tree removal on an individual lot of record, refer to § 5.2.5: *Tree Removal Permit Required*.
- (b) **Land Disturbance Activity.** In any zoning district within the City of Forest Acres, any land disturbance activity, not covered by an approved plan, involving the clearing or cutting of trees in combination with other activities, including but not limited to, dredging, grading, or filling of land, which may result in soil erosion from water or wind and the movement or relocation of sediments is prohibited without a City or County land disturbance permit. Application for such a permit must be accompanied by:
- (1) A tree survey of the property showing the location, DBH, and genus of all significant trees whose critical root zones are located in the proposed area of disturbance. In all zoning districts except R-1 and R-1a, the tree survey shall also indicate the critical root zone of all such trees proposed to be saved;
  - (2) A statement of the purpose of the proposed land disturbance activity;
  - (3) The location and number of all significant trees proposed to be removed;
  - (4) A planting plan, which may be a part of any required landscaping plan, showing the number, location, species, and caliper of the replacement trees. The planting plan shall conform with this Section; and
  - (5) A written statement setting forth the specific necessity for removal of each significant tree.
- (c) **Tree Protection and Planting Plan Required.** All applications for building development permits shall be accompanied by a Tree Protection and Planting Plan drawn to a standard scale and size which includes the following:
- (1) A critical root zone protection plan for all significant trees to be preserved; and
  - (2) A planting plan for all trees required to be planted under any of the provisions of this Ordinance on all property. This plan shall be approved prior to construction where street trees may be affected.

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<sup>151</sup> This Section carries forward and clarifies current procedures for Tree Removal Permits in § 21.152.3: *Land Disturbance Activity*; Appendix B; § 17-91.r-u (*Site Plan*); § 21.152.4: *Commercial Construction or Improvement, to include public, non-profit, institutional and residential development other than single family*; § 21.152.5: *Single Family Residential Construction or Improvement*; and § 21.152.7: *Expiration of Permits*.

(d) **Site Plan.**

- (1) A tree survey of the property showing the location, DBH, and genus of all significant trees whose critical root zones are located in the proposed area of disturbance. The critical root zone for all significant trees proposed to be preserved shall be shown on the tree survey;
- (2) A grading plan showing the number and location of significant trees that will be removed along with a statement as to why the trees could not be saved;
- (3) A planting plan, which may be a part of any required landscaping plan, showing the number, location, species, and caliper of the replacement trees. The planting plan shall conform to the Plant Material Standards; and
- (4) A plan for marking all trees to be retained and a description of protective barriers to be installed around all trees to be retained, as set forth in § 5.2.8: *Tree Protection During Construction*.

(e) **Commercial Construction or Improvement, to Include Public, Non-Profit, Institutional and Residential Development Other than Single Family.** An application for a building permit shall include, in addition to the other requirements of this Ordinance, the following supporting materials:

- (1) A tree survey of the property showing the location, DBH and genus of all significant trees whose critical root zones are located in the proposed area of disturbance. The critical root zone for all significant trees proposed to be preserved shall be shown on the tree survey;
- (2) A grading plan showing the number and location of significant trees that will be removed along with a statement as to why the tree(s) could not be saved;
- (3) A planting plan, which may be a part of any required landscaping plan, showing the number, location, species, and caliper of the replacement trees. The planting plan shall conform to the Tree Planting Standards; and
- (4) A sketch plan for marking all trees to be retained and a description of protective barriers to be installed around all trees to be retained, as set forth in § 5.2.8: *Tree Protection During Construction*.

(f) **Single Family Residential Construction or Improvement.**<sup>152</sup> An application for a building permit shall include, in addition to the other requirements of this Ordinance, a tree survey of the area

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<sup>152</sup> Carries forward.

of the lot 10 feet outside of the site improvement area (house and all accessory uses) showing the location of all significant trees and designating all significant trees proposed to be removed.

- (g) **Expiration of Permits.** Any tree or land disturbance permit shall be valid for a period of not to exceed six months from date of issue. A new application must be completed and a new permit issued for any tree(s) not removed under an expired permit.

#### 5.2.10 RECOMMENDED AND PROHIBITED TREES<sup>153</sup>

- (a) **Large Maturing Trees.** Large Maturing Trees are those greater than 45 feet tall. Recommended species are listed in the table below.

Table 5.2.10-1: Large Maturing Trees	
Common Name	Scientific Name
Ash, Green	<i>Fraxinus pennsylvanica</i>
Ash, White	<i>Fraxinus americana</i>
Beech, American	<i>Fagus grandifolia</i>
Birch, River	<i>Betula nigra</i>
Black Gum	<i>Nyssa sylvatica</i>
Cryptomeria, Japanese	<i>Cryptomeria japonica</i>
Cypress, Bald	<i>Taxodium distichum</i>
Cypress, Pond	<i>Taxodium ascendens</i>
Dawn Redwood	<i>Metasequoia glyptostroboides</i>
Ginkgo	<i>Ginkgo biloba</i>
Hickory, Mockernut	<i>Carya tomentosa</i>
Hickory, Pignut	<i>Carya glabra</i>
Hickory, Shagbark	<i>Carya ovata</i>
Katsura Tree	<i>Cercidiphyllum japonicum</i>
Loblolly Bay	<i>Gordonia lasianthus</i>

<sup>153</sup> This Subsection carries forward Appendix D with changes to add several preferred native species and to eliminate several exotic species that present a risk of being invasive. The “Trees to Avoid” list has been updated to include additional invasive species identified on the State Plant Pest List (See [https://www.clemson.edu/public/regulatory/plant-industry/plant-pest-regulations/state-plant-pest-information/pests\\_list.html](https://www.clemson.edu/public/regulatory/plant-industry/plant-pest-regulations/state-plant-pest-information/pests_list.html)). The “Trees to Avoid” list has also been changed from a recommendation to a requirement.

**Table 5.2.10-1: Large Maturing Trees**

<b>Common Name</b>	<b>Scientific Name</b>
Magnolia, Southern	<i>Magonlia grandiflora</i>
Maple, Red	<i>Acer rubrum</i>
Maple, Southern Sugar	<i>Acer barbatum</i>
Oak, Live	<i>Quercus virginiana</i>
Oak, Post	<i>Quercus stellata</i>
Oak, Scarlet	<i>Quercus coccinea</i>
Oak, Shumard	<i>Quercus shumardii</i>
Oak, Southern Red	<i>Quercus falcata</i>
Oak, Swamp Chestnut	<i>Quercus michauxii</i>
Oak, White	<i>Quercus alba</i>
Oak, Willow	<i>Quercus phellos</i>
Pine, Loblolly	<i>Pinus taeda</i>
Pine, Long-Leaf	<i>Pinus palustris</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Sycamore, American	<i>Platanus occidentalis</i>
Tulip Poplar	<i>Liriodendron tulipifera</i>
Willow, Black	<i>Salix nigra</i>
Zelkova, Japanese	<i>Zelkova serrata</i>

- (b) **Medium Maturing Trees.** Medium Maturing Trees are those between 25 feet and 50 feet tall. Recommended species are listed in the table below.

**Table 5.2.10-2: Medium Maturing Trees**

<b>Common Name</b>	<b>Scientific Name</b>
Cherry-Laurel, Carolina	<i>Prunus caroliniana</i>
Crape Myrtle	<i>Lagerstroemia fauriei</i> and Hybrids
Holly, American	<i>Ilex opaca</i>
Hophornbean, American	<i>Ostrya virginiana</i>
Hornbean, American	<i>Carpinus caroliniana</i>
Hornbean, European	<i>Carpinus betulus</i>



**Table 5.2.10-2: Medium Maturing Trees**

<b>Common Name</b>	<b>Scientific Name</b>
Magnolia, Sweetbay	<i>Magnolia virginiana</i>
Maple, Chalk	<i>Acer leucoderme</i>
Maple, Hedge	<i>Acer campestre</i>
Maple, Striped	<i>Acer pensylvanicum</i>
Maple, Trident	<i>Acer buergerianum</i>
Oak, Overcup	<i>Quercus lyrata</i>
Persian Parrotia	<i>Parrotia persica</i>
Persimmon	<i>Diospyros virginiana</i>
Redcedar, Eastern	<i>Juniperus virginiana</i>
Sassafras	<i>Sassafras albidum</i>
Silverbell, Carolina	<i>Halesia carolina</i>
Sourwood	<i>Oxydendrum arboreum</i>
Stewardia, Tall	<i>Styrax japonicus</i>
Yellowwood, American	<i>Cladastris kentukea</i>

- (c) **Small Maturing Trees.** Small Maturing Trees are those between 15 feet and 25 feet tall. Recommended species are listed in the table below.

**Table 5.2.10-3: Small Maturing Trees**

<b>Common Name</b>	<b>Scientific Name</b>
Buckeye, Red	<i>Aesculus parvia</i>
Cherry, Okame	<i>Prunus x incamp 'Okame'</i>
Chinese Flame Tree	<i>Koelreueria bipinnata</i>
Crabapple	<i>Malus spp.</i>
Crape Myrtle	<i>Lagerstroemia indica</i> and Hybrids
Dogwood, Flowering	<i>Cornus florida</i>
Fringetree	<i>Chionanthus virginicus</i>
Fringetree, Chinese	<i>Chionanthus retusus</i>
Hawthorn, Green	<i>Crataegus viridis</i>
Hawthorn, Washington	<i>Crataegus phaenopyrum</i>

**Table 5.2.10-3: Small Maturing Trees**

<b>Common Name</b>	<b>Scientific Name</b>
Holly, Foster's	<i>Ilex x attenuata 'Fosteri'</i>
Holly, Savannah	<i>Ilex x attenuata 'Savannah'</i>
Holly, Yaupon	<i>Ilex vomitoria</i>
Magnolia, Little Gem	<i>Magnolia grandiflora 'Little Gem'</i>
Magnolia, Star	<i>Magnolia stellata</i>
Redbud, Chinese	<i>Cercis chinensis</i>
Redbud, Eastern	<i>Cercis canadensis</i>
Redbud, Oklahoma	<i>Cercis reniformis</i>
Waxmyrtle	<i>Myrica cerifera</i>

(d) **Prohibited Trees.** The following trees are prohibited.

**Table 5.2.10-4: Prohibited Trees**

<b>Common Name</b>	<b>Scientific Name</b>
African Boxthorn	<i>Lycium ferocissimum</i>
Autumn Olive	<i>Elaeagnus umbellata</i>
Banks Melastoma, Melastoma, Indian Rhododendron	<i>Melastoma malabathricum</i>
Bradford Pear, Callery Pear	<i>Pyrus calleryana 'Bradford'</i>
Catclaw Mimosa, Giant Sensitive Tree	<i>Mimosa pigra</i>
Chinaberry	<i>Melia azedarach</i>
Giant Sensitive-plant	<i>Mimosa invisa</i>
Hybrid Poplars	<i>Populus Hybrids</i>
Hybrid Willows	<i>Salix Hybrids</i>
Mimosa	<i>Albizia julibissin</i>
Paperbark Tree, Punk Tree	<i>Melaleuca quinquenervia</i>
Royal Paulownia	<i>Paulownia tomentosa</i>
Russian Olive	<i>Elaeagnus angustifolia</i>
Tallowtree, Tree-Of-Heaven	<i>Ailanthus altissima</i>

Table 5.2.10-4: Prohibited Trees

Common Name	Scientific Name
Thorny Olive	<i>Elaeagnus pungens</i>
Unshu Orange, Satsuma Orange	<i>Citrus reticulata</i> var. <i>unshu</i>
White Pine	<i>Pinus strobus</i>

## 5.3 WATER QUALITY BUFFERS<sup>154</sup>

### 5.3.1 PURPOSE<sup>155</sup>

(a) **Generally.**

- (1) The purpose of this Section is to require new developments to include water quality buffers that:
  - a. Protect streams, wetlands, and floodplains;
  - b. Protect the water quality of watercourses, reservoirs, lakes, and other significant water resources;
  - c. Protect riparian and aquatic ecosystems; and
  - d. Provide for the environmentally sound use of the city's land resources.
- (2) A water quality buffer is an area of original or re-established vegetation that borders streams, rivers, ponds, lakes, wetlands, and seeps. Buffers are most effective when stormwater runoff is flowing into and through the buffer zone as shallow sheet flow, rather than concentrated flow such as channels, gullies, or wet weather conveyances. Therefore, it is critical that design of all development include management practices, to the maximum extent practical, that will result in stormwater runoff flowing into the buffer zone as shallow sheet flow.

(b) **Benefits.**

- (1) Water quality buffers provide numerous environmental protection and resource management benefits including:

<sup>154</sup> This Section carries forward the current Water Quality Buffer requirements and updates to align with Richland County's new Land Development Code.

<sup>155</sup> Carries forward and reorders § 21.215 (a) and (a)(1) *Purpose* (Water Quality Buffer Requirements).

- a. Restoring and maintaining the chemical, physical, and biological integrity of the water resources;
- b. Removing pollutants delivered in urban stormwater;
- c. Reducing erosion and controlling sedimentation;
- d. Stabilizing stream banks;
- e. Providing infiltration of stormwater runoff;
- f. Maintaining base flow of streams;
- g. Contributing to the organic matter that is a source of food and energy for the aquatic ecosystem;
- h. Providing tree canopy to shade streams and promote desirable aquatic organisms;
- i. Providing riparian wildlife habitat; and
- j. Furnishing scenic value and recreational opportunity.

### 5.3.2 APPLICABILITY<sup>156</sup>

(a) This Section applies to the following:

- (1) All proposed development, except for development that meets the criteria for an exemption as set forth in § 5.3.3: *Exemptions* and/or a waiver as set out in § 5.3.12: *Waivers*;
- (2) All surface mining operations except active surface mining operations that are operating in compliance with an approved SCDES surface mining permit. The applicant must provide a copy of the approved surface mining permit to the Zoning Administrator;<sup>157</sup>
- (3) The construction of agricultural structures as provided by Richland County; and
- (4) Except as provided in § 5.3.3: *Exemptions* and § 5.3.12: *Waivers*, these requirements apply to all parcels of land, structures, and activities that are causing or contributing to:

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<sup>156</sup> Carries forward and reorders § 21.215 (a)(2) and (a)(3) *Applicability* (Water Quality Buffer Requirements).

<sup>157</sup> The current Zoning Ordinance *includes* active surface mining operations. However, the current Richland County requirements explicitly *exclude* surface mining operations in compliance with an approved SCDES permit.

- a. Pollution, including non-point pollution, of the waters of the City;
  - b. Erosion or sedimentation of stream channels; or
  - c. Degradation of aquatic or riparian habitat.
- (b) Unless otherwise provided in an Intergovernmental Agreement, water quality buffers are required along all:
  - (1) Perennial and intermittent streams;
  - (2) Waterways;
  - (3) Shorelines; and
  - (4) Wetlands according to a USACE jurisdictional determination.
- (c) In addition, water quality buffers are required unless exempted by § 5.3.3: *Exemptions* to protect waters of the State (such as isolated wetlands) pursuant to [S.C. Code Title 48, Chapter 1](#) (the S.C. Pollution Control Act).

### 5.3.3 EXEMPTIONS<sup>158</sup>

This Section does not apply to the following:

- (a) Ephemeral streams, ditches, human-made ponds, and lakes that are outside of natural hydrologic connectivity;
- (b) Any existing structure or structure under construction located within the buffer area, if the landowner can document prior existence;
- (c) The addition to or expansion of an existing structure, if it does not result in an increase in the total impervious area within the buffer area;
- (d) Activities associated with emergency operations, such as hazardous materials removal, flood or fire control, evacuations, and storm damage clean-up;
- (e) Single-family parcels of land that exist as individual lots that are two acres or less and are not part of a new subdivision development; or

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<sup>158</sup> Carries forward § 21.215(b).

### 5.3.4 STREAM & WETLAND BUFFERS<sup>159</sup>

(a) **Generally.**

- (1) The function of a stream buffer is to protect the physical and ecological integrity of the waterway, to reduce flooding potential, and to filter runoff from all development.
- (2) The objective of a stream buffer is to maintain undisturbed native vegetation.
- (3) Stream buffers are considered a “no disturb zone” along jurisdictional lines. Except as provided in 5.3.4(c)(3), vegetation shall not be disturbed, removed, or replanted unless the Zoning Administrator approves a buffer restoration plan.

(b) **Buffer Width.** Except as modified by § 5.3.6: *Water Quality Buffer Width Adjustments*, the buffer width is calculated as follows:

- (1) *Perennial Streams.*
  - a. Along jurisdictional perennial streams identified by the USACE, not associated with a floodplain or wetlands, the buffer must be at least 50 feet perpendicular from the jurisdictional line on each side of the waterway.
  - b. In areas where a floodway profile has been computed along a perennial stream (AE Zones) as part of an approved flood study, the buffer area must be equal to the width of the floodway but never less than 50 feet.
  - c. In areas where a floodway profile has not been computed along a perennial stream (A Zones) the developer must perform a flood study, determine the floodway, and follow the buffer requirements outlined above. As an alternative to preparing the flood study, the buffer limits shall extend to the delineated floodplain limits.
- (2) *Intermittent Streams.* Along jurisdictional intermittent streams identified by the USACE, the buffer must be at least 50 feet perpendicular from the jurisdictional line on each side of the waterway. If these streams have associated floodway as described above, the same requirements would apply to have a total width of 50 feet on each side of the waterway.
- (3) *Wetland Areas.*

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<sup>159</sup> Carries forward § 21.215(c). Relocates first two sentences of § 21.215(c)(2) to the beginning of the subsection. Revises to remove passive voice and change the phrase “should be” to “is.”

- a. For delineated wetland areas associated with perennial streams, the buffer must be at least 50 feet perpendicular beyond the wetland edge. This buffer width is independent of any wetland offset required by the USACE.
- b. For delineated wetland areas associated with intermittent streams, the buffer must be at least 50 feet perpendicular beyond the wetland edge. This buffer width is independent of any wetland offset required by the USACE.
- c. For wetland areas not associated with perennial streams, intermittent streams, or floodways, the buffer shall be the extent of the wetland area plus an additional 50 feet perpendicular beyond the wetland edge.

(c) **Stream Buffer Management and Maintenance.**

- (1) *Prohibited Activities.* Management of the stream buffer includes specific limitations on alteration of the natural conditions. The following practices and activities are prohibited within stream buffers, except with prior approval by the Zoning Administrator:
  - a. Clearing or grubbing of existing vegetation;
  - b. Clear cutting of vegetation;
  - c. Soil disturbance by grading, stripping, or other practices;
  - d. Filling or dumping;
  - e. Use, storage, or application of pesticides, herbicides, and fertilizers;
  - f. Conversion of vegetation from native to exotic species; and
  - g. Use of motor vehicles, except during the installation of certain utilities permitted in the buffer zone or bank stabilization.
- (2) *Allowed Activities.* The following structures, practices, and activities are allowed in the stream buffer, subject to prior approval of the Zoning Administrator:
  - a. Stream crossings and utilities, if:
    - 1. The applicant demonstrates that stream crossings are minimized;
    - 2. The right-of-way is the minimum width needed to allow for maintenance access and installation;
    - 3. The angle of a crossing is as nearly perpendicular to the stream or buffer as practical in order to minimize clearing requirements; and

4. The minimum number of crossings is used within each development. A maximum of one crossing is allowed for every 1,000 linear feet of buffer zone unless the applicant demonstrates to the Zoning Administrator the need for additional crossings. Where possible, the design of roadways and lots within a development should be aligned such that all streams are either to the rear or the side of individual lots, never along the front.
  - b. Vehicular and pedestrian access, including transportation rights-of-way, pedestrian crossings, public access, boat ramps, docks, fishing platforms, and unpaved paths (i.e., trails and greenways);
  - c. Stream bank stabilization efforts; and
  - d. Utilities, if they are installed at least 25 feet measured perpendicular from the jurisdictional line within the buffer area.
- (3) *Vegetation Removal.* In order to maintain the functional value of the stream buffer, indigenous vegetation may be removed as follows:
- a. Dead, diseased, or dying trees that are in danger of falling and causing damage to dwellings or other structures may be removed with approval from the Zoning Administrator;
  - b. Debris in the buffer area caused by storm damage may be removed; and
  - c. Invasive plant species may be removed if they are replaced by native species that are equally effective in slowing runoff, preventing erosion, and filtering non-point source pollution from runoff. A buffer restoration plan for removal of invasive species must be approved by the Zoning Administrator.

### 5.3.5 SHORELINE BUFFERS<sup>160</sup>

(a) **Generally.**

- (1) Shoreline buffers are considered an area of managed vegetation adjacent to shorelines with hydrologic connectivity (stream leading into/out of the pond/lake or obvious spring input).

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<sup>160</sup> Carries forward § 21.215(d). Relocates first sentence of § 21.215(d)(2) to the beginning of the subsection. Revises to eliminate passive voice.



- (2) The function of the shoreline buffer is to protect the physical and ecological integrity of the water body by providing a functional distance to reduce flooding potential, reduce erosion and sedimentation, and filter runoff between development and the water body.
- (b) **Buffer Width.** The shoreline buffer width must be 50 feet perpendicular from the jurisdictional line. For ponds and lakes, the buffer must be at least 50 feet from the jurisdictional line.
- (c) **Shoreline Buffer Management and Maintenance.**
  - (1) *Prohibited Activities.* Management of the shoreline buffer includes specific limitations on alteration of the natural conditions. The following structures, practices, and activities are prohibited in the shoreline buffer unless the Zoning Administrator grants prior approval:
    - a. Septic systems;
    - b. Permanent structures;
    - c. Impervious cover, with the exception of paths;
    - d. Soil disturbance by grading, stripping, or other practice;
    - e. Filling or dumping;
    - f. Stormwater management facilities; and
    - g. Use, application, or storage of pesticides or herbicides, except for the spot spraying of noxious weeds or other non-native species consistent with approved agency recommendations (i.e., City of Forest Acres, Richland County, South Carolina Forestry Commission, or South Carolina Electric & Gas's Lake Management Department).
  - (2) *Allowed Activities.* The following structures, practices, and activities are allowed in the shoreline buffer, subject to the prior approval of the Zoning Administrator:
    - a. Biking or hiking paths;
    - b. Recreational uses as approved by the Zoning Administrator; and
    - c. Limited tree or underbrush clearing with approval from the Zoning Administrator.

### 5.3.6 WATER QUALITY BUFFER WIDTH ADJUSTMENTS<sup>161</sup>

- (a) Adjustments to the buffer width shall be made for the following conditions:
- (1) If streams are on a current 303d list or with an approved TMDL, the buffer area shall be increased to 100 feet subject to reduction in accordance with 5.3.6(c) below. If water bodies are on SCDES's Outstanding National Resource Waters (ONRW) list, the buffer area must be increased to 100 feet subject to reduction in accordance with 5.3.6(c) below.
  - (2) If there are 15% to 24.99% slopes within the required buffer area, the buffer width must be adjusted to include an additional 10 feet.
  - (3) If there are 25% or greater slopes within the required buffer area width, the buffer width must be adjusted to include an additional 25 feet.
  - (4) If the adjacent land use involves drain fields from on-site sewage disposal and treatment systems (i.e., septic systems), subsurface discharges from a wastewater treatment plant, or land application of bio-solids or animal waste, then the buffer area width must be adjusted to include an additional 25 feet.
  - (5) If the land use or activity involves the storage of hazardous substances or petroleum facilities, the buffer area width must be adjusted to include an additional 50 feet subject to reduction in accordance with 5.3.6(c) below.
  - (6) If the land use or activity involves raised septic systems or animal feedlot operations, the buffer area width must be adjusted to include an additional 100 feet subject to reduction in accordance with 5.3.6(c) below.
  - (7) If the land use or activity involves solid waste landfills or junkyards, the buffer area width must be adjusted to include an additional 200 feet subject to reduction in accordance with 5.3.6(c) below.
- (b) If all on-site stormwater runoff is captured and routed through a permanent water quality basin and there is no sheet flow discharging into the buffer, the buffer area may be reduced to 25 feet. This is intended to apply in limited situations, such as small commercial developments.
- (c) If the applicant satisfactorily demonstrates that there will be no degradation of the receiving water body by implementing the proposed stormwater quality controls, then the established buffer may be reduced on a case-by-case basis upon approval by the Zoning Administrator.

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<sup>161</sup> Carries forward § 21.215(g) and revises to conform with the current County code.

### 5.3.7 WATER QUALITY BUFFER AVERAGING<sup>162</sup>

- (a) **Generally.** This Subsection outlines the criteria for water quality buffer averaging on new and redevelopment sites.
- (b) **Applicability.**
  - (1) Buffer averaging is required for water quality buffers that have stream crossings.
  - (2) Buffer averaging may be used for other water quality buffers to adjust the required buffer width, allowing some flexibility for site development.
- (c) **Minimum Width Must be Maintained.** Using buffer averaging, the width of the buffer may be varied based on the criteria specified in this Subsection, as long as a minimum average width of 50 feet from the jurisdictional line is maintained.
- (d) **Requirements.** The following criteria must be met in order to use buffer averaging on a development site:
  - (1) An overall average buffer width of 50 feet, depending on the water quality buffer requirement, must be achieved within the boundaries of the property to be developed.
  - (2) The average width must be calculated based upon the entire length of the stream bank or shoreline that is located within the boundaries of the property to be developed. When calculating the buffer length, the natural stream channel should be followed.
  - (3) Stream buffer averaging shall be applied to each side of a stream independently. If the property being developed includes both sides of a stream, buffer averaging can be applied to both sides of the stream but must be applied to each side of the stream independently.
  - (4) That portion of buffers in excess of 100 feet will not be credited toward the buffer averaging formula within the boundaries of the property to be developed. The total width of the buffer must be at least 25 feet or the width of the floodway at any location, except at approved stream crossings. Those areas of the buffer having a minimum width of 25 feet (or less at approved stream crossings) can comprise no more than 50% of the buffer length.
- (e) **Areas Where Buffer Averaging is Prohibited.** Buffer width averaging is prohibited when the result of averaging would allow any of the land uses listed below to exist within the pre-averaged buffer area:

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<sup>162</sup> Carries forward § 21.215(h) with minor edits for clarity. Adds new uses in Paragraph (e) to conform with the current County Code.

- (1) Developments or facilities that include on-site sewage disposal and treatment systems (i.e., septic systems), raised septic systems, subsurface discharges from a wastewater treatment plant, or land application of bio-solids or animal waste;
- (2) Landfills, including demolition landfills, permitted landfills, and closed-in-place landfills;
- (3) Junkyards;
- (4) Commercial facilities that store and/or service motor vehicles;
- (5) Commercial greenhouses or landscape supply facilities;
- (6) Developments or facilities that have commercial or public swimming pools;
- (7) Animal care facilities, kennels, and commercial/business developments or facilities that provide short-term or long-term care of animals;
- (8) Other land uses deemed by the Zoning Administrator to have the potential to generate higher than normal pollutant loadings.

#### 5.3.8 BUFFER BOUNDARY MARKER SIGNS<sup>163</sup>

- (a) **Purpose.** Permanent boundary marker signs are required to ensure property owners are aware of the buffer.
- (b) **Applicability.**
  - (1) *Stream Buffers.* For subdivisions, permanent boundary marker signs are required for stream buffers prior to bonding of the subdivision and/or finalizing the subdivision with the intent to transfer property.
  - (2) *Shoreline Buffers.* Permanent boundary markers are recommended, but not required, in shoreline buffers.
- (c) **Location and Design Standards.** The following general requirements apply to buffer boundary markers:
  - (1) Generally, buffer boundary markers shall be located on the landward edge of the buffer and at other locations that will approximately delineate the buffer boundary.

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<sup>163</sup> Carries forward and reorganizes § 21.215(i).

- a. For commercial developments, markers must be posted every 100 feet along the buffer boundary.
  - b. For subdivisions where multiple lots are located along the buffer, a buffer boundary marker must be located at the intersection of every other lot line with the landward edge of the buffer.
- (2) Buffer boundary markers shall include the statement “Water Quality Buffer - Do Not Disturb.”
- (3) Where possible, the markers should be mounted to a tree larger than three inches in diameter. Where it is not possible to mount the marker to a tree, a treated wood or metal signpost must be used. The post must extend below the ground surface at least 24 inches.
- (4) The boundary markers must be mounted between four and six feet above the ground surface.
- (5) The boundary markers must be at least 12 by 18 inches in size.
- (d) **Damaged or Removed Boundary Markers.** The Zoning Administrator has the authority to require the person or entity responsible for permanent maintenance of the buffer to replace boundary markers that have been damaged or removed.<sup>164</sup>

### 5.3.9 WATER QUALITY BUFFER PLAT REQUIREMENTS<sup>165</sup>

All preliminary, bonded, and final plats prepared for recording and all right-of way plats shall clearly:

- (a) Show the extent of any stream or shoreline buffer on the subject property by metes and bounds;
- (b) Label the stream and shoreline buffer;
- (c) Provide a note to reference all buffers stating: “There shall be no clearing, grading, construction, or disturbance of vegetation except as permitted by the Zoning Administrator;”
- (d) Provide a note to reference any protective covenants governing all buffer areas stating: “Any buffer shown on the plat is subject to protective covenants which may be found in the land records and which restrict disturbance and use of these areas;”

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<sup>164</sup> Changes the term “destroyed” to “damaged.”

<sup>165</sup> Carries forward § 21.215(e).

- (e) Specify the owner of and responsible party for the buffer area, if the buffer area will not be part of an individual lot; and<sup>166</sup>
- (f) Depict the location of permanent boundary marker signs.

#### 5.3.10 WATER QUALITY BUFFER PLAN, CONSTRUCTION, AND MAINTENANCE REQUIREMENTS<sup>167</sup>

- (a) **Buffer Plan Submittal.** The buffer plan must be submitted in conjunction with the sediment and erosion control plan, Storm Water Pollution Protection Plan (SWPPP) document, and all applicable calculations for a land disturbance permit.
- (b) **Construction Requirements.** The following steps shall be taken during the site plan development and site construction process to protect water quality buffers during construction:
  - (1) Water quality buffers must be clearly identified on all stormwater management plans and construction drawings and marked with the statement “Water Quality Buffer. Do Not Disturb.”
  - (2) Water quality buffers cannot be encroached upon or disturbed during project construction, unless in accordance with § 5.3.3: *Exemptions*, § 5.3.12: *Waivers*, or unless being established, restored, or enhanced in accordance with an approved Buffer Enhancement Plan (see § 5.3.11).
  - (3) Water quality buffers must be clearly marked with a warning barrier (orange safety fence) before the preconstruction conference. The marking shall be maintained until completion of construction activities. All contractors and others working on the construction site must be made aware of the existence of the buffer(s) and the restrictions on disturbing the buffer(s).
  - (4) All areas of the water quality buffer, including stream banks, must be left in the existing condition upon completion of construction activities. If construction activities associated with development cause degradation to stream banks, all eroding, bare, or unstable stream banks must be restored to existing conditions.
  - (5) If any trees are allowed to be removed, the tree location shall be shown, and a note shall be provided stating that the tree must be hand cleared.

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<sup>166</sup> Minor revisions to simplify language.

<sup>167</sup> Carries forward § 21.215(f) and renames as “Water Quality Buffer Plan, Construction, and Maintenance Requirements” (rather than “Design Requirements”).

- (6) The location of all buffer boundary marker signs must be clearly shown on plans.
  - (7) A narrative stating the extent of the buffer areas, including any allowed disturbance in the buffer areas (this should be in the narrative as well as in the SWPPP document), must be included with the plans.
  - (8) A double row of silt fence (with metal posts and wire backing) must be installed on the upstream side of applicable buffer area(s) that are adjacent to a land disturbance.
  - (9) The stream buffer shall be shown and labeled on the engineering plans and preliminary, bonded, and final plats.
- (c) **Dedication and Maintenance Requirements.** Whether the stream buffers are dedicated to the City, placed in a conservation easement, or turned over to a Homeowners Association (HOA) or remain under private ownership, the buffers shall be maintained in accordance with the maintenance and inspection requirements for permanent stormwater management structures.
- (1) *Dedication to the City of Forest Acres.* If the City accepts dedication of the buffer:
    - a. All property lines shall terminate at the water quality buffer; and
    - b. Access easements shall be at least 20 feet wide to allow maintenance of the buffer. Access points for these easements will be coordinated with storm drainage easements during the plan review process.
  - (2) *Conservation Easement or Easement Held by Third Party.* If the buffer is placed in a conservation easement or if the easement is held by a viable third party, such as a land trust, land management company, or utility, the organization shall:
    - a. Have the legal authority to accept and maintain such easements;
    - b. Be bona fide and in perpetual existence; and
    - c. Have conveyance instruments that contain an appropriate provision for retransfer in the event the organization becomes unable to carry-out functions.
  - (3) *Dedication to HOA.* If given to an HOA, the following criteria must be met:
    - a. Membership in the HOA is mandatory and automatic for all homeowners for the subdivision and their successors;
    - b. The HOA shall have lien authority to ensure the collection of dues from all members; and
    - c. The HOA assumes the responsibility for protecting, monitoring, and maintaining the area as an undisturbed natural area, in perpetuity.

(d) **Shoreline Buffers.**

- (1) Shoreline buffers shall be shown and labeled on the engineering plans.
- (2) Shoreline buffers shall be maintained by the owner in accordance with the maintenance and inspection requirements for permanent storm water management structures outlined in this chapter.
- (3) Shoreline buffers may be dedicated to the City, placed in a conservation easement, or given to the HOA as outlined in 5.3.10(c) above.

### 5.3.11 BUFFER RESTORATION AND ENHANCEMENT PLANS<sup>168</sup>

(a) **Applicability.**

- (1) Buffer restoration is required when a buffer is disturbed without prior approval from the Zoning Administrator.
- (2) A developer or property owner may also wish to enhance a buffer to bring it closer to an optimal, undisturbed native forest condition.
- (3) In either case, prior to reestablishing or planting the buffer, a restoration or enhancement plan must be submitted to and approved by the Zoning Administrator.

(b) **Planting Standards for Stream Buffers.** Stream buffers must be planted with native trees, shrubs, and grasses that will not be mowed. Suitable native plants can be chosen from the recommended plant species for water quality buffers, as listed in the Richland County [Land Development Manual](#), Appendix K: *Landscape Plant Materials List*. Species of plants other than those listed on the pre-approved list must be approved by the Zoning Administrator prior to planting.

(c) **Plan Contents.**

- (1) A buffer restoration and/or enhancement plan must include the following:
  - a. A drawing or plan that shows:
    1. The location of the buffer in relation to the existing or planned development and to the buffered waterway;

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<sup>168</sup> Carries forward and slightly reorganizes § 21.215(j). Minor updates related to planting requirements to conform to the current County Code.



2. The disturbance limits for the planned buffer restoration;
  3. Direction of flow of runoff from the site and flow within the water feature;
  4. Erosion prevention and sediment control measures to be installed to protect the waterway;
  5. Any existing or proposed stream crossings;
  6. Existing or proposed stream bank stabilization measures;
  7. Access to a water source for the purposes of watering vegetation; and
  8. Any other pertinent information.
- b. A visual plan and a narrative that describe the vegetation plan for the buffer. Stream buffers shall be planted with native trees, shrubs, and grasses that will not be mowed. Suitable native plants can be chosen from the recommended plant species, as listed in the Richland County [Land Development Manual](#), Appendix K: Landscape Plant Materials List. Species of plants other than those listed on the pre-approved list shall be approved by the Zoning Administrator prior to planting; and
  - c. The schedule for when plantings will occur and a two-year survival guarantee provided by the responsible party.
- (2) For large scale restoration and enhancement projects, a registered landscape architect must stamp the plan(s).

### 5.3.12 WAIVERS<sup>169</sup>

- (a) **Applicability.** The City will only consider a waiver request if it meets the criteria in 5.3.12(a)(1), 5.3.12(a)(2), or 5.3.12(a)(3), below.
  - (1) The project involves construction of:
    - a. One single-family home for residential use by the owner of the property; and

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<sup>169</sup> Carries forward and reorganizes § 21.215(k). Adds allowances for public water supply intakes and wastewater discharges to conform with the current County Code. These provisions may be relocated to Article 7: *Procedures*.

- b. The property has an unusual shape or topography and there is no opportunity to develop under any reasonable design configuration; or
- (2) The project involves the construction or repair of a structure that, by its nature, must be located within the buffer, including:
  - a. Dams;
  - b. Public water supply intakes;
  - c. Wastewater discharges;
  - d. Docks and boat launches;
  - e. Stabilization areas of public access to water; and
  - f. Buffer intrusion necessary to provide access to the property; or
- (3) The project:
  - a. Requires a Wetland Permit from USACE for impacts to jurisdictional wetlands,
  - b. The USACE has approved a mitigation plan; and
  - c. Implementation of the plan is a 404 permit condition.
- (b) **Decision.** The Zoning Administrator may approve, approve with conditions, or disapprove a Water Quality Buffer waiver request.
- (c) **Approval Criteria.** The Zoning Administrator shall only approve a waiver from this Section if the applicant demonstrates all of the following:
  - (1) A hardship exists and the requested relief meets the general purpose and intent of this Section;
  - (2) If the buffer is located in a Water Quality Protection Area, alternative protection measures can be provided that exceed the protection afforded by the established buffer;
  - (3) The waiver will not result in a buffer being reduced to less than 25 feet from the jurisdictional line; and
  - (4) The development will not add to an already established TMDL.
- (d) **Approval Conditions.** In approving a request for a waiver, the Zoning Administrator may require site design, landscape planting, fencing, the placement of signs, and the establishment of water

quality best management practices in order to reduce adverse impacts on water quality, streams, wetlands, and floodplains.

(e) **Buffer Waiver Submittal Requirements.**

- (1) An applicant submits a written request for a waiver to the Zoning Administrator. The request must include specific reasons justifying the waiver and any other information necessary to evaluate the request.
- (2) The Zoning Administrator may require an alternative analysis that clearly demonstrates no other feasible alternative exists and minimal impact will occur as a result of the project or development.
- (3) The Zoning Administrator shall make a determination and decision concerning the waiver request. Any appeal shall be filed and heard by the Zoning Board of Appeals as set forth in § 7.3.14: *Appeal of Administrative Decisions*.

## 5.4 OPEN SPACE<sup>170</sup>

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### 5.4.1 PURPOSE

- (a) Open space is land and/or bodies of water used for recreation, amenity, or buffer.
- (b) The purposes of open space requirements are to:
  - (1) Preserve existing vegetation and important wildlife habitat;
  - (2) Provide active and passive recreational opportunities for residents;
  - (3) Enhance the aesthetic and environmental quality of development; and
  - (4) Connect neighborhoods, open space, and employment areas.

### 5.4.2 APPLICABILITY

This Section applies to:

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<sup>170</sup> This new section consolidates current provisions for open space (§ 17-48 *Public uses* and § 17-109 *Recreation areas*) into a single section. It modifies the current standards by requiring open space for all major subdivisions rather than only those with 50 or more lots or where the Planning Commission may otherwise require. Adds a menu of open space types with minimum areas and/or dimensions. Maintains provisions for a fee-in-lieu of land reservation.

- (a) New major residential subdivisions;
- (b) New Neighborhood Courtyard Housing developments;
- (c) New Group Developments;
- (d) Expansion of an existing Residential Group Development by 10 or more dwelling units;
- (e) Expansion of an existing Non-Residential Group Development by one acre or more; and
- (f) Expansion of an existing Mixed Use Group Development by 10 or more dwelling units or by one acre or more.

5.4.3 MINIMUM AMOUNT OF OPEN SPACE REQUIRED<sup>171</sup>

- (a) Table 5.4.3-1: *Minimum Amount of Open Space Required* specifies the amount of open space required in each type of development. The amount is based on a ratio of three acres of open space for every 100 dwelling units.
- (b) When a development does not include the minimum amount of open space required by Table 5.4.3-1, the provisions in § 5.4.6: *Fee-in-Lieu* apply.

Table 5.4.3-1: Minimum Amount of Open Space Required	
Development Type	Amount of Open Space Required (min)
Major Residential Subdivision	1306.8 sf per du
Neighborhood Courtyard Housing	1306.8 sf per du
Group Development – Mixed Use	10% of non-residential site area, plus 1306.8 sf per du
Group Development – Non-Residential	10% of site area
Group Development – Residential	1306.8 sf per du

Key: min = minimum required | sf = square feet | du = dwelling unit

5.4.4 COMPOSITION & MINIMUM DIMENSIONS OF OPEN SPACE

- (a) **Types of Open Space.** Open space must be comprised of two or more of the types described in Table 5.4.4-1: *Types of Open Space*, except in Neighborhood Courtyard Housing developments where the central courtyard must comprise at least the minimum amount of required open space (see § 3.3.8: *Neighborhood Courtyard Housing*).

<sup>171</sup> Carries forward current ratios in §17-48: *Public Uses* and §17-109: *Recreation Areas*.

**Table 5.4.4-1: Types of Open Space**

<b>Type of Open Space</b>	<b>Description</b>	<b>Size (min)</b>
<b>Natural Area</b>	An area of undisturbed or minimally disturbed vegetation. Examples include woodlands and wetlands. A natural area may contain multi-use paths to accommodate pedestrians and bicyclists but typically does not contain structures or other improvements.	1,000 sf
<b>Community Park</b>	An open space available for civic and recreational purposes. Serves multiple neighborhoods or developments. May contain a limited number of athletic fields.	5 ac
<b>Neighborhood Park</b>	An open space available for civic purposes, unstructured recreation, and limited amounts of structured recreation. Typically serves a single neighborhood or development.	0.25 ac
<b>Linear Park</b>	A linear open space available for civic purposes and unstructured recreation. Dwelling units and neighborhood amenity buildings typically front a linear park. Serves a single neighborhood or development.	20 ft (width)
<b>Pocket Park</b>	An open space available for informal activities in close proximity to dwellings and/or workplaces. Often contains benches or other seating areas.	1,000 sf
<b>Greenway</b>	A linear open space that links multiple neighborhoods, developments, or open spaces. May follow natural corridors, such as rivers and creeks. Greenways often contain multi-use trails to accommodate pedestrians and bicyclists.	10 ft (width)
<b>Active Recreation Area<sup>172</sup></b>	An open space designed for specific, active recreational uses such as tennis courts, swimming pools, ballfields, and similar uses.	0.5 ac
<b>Square/Green</b>	An open space available for civic purposes, unstructured recreation, and limited amounts of structured recreation. Typically serves a single neighborhood or development in a prominent location. Includes landscaped areas and lawns with or without trees and shrubs. May include limited hardscaping.	0.125 ac
<b>Plaza</b>	A formal open space available for civic purposes or commercial activity. Located in commercial and mixed use areas, typically at the intersection of important streets or other significant locations. Predominantly hardscaped.	0.25 ac

**Key:** min = minimum required | sf = square feet | ft = feet | ac = acre

<sup>172</sup> Carries forward current dimensional standards for recreation sites in § 17-48(a)(3).

- (b) **Additional Areas Counted as Open Space.** In addition to the open space types described in Table 5.4.4-1, the following areas count towards the minimum amount of open space required by Table 5.4.3-1:
- (1) *Buffers.* Buffers required by § 4.7.4: *Perimeter & Right-of-Way Buffers* may constitute up to 25% of required open space if the buffers meet the other requirements of this Section. Buffers are considered a “natural area” open space type.
  - (2) *Vegetated LID Features.* Up to 100% of the site area that contains vegetated LID features, as allowed by § 5.5: *Low Impact Development*, may be counted as open space. There are no minimum dimensional requirements for LID features to count as open space. Vegetated LID features are considered a “natural area” open space type.
  - (3) *Resource Protection Areas.* Resource protection areas may constitute up to 50% of required open space and are considered a “natural area” open space type. Resource protection areas include:
    - a. Natural water bodies;
    - b. Wetlands;
    - c. Floodplains;
    - d. Water quality buffers, as required by § 5.3: *Water Quality Buffers*;
    - e. Cemeteries; and
    - f. Historical, cultural, and archaeological sites.
- (c) **Areas Not Counted as Open Space.** The following areas do not count towards the minimum required open space:
- (1) Private lots, yards, balconies, and patios dedicated for use by a specific residential or non-residential unit;
  - (2) Required building separation and setback areas;
  - (3) Public rights-of-way and private streets and drives;
  - (4) Parking areas and driveways, unless clearly and exclusively dedicated for the open space use and not for other uses in the development;
  - (5) Utility easements and rights-of-way for above-ground electric and gas transmission lines; and
  - (6) Detention or retention areas used for stormwater management, except for LID features (see 5.4.4(b)(2) above).

### 5.4.5 LOCATION & DESIGN OF OPEN SPACE

- (a) **Generally.** All open space shall:
- (1) Be an integral part of the overall development design, with the specific layout of open space designed to be sensitive to the physical and design characteristics of the site;
  - (2) Be contiguous and connected with other open space both within the development and on abutting properties to the maximum extent practicable;
  - (3) Not be occupied by structures unless the structures are an integral part of the open space;
  - (4) Have direct access to the pedestrian network; and
  - (5) Be accessible to all residents, occupants, and tenants of the development.
- (b) **Connectivity Required.** To the maximum extent practicable, open space shall be organized to create integrated systems of open space that connect with the following types of land uses located within or adjacent to the development:
- (1) Dedicated public parks or greenways;
  - (2) Dedicated school sites;
  - (3) Other dedicated open spaces;
  - (4) Open space located adjacent to the development;
  - (5) Neighborhood shopping and activity centers; and
  - (6) Adjacent employment centers.
- (c) **Amenity Required.** In any subdivision or Group Development where this Section requires open space, at least one amenity shall be provided to ensure open space is functional and useable. Allowable amenities include:
- (1) Multi-use trail;
  - (2) Gazebo or other covered shelter;
  - (3) Fenced dog park, with a minimum area of 2,500 square feet;
  - (4) Picnic area, with a minimum area of 2,500 square feet that includes at least two picnic tables and at least one barbeque grill or pit;
  - (5) Playground, with a minimum area of 2,500 square feet;

- (6) Community garden, with a minimum area of 1,000 square feet;
- (7) Bicycle storage and repair station, with a minimum area of 250 square feet;
- (8) Water feature; and
- (9) Public art.

#### 5.4.6 FEE-IN-LIEU<sup>173</sup>

- (a) Where, with respect to a particular subdivision or Group Development, the reservation of land pursuant to this Section does not equal the percentage of total land required to be reserved in § 5.4.3: *Minimum Amount of Open Space Required*, the Planning Commission will require, prior to final approval of the subdivision plat or site plan, as applicable, that the applicant deposit with the City Council a cash payment in lieu of land reservation in order to offset the development's impact on the need for additional open space to offset the additional demand for open space the development will create.
- (b) Such deposit shall be placed in the open space improvement fund established by the City Council. Such deposit shall be used by the City of Forest Acres for the creation of open space consistent with the requirements of this Section, including the acquisition of property. Such deposit must be used for open space improvements reasonably proximate to and therefore creating additional open space for the benefit the persons in the subdivision or Group Development. The proximity and resulting benefits of open space funded with deposit proceeds may take into account typical amenity benefit areas for such improvements, as well as total open space capacity and demand in the area.
- (c) The amount to be deposited in lieu of reservation shall be based on the following formula: \$200.00 multiplied by the number of times the total area of the subdivision or Group Development is divisible by the required minimum lot size of the zoning district in which it is located, less a credit for the amount of land actually reserved for open space purposes, if any, as the land reserved bears in proportion to the land required for reservation in § 5.4.3: *Minimum Amount of Open Space Required*.<sup>174</sup>

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<sup>173</sup> Carries forward § 17-48(a)(4) and expands to include Group Developments. Revises to reflect a review of the City's current language and modern proportionality standards in the practice. The revisions have been done somewhat in isolation from the City's on-the-ground situation and therefore are not a full review (legal or otherwise) of the City's fee-in-lieu program. For example, the consultant team has not performed a proportionality analysis to verify the nature and extent of the City's current level of service and exaction requirements.

<sup>174</sup> The consultant team has not verified this "level of service" or the proportionality of the formula. We recommend the City verify consistency between the amount of open space required in Subsections 5.4.3 and 5.4.6.



### 5.4.7 OPEN SPACE PLAN REQUIRED

- (a) **When Required.** An applicant shall submit an open space plan in conjunction with an application for a Group Development Site Plan or Preliminary Plat, as applicable.
- (b) **Contents of Plan.** An open space plan shall include :
  - (1) Designated open space areas, including the area and dimensions for each;
  - (2) Identification of the types of open space provided and the proposed uses or improvements for these areas, if any;
  - (3) A statement describing how the open space will be owned, preserved, and maintained in accordance with § 5.4.8: *Long-Term Preservation & Maintenance of Open Space*; and
  - (4) A table summarizing the total amount of open space required and provided.

### 5.4.8 LONG-TERM PRESERVATION & MAINTENANCE OF OPEN SPACE

- (a) **Generally.** Land designated as open space to meet the requirements of this Section shall:
  - (1) Be platted as a lot;
  - (2) Remain as open space in perpetuity; and
  - (3) Be maintained so that its use and enjoyment as open space is not diminished or destroyed.
- (b) **Permanent Protection Required.**
  - (1) Open space shall be permanently protected through deed restrictions, covenants, or other legal instruments to:
    - a. Ensure the open space is used for its intended purpose; and
    - b. Provide for the continued and effective management, operation, and maintenance of the open space.
  - (2) Open space may be owned, preserved, and maintained as required by this Section through any of the following mechanisms or combinations thereof:
    - a. Common ownership of the open space by a property owners' association that assumes full responsibility for its management and maintenance;

- b. Conveyance of the open space to a third-party organization, such as a land trust or civic organization, that is capable of and willing to accept responsibility for managing and maintaining the open space for its intended purpose;
- c. Upon request of the applicant, dedication to a public agency that is capable of and willing to accept responsibility for managing and maintaining the open space for its intended purpose; or
- d. Private ownership, if the owner is capable of and willing to accept responsibility for managing and maintaining the open space for its intended purpose.

(c) **Maintenance Requirements.**

- (1) Open space shall be maintained free from hazards, nuisances, or unhealthy conditions;
- (2) Landscaped areas shall be regularly mowed, trimmed, cleaned, and weeded to ensure neatness; and
- (3) Hardscaped areas shall be maintained in good repair.

## 5.5 LOW IMPACT DEVELOPMENT<sup>175</sup>

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### 5.5.1 PURPOSE

- (a) Low Impact Development (LID) is an ecologically friendly approach to site development and managing stormwater that aims to mitigate development impacts to land, water, and air on a site.
- (b) The approach emphasizes integration of site design and planning techniques that conserve natural systems and hydrologic functions and use or mimic natural processes for the infiltration, evapotranspiration, or reuse of stormwater and runoff on the site where it is generated.
- (c) LID techniques reduce the amount of untreated runoff discharged to surface waters by allowing stormwater to be absorbed and cleansed by soil and vegetation before flowing into groundwater or surface water resources. This reduces stormwater maintenance costs and protects water quality.
- (d) Low Impact Development techniques are established to:

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<sup>175</sup> New section that implements the Land Use recommendations of the 2018 Comprehensive Plan to “amend land use regulations and develop incentives (e.g., tax incentives or fee reductions) to encourage or require cluster, mixed use, compact, or other LID development as easy as possible and as a permitted use whenever possible.”

- (1) Aid in creating drainage systems aligned with sound engineering principles;
- (2) Reduce expenses linked to the construction and upkeep of engineered stormwater drainage systems by promoting natural drainage flow;
- (3) Establish a mechanism for development that minimizes negative impacts on the natural surroundings;
- (4) Counteract heat island effects; and
- (5) Create amenity, value, and enhance overall aesthetic of developments through incorporation of natural settings.

### 5.5.2 APPLICABILITY

- (a) The incentives outlined in this Section apply to all new developments within the City that increase the impervious surface on or modify the drainage characteristics of a lot.
- (b) An applicant may use one or more of the incentives specified in this Section if:
  - (1) At least one LID technique specified in § 5.5.3: *Low Impact Development Techniques* is used, as approved as part of the Land Disturbance Permit issued pursuant to § 7.4.4, to manage at least 30% of the development site's peak flow; or
  - (2) The required width of a water quality buffer is increased by at least 15% (see § 5.3: *Water Quality Buffers*).
- (c) If an applicant proposes to use LID features to be eligible for the incentives in this Section, the applicant must submit an engineer's certification verifying compliance with 5.5.2(b)(1) above.

### 5.5.3 LOW IMPACT DEVELOPMENT TECHNIQUES

LID techniques may include one or more of the following:

- (a) Bioretention areas (see example in Figure 5.5.3-1);
- (b) Vegetated filter strips;
- (c) Porous pavement and permeable pavers;
- (d) Constructed wetlands; and
- (e) Rooftop runoff mitigation measures, such as green roofs and rooftop gardens.

**Figure 5.5.3-1: Example of a Bioretention Cell on a Sidewalk**



#### 5.5.4 DESIGN STANDARDS

- (a) Low impact development techniques utilized on any site must meet all Richland County requirements and be approved as part of the Land Disturbance Permit (see § 7.4.4) issued by Richland County pursuant to its agreement with the City of Forest Acres to administer the City's stormwater requirements.
- (b) Vegetated LID features are encouraged to be incorporated into required landscape areas, including the building foundation landscape strip and frontage landscaping areas.

#### 5.5.5 INCENTIVE ALLOWANCES

- (a) In any development:
  - (1) Vegetated LID features may be constructed within required perimeter buffers and setbacks;
  - (2) Landscaping used in vegetated LID features may count towards any landscaping required by this Article or Article 4: *Site & Development Standards*.

- (3) Vegetated LID features may count towards required open space, as provided in § 5.4: *Open Space*.
- (b) In non-residential, mixed-use, or multi-family developments:
  - (1) The maximum height may be increased by up to 15%; and
  - (2) The development may deviate from the requirement in 4.7.5(e)(2) by having more than 15 contiguous parking spaces in a row without an interrupting landscaped peninsula or island.
- (c) In a Traditional Subdivision, the minimum lot size required by the underlying zoning district may be reduced by up to 10%.

### 5.5.6 MAINTENANCE

Low impact development features are subject to the ongoing inspection and maintenance requirements for stormwater facilities specified in the [Richland County Land Development Code](#), Sec. 26-5.11(b)(10).

## ARTICLE 6: LAND DEVELOPMENT REGULATIONS

### 6.1 GENERAL PROVISIONS

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#### 6.1.1 PURPOSE<sup>176</sup>

- (a) The public health, safety, economy, good order, appearance, convenience, morals, and general welfare require the harmonious, orderly, and progressive development of land within the City of Forest Acres.
- (b) In furtherance of this general intent, land development regulations are adopted to:
  - (1) Encourage the development of an economically sound and stable city;
  - (2) Assure the timely provision of required streets, utilities, and other facilities and services to new land developments;
  - (3) Assure the adequate provision of safe and convenient traffic access and circulation; both vehicular and pedestrian, in and through new land developments;
  - (4) Assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational and other public purposes; and
  - (5) Assure, in general, the wise and timely development of new areas in harmony with the Comprehensive Plan.

#### 6.1.2 APPLICABILITY<sup>177</sup>

- (a) This Article applies to all subdivisions of land and group developments within the incorporated area of the City of Forest Acres.
- (b) Land shall not be subdivided until:
  - (1) The subdivider or their agent has submitted the required plats and plans as described in these regulations to the Planning Commission;

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<sup>176</sup> Carries forward §17-1 *Purpose*.

<sup>177</sup> Carries forward § 17-3 *Jurisdiction* and § 17-160 *Application of Regulations* with minor revisions. Paragraph D added per Ordinance 2022-14, recently codified at 17-3(d).

- (2) The subdivider or their agent has obtained approval of all these plats and plans, including approval of the final plat or plan by the Planning Commission; and
  - (3) The approved final plat is recorded with the Richland County Register of Deeds when a traditional subdivision is involved.
- (c) A Building Permit or Certificate of Occupancy shall not be issued for any lot, parcel, plat of land, or building site that was created by subdivision after the effective date of, and not in conformity with, the provisions of this Article.
- (d) Notwithstanding any other requirements of this Article, a subdivision plat for the purpose of conveyance of a portion of a lot or lots to the City for a public use or purpose shall be subject to approval by the Zoning Administrator, with the Planning Commission to be informed and have record of the subdivision, so long as the following requirements are met:
- (1) The subdivision plat indicates that the subdivision is to take effect upon recordation of a deed conveying title of the subdivided portion to the City; and
  - (2) The plat is prepared by a South Carolina registered land surveyor and, in the determination of the Zoning Administrator, the resulting lot to be conveyed to the City is suitable to the City's intended use; and
  - (3) The subdivision does not cause the portion of the lot or lots not intended to be conveyed to the City to be out of conformity with the requirements of this Article or applicable zoning requirements.

### 6.1.3 RELATIONSHIP TO OTHER LAWS, REGULATIONS, & ORDINANCES<sup>178</sup>

- (a) **Conflicting Provisions.** Whenever the provisions of this Article conflict with any other law, regulation, or ordinance, the more restrictive provision controls.<sup>179</sup>
- (b) **Conformance to Applicable Rules and Regulations.** In addition to the requirements established in this Article, all land development shall comply with the following laws, rules, and regulations:
- (1) *State Statutes.* All applicable South Carolina statutory provisions.
  - (2) *State Departments and Agencies.*

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<sup>178</sup> Carries forward § 17-41(a) and § 17-101(a).

<sup>179</sup> Carries forward and simplifies language in § 17-163.

- a. The rules of the South Carolina Department of Transportation (SCDOT) if the subdivision of any lot contained therein abuts a state highway or connecting street.
  - b. The rules of the South Carolina Department of Environmental Services (SCDES), where applicable.
- (3) *County Rules and Regulations.* The City of Forest Acres participates as a co-permittee with Richland County in its National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit. Applicants must coordinate with the proper reviewing authority regarding relevant laws and regulations of Richland County.<sup>180</sup>
- (4) *City Regulations, Laws, and Ordinances.*
  - a. All applicable regulations in this UDO, Chapter 5: Building and Building Regulations, and all other applicable laws of the City of Forest Acres.
  - b. The standards and regulations adopted by the Public Works Director and all boards, commissions, agencies, and officials of the City of Forest Acres.
- (c) Plan approval may be withheld if a Subdivision or Group Development is not in conformity with the above and regulations established within this Article.

#### 6.1.4 TYPES OF LAND DEVELOPMENT<sup>181</sup>

This Article regulates two types of land development:

(a) **Traditional Subdivisions.**

- (1) A traditional subdivision includes:
  - a. All division of land involving a new street or a change in existing streets;
  - b. Re-subdivision that involves the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law;

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<sup>180</sup> New paragraph added pursuant to Focus Group interviews during project kick-off.

<sup>181</sup> Carries forward § 17.4 Types of Land Development. Incorporates the current definition of “subdivision” in the City’s Land Development Regulations.



- c. Alteration of any streets or establishment of any new streets within any subdivision previously made and approved or recorded according to law; and
    - d. Combinations of existing lots of record;
  - (2) The following types of subdivisions are exempt from this Article, but do require submittal to the Planning Commission in accordance with S.C. Code [§ 6-29-1110\(4\)](#). These exempt plats shall be received as information by the Planning Commission and shall include a note on the face of the plat regarding this exemption.
    - a. 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 or exceed the standards of the City of Forest Acres. In its interpretation, the term "previously platted" means platted, approved, and recorded if such lots were created in accordance with land development regulations in effect at the time of their creation, or created as a result of a land division and recorded prior to existence of applicable land development regulations;
    - b. The division of land into parcels of five acres or more where no new street is involved; and
    - c. The combination or recombination of entire lots of record where no new street or change in existing streets is involved.
- (b) **Group Developments.**
- (1) A Group Development means any proposed development on a single tract of land or adjacent tracts of land under the same ownership or control where the site is not subdivided into lots and public streets but is divided into two or more building sites or other divisions.
  - (2) Group Developments include:
    - a. Non-Residential Group Developments, which consist of non-residential uses located in two or more buildings (e.g., shopping centers, school campuses, medical facility campuses, and business/office parks);
    - b. Mixed Use Group Developments, which consist of residential and non-residential uses located in two or more buildings; and
    - c. Residential Group Developments, which consist of residential uses located in two or more buildings (e.g., apartment complexes and manufactured home parks).

## 6.2 REQUIREMENTS OF ALL LAND DEVELOPMENT

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### 6.2.1 WATER FACILITIES<sup>182</sup>

#### (a) General Requirements.

- (1) Necessary action shall be taken by the applicant to extend an existing public water system for the purpose of providing a water supply system capable of providing domestic water use and fire protection.
- (2) The developer shall install adequate water facilities (including fire hydrants) subject to the specifications of the state or local authorities and connect such facilities with public water systems. All water mains with fire hydrants shall be constructed in accordance with the [Richland County Public Sanitary Sewer & Water Regulations and Specifications Manual](#).
- (3) All water supply improvements, fire hydrant installations, and related appurtenances must be coordinated and approved by the SCDES Bureau of Water and the City of Columbia.
- (4) To facilitate the above, the location of all fire hydrants, water supply improvements, and related appurtenances shall be shown on the final plat, and the cost of installation shall be included in any bond to be furnished by the developer.

#### (b) Fire Hydrants.

- (1) Fire hydrants are required for all subdivisions and Group Developments.
- (2) The location and number of fire hydrants shall be as specified in the Fire Code.
- (3) To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final paving of a street shown on a subdivision plat.

### 6.2.2 SEWERAGE FACILITIES<sup>183</sup>

#### (a) General Requirements.

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<sup>182</sup> Carries forward and consolidates § 17-45: *Water Facilities* and § 17-107: *Water Facilities*. Removes requirement for “all water mains with fire hydrants [to] be at least six (6) inches in diameter” and replaces with a cross-reference to Richland County requirements.

<sup>183</sup> Carries forward and consolidates § 17-46: *Sewerage Facilities* and § 17-108: *Sewerage Facilities*.

- (1) The applicant shall install sanitary sewer facilities in a manner prescribed by the City Public Works Director, East Richland County Public Service District, and the SCDES Bureau of Water. Sanitary sewerage facilities shall connect with the public sanitary sewerage system.
  - (2) All plans shall be designed in accordance with the rules, regulations, and standards of these agencies. Plans must be approved by the above agencies prior to construction.
- (b) **Design Criteria for Sanitary Sewers.** Sanitary sewers shall be designed and installed to the design standards and specifications of the East Richland County Public Service District, City of Columbia, and the SCDES Bureau of Water, where applicable.
- (c) **Residential and Non-Residential Subdivisions.**
- (1) Sewers shall be installed to serve each lot and to grades and sizes required by approving officials and agencies.
  - (2) Individual disposal systems or treatment plants (private or group disposal systems) are prohibited.

### 6.2.3 DRAINAGE AND STORM SEWERS<sup>184</sup>

- (a) **Generally.**
- (1) The developer shall install an adequate storm drainage system that meets the stormwater management standards and requirements of the Richland County Land Development Code (Chapter 26 of the Richland County Code of Ordinances, as amended from time to time) and the South Carolina Department of Transportation and is approved by the County Engineer.
  - (2) Whenever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

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<sup>184</sup> Carries forward and consolidates § 17-44. *Drainage and Storm Sewers* and § 17-106: *Drainage and Storm Sewers*. Updates reference to “Richland County Storm Drainage Systems and Improvements Ordinance.” Revises to remove passive voice and simplify text for clarity.

#### 6.2.4 EASEMENTS<sup>185</sup>

- (a) **Generally.** It is the responsibility of the applicant or landowner to dedicate to the public the easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable City, State, and federal regulations.
- (b) **Utility Easements.**
  - (1) *Location.*
    - a. Easements shall center along or be adjacent to a common property line where practicable.
    - b. All above-ground utilities, to the maximum extent possible shall be located along the rear lot line.
  - (2) *Minimum Dimensions.* The location and size of utility easements shall be as specified by the public and private utilities involved.
- (c) **Maintenance.**
  - (1) Maintenance activities will be provided by the easement holder for the specific intended purposes only.
  - (2) The easement shall grant to the easement holder the right to enter, inspect, survey, and conduct needed activities related to the easement's purpose.
  - (3) As shall be provided for in the easement, the easement holder has no obligation to repair, replace, or compensate the easement owner for the trees, plants, grass, shrubs, or other elements damaged or destroyed during the course of its activities.
- (d) **Lot Owner Obligations.**
  - (1) Drainage easements shall not be altered after final plat or site plan approval without City approval. A site plan and such engineering calculations as are deemed necessary shall be submitted for approval prior to undertaking such work.
  - (2) Reshaping the topographical features or installation of fences or hard surfaces is prohibited within drainage easements containing swales.
  - (3) Installation of new landscaping items, except for the planting and maintenance of low growing grass, is prohibited within utility and drainage easements.

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<sup>185</sup> New section.

- (4) Trees, shrubs, and other features remaining within utility and drainage easements after construction by the subdivision developer are the maintenance responsibility of the lot owner.

(e) **Easements on Common Property.**

- (1) Areas designated on approved plans and plats as common area property [also shown as HOA (homeowners' association), POA (property owners' association), or similar designations] are intended primarily for the common use and enjoyment of all property owners, residents, and tenants.
- (2) Easements that benefit all property owners, such as access easements, drainage easements, utility easements, and the like, shall be allowed over and through common area property.
- (3) Private easements that exclusively benefit adjoining lot owners, are not allowed over and through common area property, unless good and sufficient cause is shown that the provision of the easement will not interfere with or otherwise compromise the intended common use and enjoyment of the common area property by all lot owners.
- (4) Any easements shall be initially established through the appropriate plan or plat approval process in conjunction with the initial establishment of the common area property.
- (5) Subsequent new easements can only be established through the appropriate plan or plat approval process as was utilized to initially establish the common area property.

### 6.2.5 PRIVATE STREETS<sup>186</sup>

An owner of any land may subdivide a tract of land utilizing private streets if the following requirements are satisfied:

- (a) **Restrictive Covenants.** Prior to the recording of any deed or plat subdividing the property, the owner shall submit to the Planning Commission a properly executed and duly recorded set of restrictive covenants covering the tract to be divided. These restrictive covenants shall be in a form acceptable to the City and shall provide, at a minimum, as follows:
  - (1) A privately maintained street shall be established providing access to a public street for each lot in the subdivision, said private street to be jointly owned by all property owners in the subdivision or association composed of all lot owners.

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<sup>186</sup> Carries forward §17-7. *Private Streets*.

- (2) Provision shall be made for maintenance of the private street by the property owners in the subdivision. All lot owners shall bear proportionate financial responsibility for maintenance of the street, said obligation to be enforceable by the filing of a lien against the property of a defaulting owner. The following statement in all capitals shall be conspicuously displayed in the restrictive covenants: "THE PRIVATE STREET(S) PROVIDING ACCESS TO LOTS IN THIS SUBDIVISION IS NEITHER MAINTAINED BY THE CITY OF FOREST ACRES OR OTHER GOVERNMENTAL AGENCY NOR IS IT LIKELY TO BE SO MAINTAINED IN THE FUTURE. OWNERS OF LOTS IN THIS SUBDIVISION ARE FINANCIALLY OBLIGATED TO MAINTAIN THE STREET(S) FOR THE BENEFIT OF ALL PROPERTY OWNERS IN THE SUBDIVISION."

- (3) Restrictive covenants shall refer to the plat required by the subdivision regulations.

- (4) The restrictive covenants shall provide for amendments or modifications only with the consent of all property owners in the subdivision. No amended restrictive covenants shall be valid without the signatures of all property owners in the subdivision.

- (5) The restrictive covenants shall require that any deed conveying any interest in a lot in the subdivision shall conspicuously contain the following language with an appropriate space for a signature by the grantee(s) acknowledging the following:

"The real property described in this deed is subject to restrictive covenants recorded in Deed Book \_\_\_\_\_ at page \_\_\_\_\_. These restrictive covenants provide, among other things, notice that the subdivision street(s) are privately owned and provide an obligation for each lot owner to maintain, repair and/or replace the private street(s). These restrictive covenants are specifically acknowledged by the grantee(s).

- (b) **Plat.** All plat(s) of property accessible by private roads shall contain the following language:

"Access to this property is by private street. The lot owner(s) is totally responsible for maintenance and repair of the streets."

- (c) **Street Frontage.** The tract proposed to be divided and served by a private street must have frontage on a public road or street no less than 50 feet.

- (d) **Sign.** The owner(s) shall conspicuously place on the privately maintained street near the entrance to the subdivision a sign stating "Private Street."

- (e) **Design Standards.** Subdivisions with private streets shall adhere to Richland County's minimum design standards for Access, Mobility, and Circulation Standards ([Land Development Code](#) Section 26-5.1(c)) and the Richland County [Land Development Manual](#).

- (f) **Group Developments.** These provisions for private streets are in addition to and not in lieu of the provisions of § 6.4.3: *Vehicular & Pedestrian Access* dealing with private roadways in Group Developments.

## 6.3 TRADITIONAL SUBDIVISIONS

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### 6.3.1 PROCEDURE FOR TRADITIONAL SUBDIVISIONS

Traditional Subdivisions are required to submit a plan to the Planning Commission for review and action in accordance with Article 7: *UDO Procedures*.

### 6.3.2 GENERAL IMPROVEMENTS<sup>187</sup>

(a) **Plats Straddling Municipal Boundaries.**

- (1) In general, lot lines should be laid out so as not to cross municipal boundary lines.
- (2) However, if access to a subdivision is required across land in another local government's jurisdiction, the Planning Commission may request assurance:
  - a. From the City Attorney that access is legally established; and
  - b. From the County Engineer that the access road is adequately improved; or
  - c. That a performance bond has been duly executed in accordance with § 6.3.8: *Surety in Lieu of Completion of Improvements* and is sufficient in amount to assure the construction of the access road.

(b) **Monuments.**

- (1) A steel or wrought-iron water pipe or reinforcing rod not less than one-half (½) inch in diameter and 24 inches in length shall be set at each change in direction of the boundary survey of the subdivision, excluding water courses, and at all lot corners.
- (2) A monument shall also be set at a point of curve, property corner, point of tangency and reference point.
- (3) All markers shall be driven to within four inches of the finished grade or flush as conditions may require.

(c) **Subdivision Name.** The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivisions in the City's jurisdiction. The

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<sup>187</sup> Carries forward Chapter 17, Article II, Division 3 Requirements for Improvements, Reservations and Design of Traditional Subdivisions. Relocates Sec. 17-41(a): *Conformance to Applicable Rules and Regulations* to 6.1.3: *Relationship With Other Laws, Regulations, & Ordinances*. Deletes Sec. 17-41(b): *Self-Imposed Restrictions* since the City doesn't enforce private restrictions/covenants.

Planning Commission shall have final authority to approve or disapprove the name of the subdivision, which shall be determined at sketch plat approval.<sup>188</sup>

### 6.3.3 LOTS<sup>189</sup>

- (a) **Lot Arrangement.** The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the UDO and health regulations and in providing driveway access to buildings on such lots from an approved street.
- (b) **Lot Dimensions.**
  - (1) Section 4.2: *Lot Standards* establishes minimum lot dimensions.
  - (2) Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require that the lots are arranged to allow future subdivision and opening of future streets where they would be necessary to serve such potential lots, all in compliance with this UDO.
  - (3) In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.
  - (4) Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the required setback from both streets.
  - (5) The depth and width of lots intended for business or commercial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated.
- (c) **Double Frontage Lots.** Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.
- (d) **Access to Residential Lots from Major and Secondary Arterials.**
  - (1) Lots shall not, in general, derive access exclusively from a major or secondary street.
  - (2) Where driveway access from a major or secondary street may be necessary for several adjoining residential lots, the Planning Commission may require that such lots are

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<sup>188</sup> Revises to authorize the Planning Commission to approve or disapprove subdivision names, but not to “designate the name of the subdivision.”

<sup>189</sup> Carries forward § 17-42 *Lot improvements* with minor revisions to simplify the text.



served by a marginal access street in order to limit possible traffic hazards on the major or secondary street.

- (3) Residential driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on major or secondary arterials. [See § 4.6.7: *Off-Street Parking Layout and Design*]
- (e) **Street Access.** All proposed lots shall front or abut a public or private street, or a common open space that fronts or abuts a public or private street, that conforms to the requirements of this Article.
- (f) **Lot Drainage.**
  - (1) Lots shall be laid out to provide positive drainage away from all buildings.
  - (2) Individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
  - (3) Drainage shall be designed to avoid concentration of stormwater from each lot to adjacent lots and to lots adjoining the subdivision.
- (g) **Water Bodies and Watercourses.**
  - (1) Where a tract proposed for subdivision contains a water body, or a portion of a water body, the subdivider must distribute ownership using one of the following methods.
    - a. Lot lines shall be drawn to distribute the entire ownership of the water body among the adjacent lots; or
    - b. The ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a responsibility of the City of Forest Acres, such as through a property owners association.
  - (2) No more than 25% of the minimum area of a lot required by § 4.2: *Lot Standards* may be satisfied by land that is under water.
  - (3) Where a watercourse separates the buildable area of a lot from the street that provides access to the lot, provisions shall be made for installation of a culvert or other structure, of design approved by the County Engineer.

#### 6.3.4 BLOCKS

- (a) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be allowed in blocks adjacent to major streets or waterways.

- (b) The lengths, widths, and shapes of blocks shall be such as are appropriate for the location and the type of development contemplated, but block lengths in residential areas shall not exceed 1,800 feet, nor be less than 400 feet in length. Wherever practical, blocks along primary arterials and collector streets shall be at least 1,000 feet in length.
- (c) In long blocks, the Planning Commission may require reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
- (d) Publicly accessible pedestrian ways or crosswalks at least 12 feet wide may be required by the Planning Commission through the center of any block more than 800 feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

### 6.3.5 STREETS<sup>190</sup>

#### (a) General Requirements.

- (1) *Frontage on Improved Streets.* All areas proposed for subdivision shall have frontage on and access from an existing street that is:
  - a. An existing state-, county-, or city-owned and maintained street; or
  - b. A street shown upon a plat approved by the Planning Commission and recorded in the Richland County Register of Deeds. Such street must be suitably improved as required by Richland County standards and specifications or be secured by a performance bond.
- (2) *Design, Grading, and Improvement Plan.* Streets shall be designed, graded, and improved in conformance with the construction standards and specifications of the South Carolina Department of Transportation (SCDOT) and Richland County, as applicable, in accordance with the construction plans required to be submitted prior to final plat approval.
- (3) *Topography and Arrangement.*
  - a. Roads shall be related appropriately to the topography.
  - b. Local roads shall be curved whenever possible to avoid uniformity of lot appearance.
  - c. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as

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<sup>190</sup> Carries forward §17-43: *Streets* with minor revisions to simplify text.

closely as possible to the original topography. A combination of steep grades and curves shall be avoided.

- d. All streets shall be properly integrated with the existing street network.<sup>191</sup>
- e. All streets shall be properly related to special traffic generators such as business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
- f. Minor or local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- g. A rigid, rectangular, gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets is encouraged where such use will result in a more desirable layout.

(4) *Street Extensions.*

- a. The street layout of a proposed subdivision shall provide for the continuation of existing streets unless the Planning Commission deems such continuation or extension undesirable for specific reasons of topography or design.
- b. Where the Planning Commission finds it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the Planning Commission deems it necessary for the purposes of interconnectivity between subdivisions and potential access for future development, such dead-end streets shall be provided with a temporary turnaround in accordance with County specifications and standards.
- c. The street system for a proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in this Article for a street in its category.
- d. In commercial subdivisions, streets and other accessways shall be planned in connection with the grouping of buildings and the provision of alleys, truck

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<sup>191</sup> Revises to remove reference to “proposed system of thoroughfares and dedicated rights-of-way as established on the official Zoning Map and/or Comprehensive Plan.” The Zoning Map and Future Land Use Map do not show proposed streets.

loading and maneuvering areas, walks and parking areas to minimize conflict of movement between the various types of traffic, including pedestrian.

- (5) *Access to Primary Arterials.* Where a subdivision borders or contains an existing or proposed primary arterial, the Planning Commission may require that access to such streets is limited by one of the following means:
- The subdivision of lots to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial, and screening shall be provided in a strip of land along the rear property line of such lots;
  - A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the major arterial; or
  - A marginal access or service road separated from the primary arterial by a planting or grass strip and having access thereto at suitable points.
- (6) *Street Names.*
- Street or roads that are extensions of, or obviously in alignment with, existing named streets shall bear that name.
  - The names of new streets and roads shall be approved by the Planning Commission and shall not duplicate or be similar in sound to existing names, irrespective of the use of the suffix "street," "avenue," "circle," "way," "boulevard," "drive," "place" or "court" or the like. All proposed street names shall be coordinated with the U.S. Post Office and County to ensure non-duplication.

### 6.3.6 SIDEWALKS<sup>192</sup>

- (a) **Required Improvements.** Sidewalk improvements are required within the dedicated right-of-way of all streets in accordance with Richland County standards and the following table.

Table 6.3.6-1: Sidewalks Required		
Nature of Road	Residential	Non-Residential (Business)
Cul-de-sac <sup>A</sup>	Optional	Both sides
Local Road	One Side	Both Sides
Collector Road	Both Sides	Both Sides
Marginal Access Road	One Side	One Side

<sup>192</sup> Carries forward §17-47: *Sidewalks*.

Table 6.3.6-1: Sidewalks Required		
Nature of Road	Residential	Non-Residential (Business)

<sup>A</sup> Serving eight or fewer lots

6.3.7 NON-RESIDENTIAL SUBDIVISIONS<sup>193</sup>

In addition to the standards in this Article, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that:

- (a) The proposed street, lot, and block pattern is specifically adapted to the uses anticipated and takes into account other uses in the vicinity; and
- (b) Streets carrying non-residential traffic, especially truck traffic, do not normally extend to the boundaries of adjacent existing or potential residential areas.

6.3.8 SURETY IN LIEU OF COMPLETION OF IMPROVEMENTS<sup>194</sup>

- (a) In lieu of the completion of the physical development and installation of the required improvements before the approval of a final plat, the Forest Acres City Council may accept a bond, in an amount equal to the improvements to be completed and with surety and conditions satisfactory to it, providing for and securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the Planning Commission and expressed in the bond.
- (b) The amount of the bond shall be recommended to City Council by the Planning Commission upon consultation with the City Administrator.

6.4 GROUP DEVELOPMENTS

6.4.1 PROCEDURE FOR GROUP DEVELOPMENTS

Group Developments are required to submit a plan to the Planning Commission for review and action in accordance with Article 7: *UDO Procedures*.

<sup>193</sup> Carries forward and reorganizes §17-49: *Nonresidential Subdivisions*.

<sup>194</sup> Carries forward §17-50: *Surety in lieu of Completion of Improvements*.

### 6.4.2 DENSITY & DIMENSIONAL STANDARDS<sup>195</sup>

- (a) **Lot Area.** All Group Developments shall comply with the minimum lot area requirements in Table 4.2-1: *Lot Dimensions*, which govern density of development.
- (b) **Setback Requirements.**
  - (1) All buildings in a Group Development shall maintain the minimum setbacks required by § 4.3: *Yard Setbacks* along the outer perimeter of the development.
  - (2) The Building Code specifies the minimum spacing of buildings internal to the development.
- (c) **Maximum Length of Row.** In Residential Group Developments, a single row of attached dwelling units shall not exceed 200 feet in length.

### 6.4.3 VEHICULAR & PEDESTRIAN ACCESS<sup>196</sup>

- (a) **Generally.** All residential and commercial structures shall be located within a reasonable distance of roadways, walkways, and parking spaces that serve the structure.
- (b) **Walkways.**
  - (1) Pedestrian walkways shall be provided throughout the site to provide safe access between parking areas, buildings, on-site amenities, and open space, and between on-site and perimeter pedestrian systems. Walkways shall be an integral part of the overall site design concept.
  - (2) All walkways shall be at least four feet in width and paved.
- (c) **Roadways.** All private roadways within a Group Development shall meet the following minimum standards:
  - (1) Dead-end roadways shall be designed with adequate means of turnaround at their end.
  - (2) Roads shall be laid out to intersect as nearly as possible at right angles, and no more than two roads shall intersect at any one point unless specifically approved by the Planning Commission.

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<sup>195</sup> Eliminates the provisions in §17-103: *Internal Spacing Requirements* and instead defaults to the Building Code for internal building spacing. Clarifies the zoning district setbacks apply along the exterior perimeter of the Group Development. Carries forward §17-104 *Permitted Density of Development*.

<sup>196</sup> Carries forward §17-102: *Access Roads and Parking Areas*.

- (3) Proposed new entrances or exits to a Group Development along one side of any existing public or private street shall, whenever practical, coincide with any existing intersections on the opposite side of such street. If such entrances or exits cannot coincide with an existing intersection, their center line should be at least 150 feet from the center of any existing intersection, if possible.
- (4) Whenever possible, road jogs with center line offsets of less than 150 feet should be avoided in designing the internal roadway network of all group developments.
- (5) Entrances and exits from Group Developments that are located on primary or secondary arterials shall be located in such a manner as to produce as little disruption to the flow of traffic on the arterial as possible.
- (6) In Commercial Group Developments, the roads and other access ways shall be planned in connection with the grouping of buildings and the provision of alleys, truck loading and maneuvering areas, walks, and parking areas to minimize conflict of movement between the various types of traffic, including pedestrian.

## 6.5 EROSION & SEDIMENT CONTROL<sup>197</sup>

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### 6.5.1 PURPOSE<sup>198</sup>

In order to protect the general health, safety, and welfare of the residents of the City of Forest Acres, South Carolina, and to protect the natural assets and resources of the City of Forest Acres for posterity, this Section is enacted to:

- (a) Protect all land and waters in the City from the effects of excessive soil erosion and sedimentation;
- (b) Prevent siltation of streams and lakes;
- (c) Prevent the clogging of drainage channels; and
- (d) Prevent damages to the property of adjacent landowners.

### 6.5.2 REQUIRED EROSION AND SEDIMENT CONTROL PLAN

The City of Forest Acres participates as a co-permittee with Richland County in its National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit.

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<sup>197</sup> Removes all provisions carried out and reviewed by the County.

<sup>198</sup> Carries forward §17-131 and 21.198: *Purpose*.

Applicants must coordinate with the proper reviewing authority regarding relevant laws and regulations of Richland County.<sup>199</sup>

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<sup>199</sup> New paragraph added pursuant to Focus Group interviews during project kick-off.



## ARTICLE 7: UDO PROCEDURES

### 7.1 GENERAL PROVISIONS

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#### 7.1.1 PURPOSE<sup>200</sup>

The purposes of this Article are to:

- (a) Consolidate all zoning and land development procedures;
- (b) Outline clear processes for filing and reviewing of applications for approvals required by this UDO; and
- (c) Allow applicants, City officials, and the public to efficiently ascertain the steps involved in obtaining development review approvals.

#### 7.1.2 APPLICABILITY<sup>201</sup>

This Article controls the process and procedures for application initiation, review, and decision making for all permits or approvals required by this UDO.

### 7.2 STANDARD REVIEW PROCEDURES

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#### 7.2.1 GENERALLY

The following provisions are common to many of the review procedures contained in this Article and apply generally to all applications. Additional details may be included for each specific approval process.

#### 7.2.2 PRE-APPLICATION CONFERENCE

- (a) **Purpose.** The purpose of a pre-application conference is to provide an opportunity for the applicant and staff to discuss the review procedures, submittal requirements, and standards applicable to an anticipated application.

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<sup>200</sup> This new Section sets out general purposes for UDO procedures.

<sup>201</sup> This new Section provides an applicability matrix to distinguish between zoning and land development procedures.

- (b) **Applicability.** A pre-application conference is required where noted under application-specific review procedures and optional for all other applications prior to submission.
- (c) **Conference Proceedings.** The applicant may contact the Zoning Administrator to request a pre-application conference. The Zoning Administrator will schedule the pre-application conference and notify the applicant of the conference time and location. Prior to the pre-application conference, the applicant must submit a narrative describing the scope of the proposed application. The Zoning Administrator will provide information and a cursory review of regulations and procedures applicable to the proposed plan and descriptive statement.
- (d) **Effect of Conference.** Discussions held during the pre-application conference are not binding on the City or the applicant.

### 7.2.3 APPLICATION SUBMITTAL

- (a) **Filing of Application.** All applications shall be filed with the Zoning Administrator or Land Development Administrator, as specified for the particular application type.
- (b) **Authority to Submit Applications.** Unless otherwise specified for the particular application type, applications submitted under this UDO must be submitted by the property owner, or any person or entity having a recognized interest in the land upon which the development is proposed, or their authorized agent. If the applicant is not the owner of the land, a letter signed by the owner(s) consenting to the submission of the application must be submitted with the application.
- (c) **Determination of Completeness.** All applications must be complete before the City will review and act on the application. The Zoning Administrator or Land Development Administrator will determine whether the application is complete. A complete application is one that:
  - (1) Contains all contents required of the specific application type;
  - (2) Is in the form required for the particular type of application;
  - (3) Includes information in sufficient detail to allow review of the application;
  - (4) Is accompanied by the fee established for the particular application type.
- (d) **Application Contents and Forms.** The application contents and form shall be in accordance with requirements established by the Zoning Administrator or Land Development Administrator for the specific application. Development applications shall include, at minimum, the information necessary for the review and decision-making body reviewing the application in accordance with this UDO to determine whether the proposed development complies with all applicable standards in this UDO.

- (e) **Application Fee.** The City Council may establish a schedule of fees, charges, and expenses and a collection procedure for UDO applications. This schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the City Council.
- (f) **No Action Until Fees Paid.** The City will not process an application until the applicant pays all required fees.
- (g) **Schedule.** The schedule for application submission, including timeframes for review, are established for the specific application type by the Zoning Administrator or Land Development Administrator, as applicable.
- (h) **Complete Application.** When the application is determined complete, it will be reviewed in accordance with the procedures and standards of this Article.
- (i) **Incomplete Applications.** If an application is incomplete, the Zoning Administrator or Land Development Administrator, as applicable, must send written notice to the applicant of the deficiencies within a practical timeframe. The application will not be processed until the applicant provides the required information.

#### 7.2.4 SUMMARY OF PROCEDURES

- (a) **Administrative Procedures.** Administrative procedures involve a review and decision on an application by a staff member of the City of Forest Acres based on standards of this UDO and according to applicable law.
- (b) **Zoning Board of Appeals Procedures.** These procedures involve a decision on a written application by the Zoning Board of Appeals. ZBA procedures are quasi-judicial, involve procedural due process, and require a public hearing.
- (c) **Planning Commission Procedures.** These procedures involve a decision on an application for a traditional subdivision or group development by staff or the Planning Commission based on standards of this UDO and according to applicable law.
- (d) **City Council Procedures.** These procedures involve a decision by the City Council that changes land use policy or standards. The City Council considers and adopts or disapproves the comprehensive plan and UDO text and zoning map amendments as provided by S.C. Code Chapter 6, [Title 29](#).
- (e) **Summary Table of Procedures.** The following table summarizes the decision-making authority for application procedures within the City of Forest Acres.

Table 7.2.4-1: Summary of Procedures

Type of Application Procedure	Related Application-Specific Section	Zoning Administrator	Land Development Administrator	Zoning Board of Appeals	Planning Commission	City Council
<b>Key:</b> R = Reviewing Body   D = Decision-Making Body   A = Appeal Body   < > = Public Hearing Required						
<b>Administrative Procedures</b>						
Conditional Use Permit	§ 7.3.5	D		<A>		
Adult or Sexually Oriented Businesses	§ 7.3.6	D		<A>		
Short-Term Rental Permit	§ 7.3.7	D		<A>		
Small Wireless Facility Permit	§ 7.3.8	D		<A>		
Temporary Use Permit	§ 7.3.9	D		<A>		
Sign Permit	§ 7.3.10	D		<A>		
Tree Removal Permit	§ 7.3.11	D		<A>		
Land Disturbance Permit	§ 7.4.4		D		<A>	
Water Quality Buffer Waiver	§ 7.4.5	D			<A>	
<b>Zoning Board of Appeals Procedures</b>						
Special Exception (SE) Use Permit	§ 7.3.12	R		<D>		
Variance	§ 7.3.13	R		<D>		
Appeal of Administrative Decision	§ 7.3.14	R	R	<D>		
<b>Planning Commission Procedures</b>						
<b>Traditional Subdivision (Minor and Major)</b>						
Sketch Plan	§ 7.4.1		D		<A>	
Preliminary Plan	§ 7.4.1		R		<D>	
Final Plan	§ 7.4.1		D		<A>	
<b>Group Development</b>						
Site Plan	§ 7.4.2		D		<A>	
Preliminary Plan	§ 7.4.2		R		<D>	
Final Plan	§ 7.4.2		R		D	
<b>Other</b>						
Street Name Changes	§ 7.4.3		R		<D>	

Table 7.2.4-1: Summary of Procedures

Type of Application Procedure	Related Application-Specific Section	Zoning Administrator	Land Development Administrator	Zoning Board of Appeals	Planning Commission	City Council
City Council Procedures						
Comprehensive Plan Adoption or Amendment	§ 7.3.1	R			R	<D>
UDO Text Amendment	§ 7.3.15	R			R	<D>
Annexation & Initial Zoning	§ 7.3.2	R			R	<D>
Zoning Map Amendment (Rezoning)	§ 7.3.3	R			R	<D>
Planned Development District (PDD)	§ 7.3.4	R			R	<D>

### 7.2.5 REQUIRED PUBLIC NOTICE

- (a) **Mailed Notice.** When a mailed notice is required, the City is responsible for preparing and mailing the written notice to all property owners and occupants of the land subject to the application.
- (b) **Published Notice.** When a published notice is required, the Zoning Administrator is responsible for preparing the content of the notice and publishing the notice in a newspaper of general circulation in the City. The content and form of the published notice must be consistent with the requirements of the S.C. Code.
- (c) **Posted Notice.** When posted notice is required, notice must comply with the following requirements:
  - (1) Notice must be posted on signs in a form established by the Zoning Administrator, indicating the nature of the change proposed, identification of the property affected, and time, date, and place of the hearing;
  - (2) The signs must be posted in a manner that ensures visibility from public streets, with the exception of interstates. In cases involving rezoning, notice must be posted on or adjacent to the property affected, with at least one such notice being visible from each public street that abuts the property.

- (d) **Summary Table of Public Notice Requirements.** Table 7.2.5-1 specifies the type of notice required for each application type and the number of days prior to the public hearing on the application the notice must be provided.

Table 7.2.5-1: Summary Table of Required Public Notice			
Application Type	Mailing	Posting	Publication
Annexation	-	-	15 days
Appeal of Administrative Decision (Zoning and LDRs)	-	-	15 days
Comprehensive Plan Adoption or Amendment	-	-	30 days
Initial Zoning	-	15 days	15 days
Planned Development District (PDD)	10 days	15 days	15 days
Street Name Change	-	-	15 days
Subdivision—Preliminary Plan	-	-	-
UDO Text Amendment	-	-	30 days <sup>202</sup>
Variance or Special Exception	-	15 days	15 days
Waiver	--	--	15 days
Zoning Map Amendment (Rezoning)	10 days	15 days	15 days

### 7.2.6 APPLICATION WITHDRAWAL

An applicant may withdraw their application at any time before the City renders a decision on the application. The applicant must notify the Zoning Administrator or Land Development Administrator in

<sup>202</sup> Proposed here is to increase the timeframe for public notice of a UDO text amendment from 15 days to 30 days. The S.C. Planning Act requires 15-days' notice of amendments to the zoning ordinance and 30-day's notice for amendments to the land development regulations. Since the City's zoning and land development regulations are proposed to be consolidated into a unified development ordinance, the consultant team recommends increasing the notice timeframe for compliance with the S.C. Planning Act. The alternative is to identify which UDO articles or sections constitute zoning regulations and which constitute land development regulations (as in Table 7.1.2-1) and then maintain the two separate notice timeframes.

writing, or the applicant may verbally withdraw the application on the record during a public meeting at which the application is being considered.

## 7.3 CITY REVIEWING PROCEDURES

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### 7.3.1 COMPREHENSIVE PLAN ADOPTION OR AMENDMENT<sup>203</sup>

- (a) **Purpose.** The Planning Commission must update and re-evaluate from time to time the City of Forest Acre's Comprehensive Plan and its elements.
- (b) **Applicability.** This Section applies to any proposal to adopt a new Comprehensive Plan or amend an existing Comprehensive Plan, pursuant to S.C. Code [§ 6-29-510](#), et seq.
- (c) **Procedure.**
  - (1) *Application Submittal.* Adoption of or amendment to an adopted Comprehensive Plan may be initiated by:
    - a. City Council;
    - b. Planning Commission; or
    - c. Recommendation by the Zoning Administrator.
  - (2) *Required Public Notice and Hearing.* Adoption of or amendment to an adopted Comprehensive Plan requires public notice and hearing in accordance with 7.2.5: *Required Public Notice.*
  - (3) *Review and Action Process.*
    - a. *Planning Commission.*
      - 1. The Planning Commission shall consider the proposal and provide a recommendation to City Council for approval, approval with modifications, or disapproval of the proposed amendment or Plan.
      - 2. Recommendation of the comprehensive plan or any element or amendment must be by resolution of the Planning Commission, carried

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<sup>203</sup> New procedure.

by the affirmative votes of at least a majority of the entire membership.<sup>204</sup>

3. When considering a new comprehensive plan or element, the Planning Commission Secretary shall provide a copy of the recommended Comprehensive Plan or element to the Town Council and all other legislative or administrative agencies affected by the Plan.<sup>205</sup>

- b. *City Council.* The City Council shall hold a public hearing and approve, approve with modifications, or disapprove the proposed amendment or Plan.

- (d) **Approval Criteria.** In considering adoption of or amendment to an adopted Comprehensive Plan, the Planning Commission and City Council will consider the following criteria:

- (1) Whether a proposed amendment is consistent with other policies and recommendations in the Comprehensive Plan;
- (2) Whether the proposed amendment or adoption is consistent with other adopted City plans and policies;
- (3) Whether the amendment or proposed plan is consistent with sound planning principles; and
- (4) Any other factors the Commission or Council deem appropriate.

- (e) **Recordkeeping.**

- (1) The resolution must be recorded in the Planning Commission's official minutes.
- (2) When the City Council approves changes to the text of the Comprehensive Plan, the Zoning Administrator updates the Comprehensive Plan to include the changes or adds the changes as an appendix to the Plan, as appropriate.
- (3) When the City Council adopts a new Comprehensive Plan, the Zoning Administrator replaces the public review copy of the previous Comprehensive Plan with the new Plan.
- (4) The Zoning Administrator maintains copies of all previously adopted Comprehensive Plans.

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<sup>204</sup> From S.C. Code [§ 6-29-520\(B\)](#).

<sup>205</sup> From S.C. Code [§ 6-29-520\(B\)](#).



- (f) **Appeal.** This Article does not authorize new rights to an appeal from or remedies for adverse decisions by the City Council. Interested parties may pursue existing remedies from the Circuit Court in accordance with S.C. Code.

### 7.3.2 ANNEXATION & INITIAL ZONING<sup>206</sup>

- (a) **Purpose.** City Council may expand municipal boundaries by annexation of unincorporated areas. This Section provides a uniform procedure for how lots in unincorporated areas of the County are incorporated into the City of Forest Acres and assigned a zoning classification on the City's official zoning map.
- (b) **Applicability.** This Section applies to a petition to expand the City's municipal boundary in accordance with S.C. Code.
- (c) **Procedure.**
- (1) *Application Submittal.*
    - a. *Annexation.* An annexation petition is initiated in accordance with the applicable requirements of S.C. Code Title 5, [Chapter 3: Change of Corporate Limits](#).
    - b. *Initial Zoning.* If the annexation petition is not accompanied by an application for initial zoning, the City will designate the zoning district as specified in 7.3.2(c)(4) below.
  - (2) *Required Public Notice and Hearing.* Annexation and initial zoning require public notice and hearing in accordance with § 7.2.5: *Required Public Notice*.
  - (3) *Review and Action.*
    - a. *Planning Commission.* The Planning Commission provides a recommendation for approval or disapproval of the application.
    - b. *City Council.* The City Council holds a public hearing and approves or disapproves the application.

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<sup>206</sup> This Section carries forward Section 21.9 *Annexed Property* with text modifications.  
The revised Section:

- Clarifies annexation processes and procedures by simplifying the public hearing requirement in Section 21.9.1 (a-b) by stating a public hearing is always required on a proposed annexation petition.
- Clarifies Section 21.9.2 to state this regulation is applicable only to annexation by referendum, and not to a 75% enclave petition.

(4) *Designation of Zoning District When Annexation Petition is not Accompanied by an Initial Zoning Application.*

- a. For property annexed by ordinance, City Council shall, after receiving a recommendation from the Planning Commission, specify a zoning district classification or classifications in the annexation ordinance. Such classification or classifications become effective on the effective date of the annexation.
- b. For property annexed by petition and referendum, the zoning district classification shall be designated as follows:
  1. When a petition is submitted for annexation of an area, the Planning Commission will prepare a proposed zoning plan for the area.
  2. The proposed zoning plan will be made public at a meeting of City Council prior to the referendum.
  3. If the referendum is successful, the City Council will establish the proposed zoning plan as a part of the ordinance ratifying the referendum and taking the area into the city limits.
  4. The Zoning Administrator will institute zoning amendment procedures to confirm the classification for the annexed area.

(d) **Recordkeeping.** The Zoning Administrator shall maintain a record of all annexation petitions and ensure the Official Zoning Map is promptly updated when City Council approves an annexation petition.

(e) **Contest to Annexation.** A challenge to an annexation must be filed with both the City Clerk and the Richland County Clerk of Court in accordance with S.C. Code [§ 5-3-270](#).

(f) **Reapplication.** When City Council disapproves an annexation request, it shall not consider a similar application request for the same property for a period of one year from the date of disapproval.

### 7.3.3 ZONING MAP AMENDMENT (REZONING)<sup>207</sup>

(a) **Purpose.** This Section provides the process to change the official Zoning Map. Zoning Map changes can occur as the result of a change in the Comprehensive Plan, changes in local

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<sup>207</sup> This Section corrects wording of Section 21.276 *Reconsideration of Proposed Amendment* and clarifies the language to remove ambiguity and need for interpretation.

conditions, or other factors. Rezoning usually are requested by property owners to provide a suitable framework for development.

**(b) Applicability.**

- (1) *Generally.* This Section applies to all amendments to the official Zoning Map.
- (2) *Minimum Land Area Required for Rezoning.* No request from any party, other than City Council, for a change in any zoning district or creation of a new separate zoning district that involves an area of less than two acres shall be considered, except when the request involves:
  - a. The extension of the boundaries of an existing zoning district;
  - b. The addition of a C-1 zoning district to an existing C-2 zoning district;
  - c. The addition of a C-1 or C-2 zoning district to an existing C-3 zoning district;
  - d. The addition of a C-1, C-2, or C-3 zoning district to an existing C-4 zoning district;
  - e. P-1 zoning district at least one acre in area; or
  - f. Property located in the bounds of the Centers and Corridors Overlay District (CC-OD).

**(c) Procedure.**

- (1) *Application Submittal.* Any property owner or their designee, Planning Commission, or City Council, may initiate a proposal for an amendment. Such request shall be submitted in writing to the Zoning Administrator.
- (2) *Required Public Notice.* Zoning Map Amendment (Rezoning) applications require public notice in accordance with § 7.2.5: *Required Public Notice*.
- (3) *Review & Action.*
  - a. *Zoning Administrator.* All proposed map amendments shall be submitted to the Zoning Administrator, who shall then refer the proposals to the Planning Commission.

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This Section also clarifies the effective date that triggers the 12-month period before reconsideration of an amendment can take place after an applicant's application is withdrawn. The effective date could occur either at time of Planning Commission recommendation or at introduction/first reading at City Council.

- b. *Planning Commission Study and Report to City Council.* After a proposed map amendment is submitted to the Planning Commission, the Commission has 30 days within which to submit a report and recommendation to the City Council. Such recommendation is advisory only. If the Planning Commission does not submit its report within the prescribed time, it is deemed to have recommended approval of the amendment.
  - c. *City Council.* City Council may approve or deny a proposed map amendment.
- (d) **Reconsideration.** Action shall not be initiated for a zoning map amendment affecting the same parcel of property within 12 months after the date of final decision by the City Council on the rezoning request or the date of the initial application submittal if the application is withdrawn by the applicant.
- (e) **Appeal.** This Article does not authorize new rights to an appeal from or remedies for adverse decisions by the City Council. Interested parties may pursue existing remedies from the Circuit Court in accordance with S.C. Code.

#### 7.3.4 PLANNED DEVELOPMENT DISTRICT

- (a) **Purpose.** This Section establishes a uniform procedure for the review and approval of a Planned Development District.
- (b) **Applicability.** The following procedures apply to the establishment of a Planned Development District (PDD) pursuant to S.C. Code [§ 6-29-740](#). PDDs are established by amendment to the UDO in the manner prescribed for rezoning.
- (c) **Procedure.**<sup>208</sup>
  - (1) *Pre-Application Conference.* An applicant for PDD zoning is required to contact the Zoning Administrator prior to submission of a PDD application. The Zoning Administrator will provide information and a review of regulations and procedures applicable to the proposed plan and descriptive statement.
  - (2) *Application Submittal.*
    - a. *Application Form.* Initiation of a PDD amendment shall be by submission of a rezoning application form with required attachments. This application form and corresponding instructions will be provided by the Zoning Administrator or can

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<sup>208</sup> This Section carries forward and updates Sec. 21.131 Planned Development District Application and Review Procedures.

be accessed through the City's website. All property owners or authorized agents must sign the completed application form.

- b. *Site Development Plan.* A Site Development Plan is a required attachment to the PDD application in accordance with § 7.6.15: *Site Development Plan*.
- c. *Descriptive Statement.* A thorough descriptive statement is a required attachment to the PDD application. It must address the district regulations in § 2.2.13: *Planned Development District (PDD)*, indicate the characteristics and standards to be used for development of the site, and include at least the following items:
  - 1. Legal description of site boundaries and total area of the site;
  - 2. Area and location of each type of use;
  - 3. Number and density of dwelling units by type;
  - 4. Description of open space locations, uses, and proposed dedication for public use;
  - 5. Ownership and maintenance of streets and proposed dedication to public use;
  - 6. Methods for dealing with parking and the impact on projected traffic related to the uses on the site and adjacent districts and streets;
  - 7. Steps proposed to comply with landscape and buffering regulations;
  - 8. Steps proposed to comply with sediment control and storm drainage regulations;
  - 9. Outline for development phasing with anticipated timeframes;
  - 10. Design standards, procedures, and methods demonstrating that development will result in an integrated use district, functional and compatible with the area;
  - 11. Proposed restrictive covenants to be recorded to assure future compliance with the standards of the plan;
  - 12. Phasing schedule; and
  - 13. Such other information as may be appropriate for review.
- d. *Checklist.* Completion of a checklist, as an attachment to the application, is required to allow staff and the Planning Commission to ascertain whether and

how the applicant intends to address concerns related to the multiple uses and varying densities associated with planned development districts.

- (3) *Required Public Notice.* Planned Development District applications require public notice in accordance with § 7.2.5: *Required Public Notice*.
- (4) *Review and Action.*
  - a. *Zoning Administrator.* Upon determination that the application meets the above requirements, the Zoning Administrator shall forward the application to the Planning Commission for review and recommendation to City Council.
  - b. *Planning Commission.* The Planning Commission shall make an advisory recommendation to City Council.
  - c. *City Council.* Upon receipt of the Planning Commission recommendation, the City Council shall conduct a public hearing as required for zoning amendments, and may approve, approve with conditions, or disapprove the application.
- (5) *Approval Criteria.*<sup>209</sup> In deciding whether to approve, approve with modifications, or deny an application for a PDD, the City Council considers the extent to which:
  - a. The land covered by the proposed PDD conforms to the purpose, circumstances, minimum district size, and neighborhood character policy in accordance with § 2.2.13: *Planned Development District (PDD)*;
  - b. The proposed PDD furthers the policies of the City's adopted Comprehensive Plan (as amended) and other formally adopted City planning documents;
  - c. The proposed PDD will result in a superior development that could not be achieved through conventional zoning classifications;
  - d. The proposed PDD will resolve or mitigate any compatibility issues with surrounding development;
  - e. The proposed uses and the configuration of uses depicted in the Site Development Plan are compatible with existing and planned adjoining uses;
  - f. The proposed development is consistent with adopted public facilities plans, including those related to water, wastewater, transportation, drainage, and other public facilities; and

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<sup>209</sup> Carries forward 21.128 Purpose (PD Criteria for Approval).

- g. The proposed open space and recreational amenities within the development provide a superior living environment and enhanced recreational opportunities for residents of the district and for the public generally.

(6) *Conditions for Approval.*<sup>210</sup> The City Council may establish conditions to the PDD regulations and Site Development Plan as are necessary to assure that the purpose of the PDD is implemented. The PDD document attached to the ordinance presented at the public hearing and first reading of the ordinance shall reflect all changes and recommendations made by the Planning Commission and City Council.

- a. *Zoning and Building Permits.* Zoning and building permits shall not be issued until the zoning is approved by the City Council; approved plats, the approved descriptive statement, and all restrictive covenants are filed for record with the City Clerk and the Clerk of Court for Richland County; and all required bonds are posted with the Zoning Administrator.
- b. *District Regulations.* The applicable district regulations provided for in § 2.2.13: *Planned Development District (PDD)*, and those in the approved plan and descriptive statement, shall constitute the Planned Development District regulations for the site.
- c. *District Map.* The Site Development Plan approved by the City Council shall be the zoning district map for the PDD and shall be the basis for decisions by the Zoning Administrator and issuance of zoning and building permits.

(d) **Changes to Previously Approved PDD Plan.**<sup>211</sup>

(1) *Major Changes.* Changes proposed in writing by the applicant that alter district boundaries or that materially affect the characteristics of the PDD shall be submitted under normal zoning amendment procedures applicable to the establishment of the PDD, including review by the Planning Commission and approval by City Council. Major changes that materially affect the characteristics of the PDD include:

- a. A change in boundary;
- b. A decrease in open space;
- c. A change in buffers, landscaping, and/or screening (i.e., greater than 10% decrease in height, width, or area of buffering; or change in materials used to provide screening or buffering);

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<sup>210</sup> Carries forward 21.128 Purpose (PD Conditions for Approval).

<sup>211</sup> Carries forward Sec. 21.132 Changes to Previously Approved PDD Plan.

- d. An increase or decrease in number of access points;
  - e. An increase in lighting;
  - f. Changes to more intensive land uses (e.g., from residential to commercial) within any given area of the PDD;
  - g. Changes to any component of the Site Development Plan that was previously expressly limited by reference to any other section of the UDO;
  - h. Any change that may alter the character of the PDD or that may have an adverse impact upon neighboring property owners; or
  - i. An increase or decrease in any building size, not to include height, of more than 5%.
- (2) *Minor Changes.* Changes not listed under major changes above are deemed minor changes. The applicant may propose, in writing, changes that involve revision of minor characteristics of the PDD. Such minor changes, which do not materially affect the approved plan concept or violate any applicable regulations, may be approved by the Zoning Administrator with a report to the Planning Commission and City Council. The decision of the Zoning Administrator is subject to review by the Zoning Board of Appeals if the applicant or any party whose property is adversely affected files a written appeal to the Zoning Administrator in accordance with § 7.3.14: *Appeal of Administrative Decisions*.
- (3) *Permits.* A zoning or building permit involving a minor or major change of the PDD descriptive statement or map shall not be issued until the change is approved by the Zoning Administrator or City Council, as applicable, and any necessary amendments to the restrictive covenants are filed with the City Clerk and recorded in the Richland County Register of Deeds office.<sup>212</sup>
- (e) **Expiration.** The approval of a Site Development Plan is effective in accordance with § 9.6.3: *Vesting Period*. Site Development Plan approvals may also be extended as provided in § 9.6.4: *Extension of Vesting Period*.
- (f) **Appeal.** This Article does not authorize new rights to an appeal from or remedies for adverse decisions by the City Council. Interested parties may pursue existing remedies from the Circuit Court in accordance with S.C. Code.

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<sup>212</sup> Clarifies current text in 21.132 which states “No zoning or building permits involving a minor or major change of the PDD descriptive statement or map shall be issued until the written change is approved and filed with the City Clerk and recorded in the RMC office for Richland County.”



### 7.3.5 CONDITIONAL USE PERMIT

- (a) **Purpose.** A conditional use is a land use or structure that is generally compatible with other uses allowed in a zoning district, but is subject to supplemental conditions, restrictions, or limitations to ensure appropriate application within the given area. This Section establishes a uniform procedure for the review and approval of a conditional use permit.
- (b) **Applicability.** Prior to the establishment of a conditional use or structure, an applicant must receive a conditional use permit.
- (c) **Procedure.**
  - (1) *Application Submittal.*
    - a. The applicant shall file an application along with the established application fee to the Zoning Administrator. The conditional use permit application shall:
      - 1. Demonstrate compliance with all applicable provisions of this UDO; and
      - 2. Include written permission from the property owner to operate at the proposed location.
    - b. The Zoning Administrator may require the applicant to submit additional information to demonstrate compliance with the provisions of this UDO.
  - (2) *Review and Action.*
    - a. The Zoning Administrator shall review the application and either approve or deny the conditional use permit.
    - b. The Zoning Administrator must approve the application if it sufficiently demonstrates compliance with all applicable conditions specified in § 3.3: *Principal Use Conditions* and any other UDO requirements applicable to the proposed use or structure.
    - c. Upon approval, the issued conditional use permit shall be posted on the site of the conditional use or structure.
- (d) **Appeal.** Appeals of the Zoning Administrator's decision on the application shall be to the Zoning Board of Appeals. [See § 7.3.14: *Appeal of Administrative Decisions*]

### 7.3.6 ADULT OR SEXUALLY ORIENTED BUSINESS APPLICATIONS

See § 3.3.2: *Adult or Sexually Oriented Businesses*.

### 7.3.7 SHORT-TERM RENTAL PERMIT<sup>213</sup>

- (a) **Purpose.** This Section establishes a uniform procedure for the review and approval of an annual permit that an Owner must obtain from the City of Forest Acres for an owner's short-term rental property.
- (b) **Applicability.**
- (1) Any owner who offers any part of their property for short-term rental use or homesharing use must first obtain a short-term rental permit from the City of Forest Acres.
  - (2) Short-term rental permits are valid from January 1 to December 31 of any calendar year and are only valid for the calendar year during which the short-term rental permit is issued.
  - (3) A short-term rental permit must be obtained for each property where a short-term rental use is proposed.
- (c) **Procedure.**
- (1) *Application Submittal.* The owner of the property must file an application along with the established application fee to the Zoning Administrator. The application must include the following supporting materials:
    - a. Contact information for the owner or agent available to respond to complaints or other issues related to the use;
    - b. A valid and current short-term rental business license; and
    - c. Payment of all fees and/or taxes associated with a business license or short-term rental permit.
  - (2) *Review & Action.* The Zoning Administrator shall grant a short-term rental permit unless the owner fails to meet the conditions and requirements of this UDO or otherwise fails to demonstrate compliance with this UDO.

### 7.3.8 SMALL WIRELESS FACILITY PERMIT

See § 3.3.15: *Small Wireless Facilities*.

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<sup>213</sup> New procedure to address short-term rental permit administration, review, and approval.

### 7.3.9 TEMPORARY USE PERMIT

- (a) **Purpose.** This Section establishes a uniform procedure for the review and approval of a temporary use permit.
- (b) **Applicability.** Prior to the establishment of a temporary use or structure, an applicant must receive a temporary use permit if required by § 3.6.5: *Temporary Use Table*.
- (c) **Procedure.**
  - (1) *Application Submittal.*
    - a. The applicant shall file an initial application along with the established application fee to the Zoning Administrator. The temporary use permit application shall:
      - 1. Demonstrate compliance with all applicable provisions of this UDO;
      - 2. Include written permission from the property owner to operate at the proposed location; and
      - 3. Confirm and, if requested by the Zoning Administrator, document that the temporary use or structure will not restrict vehicular traffic movements (including emergency vehicle access) or parking and other accommodations for persons with disabilities.
    - b. The Zoning Administrator may require the applicant to submit additional information to demonstrate compliance with the provisions of this UDO.
  - (2) *Review and Action.* The Zoning Administrator shall review the application and either approve or deny the temporary use permit. Upon approval, the issued temporary use permit shall be posted on the site of the temporary use or structure.
- (d) **Revocation of Temporary Use Permit.** The Zoning Administrator may revoke the permit for any temporary use that is determined to create a nuisance or disruption.

### 7.3.10 SIGN PERMIT

- (a) **Purpose.** The purpose of this Section is to establish a uniform procedure for ensuring all signs comply with the standards of this UDO.
- (b) **Applicability.** A Sign Permit is required for all new and modifications to existing signs within the City of Forest Acres, except for the types of signs specified in § 4.9.4: *Exemptions*.
- (c) **Procedure.**

(1) *Application Submittal.*

- a. *Application Form.* When applying for a permit, the applicant shall make written application on the prescribed form supplied by the City of Forest Acres.
- b. *Fees.* The application fee specified below must be paid at the time of application submittal.
  1. Where the valuation of the work, installed and in place, does not exceed \$2,500.00, the fee is \$25.00.
  2. Where the valuation of the work, installed and in place exceeds \$2,500.00, the fee is \$10.00 per \$1,000.00 or a fraction thereof.
- c. *Submittal Requirements.* The permit application shall provide completed plans and specifications, including a plot plan or common sign plan, showing size, location, lettering, design, picture, symbol or device, construction, method of support, materials used, illumination, invoice, contract or other evidence of cost or value, and any and all other information deemed pertinent or desirable by the Zoning Administrator for review of compliance with the standards and requirements set forth in this UDO.

(2) *Review & Action.*

- a. Within 14 days of submittal of a fully completed application for a sign permit, the Zoning Administrator shall either approve or deny the application or notify the applicant in writing that additional information is required for review of compliance with the standards and requirements of this UDO.
- b. If more information is required from the applicant, the 14-day period shall run from receipt of such additional information. If the applicant certifies in writing that the application is complete, the 14-day period shall run from the date of the City's receipt of that writing.
- c. If the Zoning Administrator does not take action on the application within 14 days, then the application shall be deemed denied as of the day immediately following such time period.
- d. Denial of any application for a sign permit may be appealed to the Zoning Board of Appeals in accordance with § 7.3.14: *Appeal of Administrative Decisions.*

- (d) **Inspection.** Any applicant receiving a permit for the erection, construction, installation, or alteration of a sign shall notify the Zoning Administrator of completion of the work in order to provide a final inspection of the sign to ensure it meets the standards and requirements as specified in this UDO.

- (e) **Permit Expiration.** All sign permits expire after six months from the date of issuance. All work authorized under a sign permit must be completed prior to expiration of the permit.

### 7.3.11 TREE REMOVAL PERMIT

- (a) **Purpose.** The purpose of this Section is to provide a procedure for removing a protected tree on an individual lot of record that is not associated with construction or development. For tree removal related to development or construction that requires a land disturbance permit or other permit approvals, refer to § 5.2.9: *Procedures to Ensure Tree Preservation During Development*.
- (b) **Applicability.**
- (1) *Generally.* The landowner, occupant, or tenant of the lot or an agent must obtain a Tree Removal Permit prior to removing:
    - a. Any significant tree;
    - b. Any tree located within 25 feet of the right-of-way of Forest Drive, Trenholm Road, or Beltline Boulevard; or
    - c. Any tree or shrub located within the buffer zone between residential and commercial property required in § 4.7.4: *Perimeter & Right-of-Way Buffers*.
  - (2) *Tree Removal Service.*
    - a. In zoning districts R-1, the tree removal service contractor employed to remove or assist in removal of any significant trees is responsible for obtaining a Tree Removal Permit on behalf of the owner, occupant, or tenant.
    - b. If the tree removal service contractor fails to obtain a Tree Removal Permit, the landowner, occupant, or tenant must obtain a permit prior to removal.
- (c) **Procedure.**<sup>214</sup>
- (1) *Application Submittal.* The owner of the property or their agent files an application with the Zoning Administrator. The application must include the following supporting materials:
    - a. A site plan showing the location of the tree(s) proposed for removal;

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<sup>214</sup> This Subsection carries forward the trees requiring a permit for removal and the permitted reasons for removal in § 21.152.2: *General Requirements, Permit*.

- b. A replanting plan that demonstrates how the applicant will satisfy the requirements of § 5.2.6: *Replanting Required for Protected Trees*; and
- c. Payment of the Tree Removal Permit fee.

(2) *Review and Action.*

- a. The Land Development Administrator reviews applications for Tree Removal Permits.
- b. In considering a request for a Tree Removal Permit, the Land Development Administrator will grant the permit in the following situations:
  - 1. Dead or dying trees;
  - 2. Structurally unstable trees posing a safety hazard to nearby buildings, utility lines, pedestrian, or vehicular traffic;
  - 3. Tree preventing essential grade changes or reasonable utility installations;
  - 4. Trees preventing a reasonable site configuration, including the establishment of a lawn. If more than 50% of the number of significant trees are removed in the lawn area, the applicant must comply with the replanting requirements in § 5.2.6: *Replanting Required for Protected Trees*;
  - 5. Trees preventing a reasonable means by which building, zoning, subdivision, health, public safety, or other municipal requirements can be met;
  - 6. Storm damage where 50% or more of the tree's canopy is broken or damaged; and
  - 7. Written requirement by the corporate office of an insurance company affording hazard insurance coverage to the property requiring tree removal as a condition for continuing insurance coverage.

(d) **Expiration of Tree Removal Permit.** A Tree Removal Permit is valid for a period of six months from the date of issue. A new application must be completed and a new permit issued for any tree(s) not removed under an expired permit.

(e) **Appeal.** An applicant may appeal a decision on a Tree Removal Permit as provided in § 7.3.14: *Appeal of Administrative Decisions*.

### 7.3.12 SPECIAL EXCEPTION

- (a) **Purpose.** Some land uses, buildings, or structures are not appropriate under all circumstances in a given zoning district but may be appropriate if adequate precautions are taken to assure compatibility with surrounding uses, public need, and the City as a whole. This Section establishes a uniform procedure to allow certain uses by granting a special exception.
- (b) **Applicability.** An applicant shall obtain a special exception for:
  - (1) All special exception (SE) uses indicated in the use tables in Article 3: *Use Regulations*; and
  - (2) Increased height for the structures listed in § 4.4: *Height*.
- (c) **Procedure.**
  - (1) *Application Submittal.* A written application for a special exception shall be submitted indicating the section of this UDO under which the special exception is sought and stating the grounds on which it is requested.
  - (2) *Required Public Notice.* Special exception applications require public notice in accordance with § 7.2.5: *Required Public Notice*.
  - (3) *Review and Action.* The Zoning Board of Appeals shall:
    - a. Hear and decide only the applications for special exceptions as specifically authorized to pass upon by terms of this UDO;
    - b. Decide the questions as are involved in determining whether special exceptions should be granted;
    - c. Prescribe appropriate conditions and safeguards in conformity with this UDO; and
    - d. Deny special exceptions when not in harmony with the intent and purpose of this UDO.
  - (4) *Board Findings.* The Zoning Board of Appeals shall make a finding that it is empowered under the section of this UDO described in the application to grant the special exception and that such exception will not adversely affect the public interest.
    - a. The regulations of this UDO setting forth specific standards to be met prior to the establishment of any special exception are binding upon the Zoning Board of Appeals.

- b. The Zoning Board of Appeals may prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both.
- (5) *Approval Criteria for Special Exceptions.* In addition to definitive standards in this UDO, the Zoning Board of Appeals shall consider the following:
  - a. Traffic impact. The ZBA may require a traffic impact study (see § 7.6.1: *Traffic Impact Study*) to support an application if the proposed use will generate new peak hour traffic trips as defined by the Institute of Transportation Engineers Trip Generation Manual;
  - b. Vehicle and pedestrian safety;
  - c. Potential impact of noise, lights, fumes, or obstruction of air flow or view on adjoining property(s);
  - d. Adverse impact of the proposed use on the aesthetic character of the neighborhood, to include possible need for screening from view;
  - e. Orientation and spacing of improvements or buildings; and
  - f. Height of all proposed structures.
- (d) **Resubmittal of Appeal from the Zoning Board of Appeals.** Withdrawn applications for special exceptions may be re-filed after six months and shall be placed on the calendar according to the date re-filed.
- (e) **Appeal from the Zoning Board of Appeals.** Recourse from the decisions of the Zoning Board of Appeals shall be made to the circuit court pursuant to S.C. Code [§ 6-29-820](#) within 30 days after the mailing of the decision.

### 7.3.13 VARIANCE

- (a) **Purpose.** This Section establishes a procedure for the Zoning Board of Appeals to hear and act on requests to deviate from the zoning standards when a strict application of the zoning standards would result in unnecessary hardship.
- (b) **Applicability.** The Zoning Board of Appeals may authorize variances from the terms of this UDO as will not be contrary to the public interest where, owing to special conditions, a literal enforcement to the provisions of this UDO would result in unnecessary hardship.
- (c) **Procedure.**



- (1) *Application Submittal.* A written application for a variance must indicate the section of this UDO from which the variance is sought and demonstrate how the request satisfies the criteria in Paragraph 7.3.13(c)(3)b below.
- (2) *Required Public Notice.* Variance applications require public notice in accordance with § 7.2.5: *Required Public Notice*.
- (3) *Review and Action.*
  - a. The Zoning Board of Appeals (ZBA) reviews and acts on variance applications.
  - b. The ZBA shall not grant a variance from the terms of this UDO unless the applicant demonstrates all of the following:<sup>215</sup>
    1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question;
    2. Such conditions are do not generally apply to other property in the vicinity;
    3. Because of such conditions, the application of this UDO to the particular piece of property would create an unnecessary hardship by effectively prohibiting or unreasonably restricting the utilization of the property; and
    4. The relief, if granted, would not cause substantial detriment to adjacent property or to the public good, and the character of the district would not be harmed by the granting of the variance.
  - c. The ZBA 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.
  - d. The fact that property may be utilized more profitably if a variance is granted may not be considered grounds for a variance.
  - e. In granting any variance, the ZBA 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, and may otherwise prescribe appropriate conditions and safeguards in conformity with this UDO. Violation of such conditions and safeguards, when

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<sup>215</sup> Minor updates to these criteria for consistency with S.C. Code [§ 6-29-800\(A\)\(2\)](#).

made part of the terms under which the variance is granted, shall be deemed a violation punishable under Article 10: *Violations & Enforcement*.

- f. A finding of unnecessary hardship cannot be based on conditions created by the applicant.
  - g. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- (4) **Recordkeeping.** 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 the final decisions or orders of the board, which must be delivered to parties in interest by certified mail.
- (5) **Board Findings.** The ZBA shall make findings that:
- a. The procedural requirements of Paragraph 7.3.13(c) above were met by the applicant for a variance.
  - b. The reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
  - c. The granting of the variance will be in harmony with the general purpose and intent of this UDO and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (d) **Resubmittal of Appeal from the Zoning Board of Appeals.** Withdrawn applications for variances may be re-filed after six months and shall be placed on the calendar according to the date re-filed.
- (e) **Appeal from the Zoning Board of Appeals.** Recourse from the decisions of the ZBA shall be made to the circuit court pursuant to S.C. Code [§ 6-29-820](#) within 30 days after the mailing of the decision.

#### 7.3.14 APPEAL OF ADMINISTRATIVE DECISIONS

- (a) **Purpose.** The Zoning Board of Appeals may hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the UDO.
- (b) **Applicability.** Appeals to the Zoning Board of Appeals (ZBA) may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by any alleged

error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the UDO.

(c) **Procedure.**

(1) *Application Submittal.*

- a. All questions of interpretation of the UDO shall first be presented to the Zoning Administrator, and such questions shall be presented to the ZBA only upon reference by, or appeal from, the Zoning Administrator.
- b. An appeal shall be taken within 30 days of receipt of actual notice of the order, requirement, decision, or determination by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator or other administrative official from whom the appeal is taken shall transmit to the ZBA all the papers constituting the record upon which the action appealed was taken.

(2) *Required Public Notice and Hearing.* Appeal of Administrative Decision applications require public notice and hearing in accordance with § 7.2.5: *Required Public Notice.*

(3) *Review and Action.* In exercising the powers set forth above, the ZBA may, in conformity with the provisions of this UDO, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator or other administrative official from whom the appeal is taken.

(4) *Recordkeeping.* All final decisions and orders of the ZBA must be in writing and be permanently filed in the office of the ZBA as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the ZBA, which must be delivered to parties in interest by certified mail.

(d) **Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the ZBA after notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in their opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the ZBA or by a court of record on application, on notice to the Zoning Administrator or other administrative official from whom the appeal is taken and due cause shown.

(e) **Resubmittal of Appeal from the Zoning Board of Appeals.** An appeal from an administrative decision that is withdrawn may not be refiled after the time for appeal set forth in the applicable ordinance or statute has expired.

- (f) **Appeal from the Zoning Board of Appeals.** Recourse from the decisions of the ZBA shall be made to the circuit court pursuant to S.C. Code [§ 6-29-820](#) within 30 days after the filing of the decision.

### 7.3.15 UDO TEXT AMENDMENT

- (a) **Purpose.** This Section provides procedures for the text of this UDO to be amended, supplemented, changed, or repealed by the City Council.
- (b) **Applicability.** The procedure in this Section applies all proposed amendments to the text of this UDO.
- (c) **Procedure.**
- (1) *Application Submittal.* Any individual, corporation, or agency, public or private, may initiate a UDO Text Amendment application. Such request shall be submitted in writing to the Zoning Administrator.
  - (2) *Required Public Notice.* UDO Text Amendment applications require public notice in accordance with § 7.2.5: *Required Public Notice*.
  - (3) *Review & Action.*
    - a. *Zoning Administrator.* All proposed text amendments shall be submitted to the Zoning Administrator, who shall then refer the proposals to the Planning Commission.
    - b. *Planning Commission Study and Report to City Council.* After a proposed text amendment is submitted to the Planning Commission, it shall have 30 days within which to submit a report and recommendation to the City Council. Such recommendation is advisory only. If the Planning Commission does not submit its report within the prescribed time, it is deemed to have recommended approval of the amendment.
    - c. *City Council.* City Council may approve, approve with modifications, or deny a proposed text amendment.
- (d) **Reconsideration.** If City Council denies a proposal for amendment to the UDO text, the applicant may not petition for the same or similar amendment for 12 months from the date of denial.
- (e) **Appeal.** This Article does not authorize new rights to an appeal from or remedies for adverse decisions by the City Council. Interested parties may pursue existing remedies from the Circuit Court in accordance with S.C. Code.

## 7.4 JOINT CITY-COUNTY REVIEWING PROCEDURES

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### 7.4.1 TRADITIONAL SUBDIVISION (MINOR AND MAJOR)<sup>216</sup>

- (a) **Purpose.** This Section establishes a uniform reviewing procedure for review and approval of subdivision plans within the City of Forest Acres.
- (b) **Applicability.**
- (1) A Traditional Subdivision (Minor and Major) application is required for any division of a tract or parcel of land into two or more lots, building sites, or other divisions, and includes:
    - a. All land divisions involving a new street or change in existing streets;
    - b. Re-subdivision involving further division or relocation of lot lines of any lot or lots within a previously approved or recorded subdivision;
    - c. Alteration of any streets or the establishment of any new streets within any previously approved or recorded subdivision; and/or
    - d. Combinations of lots of record.
  - (2) Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the

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<sup>216</sup> This Section clarifies when Planning Commission approval is required for traditional and group subdivision review. The review process introduces staff-level/administrative approval for plan/plan approvals with objective criteria and therefore does not require discretionary approval. For example, Planning Commission reviews and approves preliminary plans, and staff reviews and approves subsequent plats and plans.

As recommended by SCDOT, this Section generally requires coordination with SCDOT for most development-related applications to ensure access and other standards are met.

This Section also adds a more formalized process in the City's review procedures for residential subdivisions to ensure infrastructure requirements are met. For example, once a Certificate of Occupancy (CO) is issued, it is difficult to implement required mitigation, such as turn lanes, and there is no recourse once people move in. This concern is mitigated in a couple of ways:

- Encouraging pre-application or pre-construction meetings to facilitate coordination between government agencies and the development community on the front end of the review process.
- Including a formal statement or sign-off prior to issuance of a CO could close the loop on the back end of the review process.

following procedure, which includes two steps for a minor subdivision and three steps for a major subdivision:

a. *Minor Subdivision.* A minor subdivision requires a:

1. Sketch Plan; and
2. Final Plan

b. *Major Subdivision.* A major subdivision requires a:

1. Sketch Plan;
2. Preliminary Plan; and
3. Final Plan.

(c) **Sketch Plan Procedure.**

- (1) *Pre-Application Conference.* Before preparing the sketch plan for a subdivision, the applicant should discuss with the Land Development Administrator the procedure for approval of a subdivision plan and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services. The Land Development Administrator shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plan coming within their jurisdiction.
- (2) *Application Submittal.* Prior to subdividing land, the owner of the land or his representative shall file an application for approval of a sketch plan with the Land Development Administrator.
- (3) *Determination of Completeness.* The application shall:
  - a. Be made on forms available at the office of the Land Development Administrator;
  - b. Include all contiguous holdings of the owner, including land in the “same ownership” as defined herein, with an indication of the portion that is proposed to be subdivided, accompanied by an affidavit of ownership;
  - c. Be accompanied by a minimum number of copies of the sketch plan as specified on the application form described in these regulations and complying in all respects with this Article; and
  - d. Be accompanied by payment of the required application fee.

- (4) *Classification of Minor and Major Subdivision.* Classification of the sketch plan shall be made by the Land Development Administrator as to whether the subdivision is a major or minor subdivision as defined in Paragraphs 7.4.1(c)(4)a and 7.4.1(c)(4)b below. Subsequent to classification of the subdivision and approval of the sketch plan by the Land Development Administrator, the applicant may proceed directly to the filing of an application for approval of a final plan provided in this Article if classified as a minor subdivision; or if classified as a major subdivision, the applicant must first file an application for approval of a preliminary plan, as provided in this Article, before filing for final plan approval.
- a. Minor Subdivision means any traditional subdivision containing not more than three lots fronting on an existing street, not involving any new street or road or the extension of public utilities, not adversely affecting the remainder of the parcel of adjoining property, and not in conflict with any provision of this UDO.
  - b. Major Subdivision means all traditional subdivisions not classified as minor subdivisions, including subdivisions of four or more lots or any size subdivision requiring a new street or streets or extension of supporting governmental or private utilities.
- (5) *Distribution of Sketch Plan.*
- a. Sketch plans shall be distributed for the purposes of notification to the following agencies and departments when appropriate:
    - 1. Land Development Administrator (file copy);
    - 2. County Engineer;
    - 3. East Richland Public Service District;
    - 4. Central Midlands Regional Planning Council;
    - 5. Other agencies as determined necessary by the Land Development Administrator.
  - b. In addition, one copy shall be returned to the applicant showing any modifications needed.
- (6) *Review & Action.*
- a. After reviewing the sketch plan, the Land Development Administrator must advise the applicant within 60 days of receipt of a complete application that the sketch plan is approved, disapproved, or approved with conditions.

- b. If the sketch plan proposes the removal of one or more significant trees, the Planning Commission must review the plan prior to action by the Land Development Administrator.<sup>217</sup>
  - 1. The Planning Commission may approve, approve with conditions, or disapprove the trees proposed for removal.
  - 2. In reviewing a proposal for removal of significant trees, the Planning Commission must consider whether the tree(s) proposed for removal:
    - i. Are dead or dying;
    - ii. Are structurally unstable, posing a safety hazard to nearby buildings, utility lines, or pedestrian or vehicular traffic;
    - iii. Prevent essential grade changes or reasonable utility installations;
    - iv. Prevent a reasonable site configuration; or
    - v. Prevent a reasonable means by which building, zoning, subdivision, health, public safety, or other municipal requirements can be met.

(7) *Effect of Approval.*

- a. An approved sketch plan constitutes authorization to prepare and submit a preliminary plan in the case of a major subdivision and a final plan in the case of a minor subdivision.
- b. If the Land Development Administrator fails to act on the sketch plan within 60 days after application, the sketch plan shall be deemed approved and a certificate to that effect shall be issued by the Land Development Administrator upon demand; provided, however, the subdivider may waive this requirement and consent in writing to extension of such period.

(8) *Appeals.*

- a. If an applicant disagrees with the classification, disapproval, or approval with modifications of their sketch plan by the Land Development Administrator, the applicant may appeal such decision to the Planning Commission.

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<sup>217</sup> Carries forward LDR 17-31(a)(4)m.



- b. The Planning Commission shall act on the appeal within 60 days, and such action is final.
- c. An appeal from the decision of the Planning Commission must be taken to the circuit court within 30 days after actual notice of the decision in accordance with S.C. Code [§ 6-29-1150](#).

(d) **Preliminary Plan Procedure.**

- (1) *Application Submittal.* Following approval of a sketch plan, the applicant files with the Land Development Administrator a preliminary plan application.
- (2) *Determination of Completeness.* The application shall:
  - a. Be made on forms available at the office of the Land Development Administrator;
  - b. Include payment of the required application fee; and
  - c. Be accompanied by the minimum number of copies of the preliminary plan and construction plans required by the application form.
- (3) *Distribution of Preliminary Plan.*
  - a. Upon determination by the Land Development Administrator that the preliminary plan conforms with the approved sketch plan, the preliminary plan shall be distributed to the following agencies:
    - 1. East Richland Public Service District (if involved due to a tie-in to the public sewer system);
    - 2. City of Columbia engineer (if involved due to a tie-in to the public water system);
    - 3. County Engineer (to review drainage and street improvements);
    - 4. South Carolina Department of Environmental Services (SCDES) Bureau of Water (if a tie-in to the public water system and/or public sewer system is involved); and
    - 5. Other agencies as deemed necessary by the Land Development Administrator.
  - b. These reviewing agencies shall report their findings to the Planning Commission within 30 days after receipt of preliminary plan.

- (4) *Public Hearing.* The Planning Commission must hold a public hearing prior to taking action on a preliminary plan application.
- (5) *Review & Action.*
  - a. Upon receipt of reports from reviewing agencies, the Planning Commission shall give approval, approval with conditions, or disapproval of the preliminary plan. The Planning Commission must act within 60 days after submission of the preliminary plan; otherwise, the plan is deemed approved and a certificate to that effect shall be issued by the Planning Commission on demand; provided, however, that the applicant may waive this requirement and consent in writing to an extension of such period.
  - b. The grounds of disapproval of any preliminary plan shall be stated in the records of the Planning Commission.
  - c. The Planning Commission shall not act to override the requirements of other agencies or City departments. It may, however, seek to bring agreement in case of conflicts between the various reviewing agencies, or a reviewing agency and the subdivider.
- (6) *Reviewing Criteria.*
  - a. *Conformance with UDO.* Every plat shall conform to or otherwise demonstrate intent to comply with all relevant zoning and land development regulations applicable at the time of approval including, but not limited to:
    - 1. Land use and density;
    - 2. Street connectivity and pedestrian facilities;
    - 3. SCDOT requirements, such as ingress and egress points, turning lane considerations, and site visibility at intersections;
    - 4. Open space and buffer provisions;
    - 5. Right-of-way dedications; and
    - 6. Water and sewer service provisions.
  - b. *Traffic Impact Mitigation.* A traffic impact study (see § 7.6.1: *Traffic Impact Study*) may be required to support an application if the proposed development will generate new peak hour traffic trips as defined by the Institute of Transportation Engineers Trip Generation Manual.
  - c. *Model Homes.*

1. For the purpose of allowing the early construction of model homes in a subdivision, the Planning Commission may permit a portion of a major subdivision involving no more than two lots to be created in accordance with the procedures for minor subdivisions, if:
  - i. Said portion derives access from an existing public street; and
  - ii. Future street or other improvements are not anticipated where said lots are proposed.
2. The subdivision plat for the "minor" portion shall be submitted to the Planning Commission simultaneously with the preliminary plan for the entire major subdivision.
3. Subsequent to preliminary plan approval, the model may be constructed, subject to such additional requirements that the Planning Commission may require.
- d. *Street Names.* The Planning Commission shall review and approve street names pursuant to S.C. Code [§ 6-29-1200](#).

(7) *Expiration.*

- a. The approval of a preliminary plan is effective for a period in accordance with § 9.6.3: *Vesting Period*. Preliminary plan approvals may also be extended as provided in § 9.6.4: *Extension of Vesting Period*.
- b. If a final plan is not approved prior to the expiration of the preliminary plan, the applicant must resubmit the preliminary plan in accordance with the UDO regulations in effect at that time.

(e) **Final Plan Procedure.**

- (1) *Application Submittal.* Following the approval of the sketch plan in the case of a minor subdivision, or of the preliminary plan in the case of a major subdivision, and completion of all required improvements, if the improvements are not going to be bonded, the applicant shall file with the Land Development Administrator an application for final plan.
- (2) *Determination of Completeness.* The application shall:
  - a. Be made on forms available at the office of the Land Development Administrator;
  - b. Be accompanied by a minimum number of copies required by the application form for the final plan and:

1. As-built drawing of sanitary sewers;
  2. As-built drawing of storm sewer system with grade, pipe sizes, and location of outlets; and
  3. As-built drawing of water system with pipe sizes and location of hydrants and valves;
- c. Comply in all respects with the sketch plan or preliminary plan as approved, whichever is applicable depending upon the classification of the subdivision;
- d. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, in a form approved by the Forest Acres City Attorney; and the final plan shall be marked with a notation indicating the formal offers of dedication as specified below. The applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording. This does not apply to a subdivision with private streets.

*The owner, or his representative hereby irrevocably offers for dedication to the City of Forest Acres all the streets, city uses, easements, parks, and required utilities shown in the subdivision plat and construction plans in accordance with an irrevocable offer of dedication dated \_\_\_\_\_ and recorded in the Richland County Register of Deeds Office.*

\_\_\_\_\_  
/s/ By Owner or Representative

\_\_\_\_\_  
Date

- e. Be accompanied by the performance bond, if required, in the amount equal to at least 125% of the cost of the improvement and in accordance with S.C. Code [§ 6-29-1180](#).
- f. Be accompanied by the following certificate signed by a registered South Carolina engineer, covering all required improvements that are not bonded:

*I hereby certify that the streets, drainage system, sewer system, and water system in \_\_\_\_\_ subdivision as shown on the as-built drawings dated \_\_\_\_\_, prepared by \_\_\_\_\_, have been installed in accordance with the preliminary plan and construction plans approved by the Forest Acres Planning Commission dated \_\_\_\_\_,*

\_\_\_\_\_  
/s/ By Registered Engineer

\_\_\_\_\_  
Date

(3) *Review & Action.*

- a. Upon determination by the Land Development Administrator that the final plan conforms with the preliminary plan as approved, an appropriate number of copies of the final plan and as-built drawings shall be submitted to the same agencies and City departments that reviewed and approved the preliminary plan.
- b. These reviewing agencies shall report their findings to the Land Development Administrator within 30 days after receipt of the final plan.
- c. Upon receipt of the following items, the Land Development Administrator shall approve, approve with conditions, or disapprove the final plan:
  1. A report from the East Richland Public Service District and the SCDES Bureau of Water that the wastewater system is acceptable for operation;
  2. A report from the SCDES Bureau of Water that the water system is acceptable for operation; and
  3. A report from the County Engineer that all streets and drainage facilities have been installed in accordance with the preliminary plan or proof of approval of a bond for completion of improvements by the City Council;
- d. When a bond is used in lieu of completion of improvements, the Land Development Administrator shall stipulate the period of time within which all of the required improvements shall be installed and approved by the appropriate agencies. In no event shall this time be longer than two years.
- e. In each case the Land Development Administrator shall act on a final plan within 60 days after the date of application; otherwise, such plan shall be deemed approved and a certificate to that effect shall be issued by the Land Development Administrator on demand; provided, however, that the applicant may waive this requirement and consent in writing to the extension of such period. The grounds of disapproval of any plan shall be stated in the records of the Land Development Administrator.

(4) *Certificate of Approval for Recording.* Upon approval of the final plan by the Land Development Administrator, they shall place the following statement on the final plat and return two copies of the plat to the subdivider:

*The subdivision plat shown hereon has been found to comply with the City of Forest Acres Land Development Regulations and has been approved for recording in the Office of the Register of Deeds of Richland County, South Carolina, dated \_\_\_\_\_.*

(5) *Recording of Final Plat.* The final plat shall be filed with the Richland County Register of Deeds office within 30 days of the date of signature.

- (6) *Staging of Major Subdivisions.* The Land Development Administrator may grant final plan approval to sections of a subdivision shown on an approved preliminary plan which meet all the previously mentioned requirements of this Article, if such sections, in the discretion of the Land Development Administrator, are adequately served by all utilities, a storm drainage system and street system, even if no other sections of the subdivision are developed.

### 7.4.2 GROUP DEVELOPMENT

- (a) **Purpose.** This Section establishes a uniform procedure for review and approval of group developments within the City of Forest Acres. Group developments, such as shopping centers, office parks, and apartment complexes, where the site is not subdivided into lots and public streets, but divided into two or more building sites, require development review and approval so as to prevent the creation of traffic hazards, ensure the provision of adequate off-street parking and necessary utilities and storm drainage, provide needed open space and buffering of incompatible uses of land, and protect against flooding.
- (b) **Applicability.** This Section applies to all group developments within the City of Forest Acres.
- (c) **Site Plan Procedure.**
- (1) *Application Submittal.* Prior to commencing any construction of any type of group development, the developer of the land involved or their representative shall file an application for approval of a site plan. The application shall:
- a. Be made on forms available at the office of the Land Development Administrator together with the established application fee;
  - b. Include all contiguous holdings of the owner with notation of the portion which is proposed for development, and what type of development is planned for the remainder of the owner's adjacent holdings, if known at the time of application;
  - c. Be accompanied by the minimum number of copies of the site plan specified on the application form;
  - d. Be accompanied by a common sign plan in accordance with § 7.6.16: *Common Sign Plan*; and
  - e. Be accompanied by payment of the required application fee.
- (2) *Distribution of Site Plan.*
- a. Site plans shall be distributed for the purposes of notification to the following agencies and departments when appropriate:

1. Land Development Administrator (file copy);
2. County Engineer;
3. East Richland Public Service District;
4. Central Midlands Regional Planning Council; and
5. Other agencies as deemed necessary by the Land Development Administrator.

- b. In addition, one copy shall be returned to the applicant showing any modifications needed.

(3) *Review & Action.*

- a. The Land Development Administrator will advise the applicant within 60 days after application that the site plan is approved, disapproved, or approved with certain modifications.
- b. If approved, the approval shall constitute authorization to prepare and submit a preliminary plan.
- c. If the Land Development Administrator fails to act on the site plan within 60 days after receipt of a complete application, the site plan is deemed approved and a certificate to that effect shall be issued by the Planning Commission upon demand; provided, however, the developer may waive this requirement and consent in writing to extension of such period.

(4) *Appeal of the Decisions of the Land Development Administrator . If an applicant disagrees with a disapproval or approval with modifications of their site plan by the Land Development Administrator , they may appeal to the Planning Commission in accordance with § 7.3.14: Appeal of Administrative Decisions.*

(d) **Preliminary Plan Procedure.**

- (1) *Application Submittal.* Based upon the approval of the site plan, the applicant shall file with the Land Development Administrator an application for approval of a preliminary plan. The application shall:
  - a. Be made on forms available at the office of the Land Development Administrator;
  - b. Be accompanied by the minimum of copies of the Preliminary Plan and Construction Plans specified on the application form;

- c. Be accompanied by payment of the required application fee; and
- d. Comply in all respects with the previously approved site plan.

(2) *Review & Action.*

- a. Upon determination by the Land Development Administrator that the preliminary plan complies in all respects with the approved site plan, an appropriate number of copies of the preliminary plan and construction plans shall be submitted to the following agencies:
  - 1. East Richland Public Service District (if involved due to a tie-in to the public sewer system);
  - 2. City of Columbia Engineer (if involved due to a tie-in to the public water system);
  - 3. County Engineer (to review drainage and street improvements);
  - 4. SCDES Bureau of Water (if a tie-in to the public water system and/or sewer system is involved);
  - 5. Central Midlands Regional Planning Council; and
  - 6. Other agencies as deemed necessary by the Land Development Administrator .
- b. These reviewing agencies shall report their findings to the Planning Commission within 30 days after receipt of the preliminary plan.
- c. Upon receipt of reports from these reviewing agencies the Planning Commission shall approve, approve with certain modifications, or disapprove the preliminary plan. The Planning Commission must act within 60 days after submission of the preliminary plan; otherwise, such plan is deemed approved and a certificate to that effect shall be issued by the Planning Commission on demand; provided, however, that the applicant for the Planning Commission's approval may waive this requirement and consent in writing to an extension of such period.
- d. The grounds of disapproval of any preliminary plan shall be stated in the records of the Planning Commission.
- e. The Planning Commission must hold a public hearing on the preliminary plan prior to taking action.
- f. The Planning Commission shall not act to override the requirements of other agencies or City departments. It may, however, seek to bring agreement in case



of conflicts between the various reviewing agencies, or a reviewing agency and the developer.

(3) *Effective Period of Preliminary Approval.*

- a. The approval of a preliminary plan is effective for a period of at least two years as provided in § 9.6.3: *Vesting Period*. Preliminary plan approvals may also be extended as provided in § 9.6.4: *Extension of Vesting Period*.
- b. If a final plan is not approved prior to the expiration of the preliminary plan, the applicant must resubmit the preliminary plan in accordance with the UDO regulations in effect at that time.

(4) *UDO Regulations.* Every plan shall conform to UDO regulations applicable at the time of submittal, except that any plan which has received preliminary approval is exempt from any subsequent amendments to the UDO rendering the plan nonconforming as to bulk or use, if final approval is obtained within one year.

(5) *Construction and Land Disturbance Permits.* Subsequent to preliminary plan approval, the developer may apply for a construction permit from the Building Official and upon receipt of such permit may commence construction of the development.

(e) **Final Plan Procedure.**

- (1) *Application Submittal.* Following approval of the preliminary plan and after completion of the physical development of all or a part of the area shown on the approved preliminary plan, the developer shall file with the Land Development Administrator an application for final approval of the group development. The application shall:
  - a. Be made on forms available at the office of the Land Development Administrator;
  - b. Be accompanied by the minimum number of copies of the final plan specified on the application form and:
    1. As-built drawing of sanitary sewers (if applicable) with grade, pipe sizes and points of discharge;
    2. As-built drawings of storm sewer system with grade, pipe sizes and location of outlets; and
    3. As-built drawing of water system with pipe sizes and location of hydrants and valves;
  - c. Comply in all respects with the preliminary plan as approved;

- d. Be accompanied by payment of the required application fee; and
- e. Be accompanied by the following certificate signed by a registered South Carolina Engineer:

*I hereby certify that the streets, drainage system, sewer system, and water system as shown on the as-built drawings dated \_\_\_\_\_, prepared by \_\_\_\_\_, have been installed in accordance with the Preliminary Plan and Construction Plans approved by the City of Forest Acres Planning Commission on \_\_\_\_\_, 20\_\_\_\_.*

*Seal:*

Registered Engineer \_\_\_\_\_

(2) *Review & Action.*

- a. Upon determination by the Land Development Administrator that the final plan conforms with the preliminary plan as approved, the final plan and as-built drawings shall be submitted to the same agencies and City departments that reviewed and approved the preliminary plan. These reviewing agencies shall submit their findings to the Planning Commission within 30 days after receipt of the final plan.
- b. Upon receipt of the items listed below, the Planning Commission shall approve, approve with modifications, or disapprove the final plan:
  - 1. A report from the East Richland Public Service District and the SCDES Bureau of Water that the wastewater system is acceptable for operation;
  - 2. A report from the SCDES Bureau of Water that the water system is acceptable for operation; and
  - 3. A report from the County Engineer that all streets and drainage facilities have been installed in accordance with the preliminary plan;
- c. The Planning Commission shall not act to override the requirements of other agencies or City departments. It may, however, seek to bring agreement in cases of conflict between the various reviewing agencies, or a reviewing agency and the developer.
- d. A certificate of occupancy shall be not issued on any group development until the Planning Commission has given that development final approval.

### 7.4.3 STREET NAME CHANGES<sup>218</sup>

- (a) **Purpose.** This procedure allows the Planning Commission to change the name of a street in the City of Forest Acres.
- (b) **Applicability.** This Section applies to applications to change the name of an existing street. An “existing street” is one where the final plat creating the street has been recorded.
- (c) **Procedure.**
  - (1) *Application Submittal.* Applications for a street name change may be initiated by:
    - a. City Council or the Planning Commission by adoption of a motion; or
    - b. Any owner of property adjacent to the subject street by filing an application, along with a petition demonstrating consent by at least 75% of property owners adjacent to the subject street, with the Zoning Administrator.
  - (2) *Required Public Notice.* Street name change applications require public notice in accordance with § 7.2.5: *Required Public Notice*.
  - (3) *Review & Action.*
    - a. *Richland County Zoning Administrator.* The Richland County Zoning Administrator must review all proposed street name changes for compliance with [Richland County Land Development Code](#) Section 26-5.14: *Road Naming and Addressing* and provide a report and recommendation to the Forest Acres Planning Commission.
    - b. *Planning Commission.* The Planning Commission holds a public hearing on the proposed street name change. The Commission may approve a street name change:
      - 1. When there is duplication of names or other conditions which tend to confuse the traveling public or the delivery of mail, orders, or messages;
      - 2. When it is found that a change may simplify marking or giving of directions to persons seeking to locate addresses; or

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<sup>218</sup> The current land development regulations address street name changes only in the context of subdivision plat applications. This new procedure implements S.C. Code [§ 6-29-1200](#) and recognizes a street name change may occur outside the subdivision process.

3. Upon any other good and just reason that may appear to the Commission.
- (d) **Recordkeeping.** If the Planning Commission approves a street name change application, it must issue a certificate designating the change which the Zoning Administrator must record in the Richland County Register of Deeds office. The street name change becomes effective once the certificate is recorded.
  - (e) **Reapplication.** If the Planning Commission denies a request for a street name change, the applicant must wait at least one year from the date of the denial before applying for a new name change for the same street.

#### 7.4.4 LAND DISTURBANCE PERMIT

- (a) **Purpose.** This Section establishes a uniform procedure for any land disturbance activity involving the clearing, grading, transporting, filling, and/or any other activity that causes the land to be exposed to the dangers of erosion within the City of Forest Acres, and coordinates development review with Richland County.
- (b) **Applicability.**
  - (1) *Generally.* A Land Disturbance Permit is required for any land disturbance, including any activity involving the clearing, grading, transporting, filling, and similar activities that causes the land to be exposed to the danger of erosion in the City of Forest Acres, with the following exemptions.
  - (2) *Exemptions.* This Section does not apply to:
    - a. Emergency repairs or maintenance of existing structures and facilities that require ground to be broken. The responsible persons shall notify the City of Forest Acres Land Development Administrator in writing within five working days of such emergency repairs and maintenance actions; or
    - b. Ground disturbances for purposes of installing, repairing, and maintaining individual utility service lines to single lots.
- (c) **County and City Roles in Development Review.** The City of Forest Acres participates with Richland County as a co-permittee under a National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System permit (issued by SCDES). As such, both the City of Forest Acres and Richland County issue Land Disturbance Permits.
- (d) **Procedure.**
  - (1) *Application Submittal to Richland County.*

- a. An application for a Land Disturbance Permit is first submitted, processed, reviewed, and decided on by the Richland County Development Services Department. Richland County reviews the application for compliance with its Land Development Code and other applicable regulations.
  - b. Richland County regulations specify the submittal process, review timeframes, expiration dates, and appeal process for County land disturbance permits.
- (2) *Application Submittal to City of Forest Acres.* Following approval of a Land Disturbance Permit by Richland County, an application must be submitted to the City of Forest Acres. The Land Development Administrator reviews the application for compliance with applicable UDO regulations.
  - a. *Application Fee.* Applications shall be accompanied by a nonrefundable application fee in accordance with the fee schedule, made payable to the City of Forest Acres.
  - b. *Application Contents & Submittal Requirements.*
    1. All associated plans submitted with the application must be certified by a registered professional engineer, professional soil conservationist, or registered landscape architect.
    2. *Tree Survey Required*, where applicable. See § 7.6.3: *Tree Survey* for submittal requirements.
    3. *Erosion & Sediment Control Plan Required.* See § 7.6.2: *Erosion & Sediment Control Plan* for submittal requirements.
  - c. *Review & Action.*
    1. Upon receipt of written approval of the plan from the County, and after the Land Development Administrator determines that the plan conforms to this UDO, the City shall issue a Land Disturbance Permit to the applicant.
    2. If the plans do not conform with the requirements of this UDO, the Land Development Administrator shall deny issuance of the Land Disturbance Permit, and written notification of denial of the permit, indicating the reason or reasons for plan disapproval, shall be forwarded to the applicant within 10 days after denial.
    3. A decision on all Land Disturbance Permit applications shall be rendered by the Land Development Administrator within 30 days from the date of submittal to the City. If at the end of the 30-day period, a decision has

not been rendered, the plan shall be deemed approved and a Land Disturbance Permit issued on demand.

4. If a Land Disturbance Permit application is denied, the applicant may elect to correct the indicated deficiencies in conformance with the provisions of this UDO and resubmit the application and plan. No additional application fee is required for resubmission.

- (e) **Expiration of Land Disturbance Permit.** Any Land Disturbance Permit issued by the City is valid for a period of six months from the date of issue.
- (f) **Appeal.**
  - (1) Any person aggrieved by the decision of the Land Development Administrator may appeal to the Zoning Board of Appeals within 30 days. [See § 7.3.14: *Appeal of Administrative Decisions*]
  - (2) Any person aggrieved by the decision of Richland County staff may appeal to the Richland County Board of Zoning Appeals. [See [Richland County Land Development Code](#)]
- (g) **Other Authorizations or Requirements.** Where any other authorization, bonds, or other sureties are required by applicable laws, regulations, ordinances, or decisions of the City pertaining to any part of the proposed work, the applicant shall, upon request, furnish the City with satisfactory evidence that such requirements have been met before the commencement of work under an approved Land Disturbance Permit.
- (h) **Extension of Time.** If the applicant is unable to implement the erosion control measures within the time specified in the approved plan, the applicant may, prior to the expiration of such time, present in writing a request to the City for an extension of time to implement erosion control measures, setting forth the reasons for the requested extension. The Land Development Administrator shall approve or deny the request for an extension of time subject to such additional erosion and sediment control measures as may be reasonably required.
- (i) **Responsibility of Applicant.** The applicant is responsible for carrying out the proposed work in accordance with the approved plan and in compliance with the requirements of this UDO and applicable Richland County regulations.
- (j) **Inspection.** The Land Development Administrator shall periodically inspect the work done under the approved plans and Land Disturbance Permit, as deemed advisable. Upon completion of such work, they shall make a final inspection and, if the work has been completed in accordance with the plan and permit, shall issue a letter of satisfactory completion to the applicant.

### 7.4.5 WATER QUALITY BUFFER WAIVER

See § 5.3.12: *Waivers*.

## 7.5 UDO COMPLIANCE REVIEWS

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### 7.5.1 UDO COMPLIANCE REVIEW FOR BUILDING PERMITS

- (a) **Purpose.** UDO compliance review is a process that allows the Land Development Administrator to review new uses, structures, activities, and developments prior to issuance of a building permit to ensure they comply with the standards in this UDO, have appropriate design and infrastructure, and comply with any conditions of rezoning, subdivision, or variance approval.
- (b) **Applicability.** Prior to issuance of a building permit in accordance with [Chapter 5: Buildings and Building Regulations](#), conformance of such a building permit shall be reviewed against applicable standards of this UDO.
- (c) **Procedure.** In applying to the Building Official for a building permit, the applicant shall submit a site plan to the Land Development Administrator that complies with the submittal requirements of § 7.6.11: *Site Plan (Group Development)* and the following supporting materials, as applicable.
  - (1) *Application Submittal for Commercial Construction or Improvement, to Include Public, Non-Profit, Institutional, and Residential Development Other Than Single-Family.* An application for a building permit shall include, in addition to the other requirements of this UDO, the following supporting materials:
    - a. A tree survey in accordance with the submittal requirements of § 7.6.3: *Tree Survey*.
    - b. A erosion and sediment control plan in accordance with the submittal requirements of § 7.6.2: *Erosion & Sediment Control Plan*.
    - c. A planting plan in accordance with the submittal requirements of § 7.6.5: *Landscaping Plan*;
    - d. A plan for marking all trees to be retained and a description of protective barriers to be installed around all trees to be retained, in accordance with the submittal requirements of § 7.6.4: *Tree Protection Plan*; and
    - e. An outdoor lighting plan in accordance with the submittal requirements of § 7.6.6: *Outdoor Lighting Plan*.

- (2) *Application Submittal for Single-Family Residential Construction or Improvement.* An application for a building permit shall include, in addition to the other requirements of this UDO, a tree survey in accordance with the submittal requirements of § 7.6.3: *Tree Survey*.
- (3) *Review & Action.*
- a. If the proposed excavation, filling, or construction, as set forth in the application, conforms with the provisions of this UDO, the Land Development Administrator shall approve the site plan.
  - b. In considering a request for tree removal associated with a building permit, the Land Development Administrator shall take into consideration the following:
    1. Dead or dying trees;
    2. Structurally unstable trees posing a safety hazard to nearby buildings, utility lines, or pedestrian or vehicular traffic;
    3. Trees preventing essential grade changes or reasonable utility installations;
    4. Trees preventing a reasonable site configuration including the establishment of a lawn, if no more than 50% of the number of significant trees are removed in the lawn area; otherwise, the requirements for a planting plan as set forth in § 7.6.4: *Tree Protection Plan* apply; and
    5. Trees preventing a reasonable means by which building, zoning, subdivision, health, public safety, or other municipal requirements can be met.
  - c. If the Land Development Administrator disapproves the site plan, they shall notify the applicant in writing and specify the reason(s) for denial.
  - d. The Building Official shall not issue a building permit unless the Land Development Administrator approves the associated site plan.

### 7.5.2 UDO COMPLIANCE REVIEW FOR CERTIFICATES OF OCCUPANCY

- (a) **Purpose.** This Section establishes a uniform procedure for the Land Development Administrator to review new uses, structures, activities, and developments prior to the issuance of a certificate of occupancy to ensure they comply with the standards of this UDO, have adequate design and infrastructure, and comply with any conditions of rezoning, special exception use, or variance approval.



- (b) **Applicability.** Prior to issuance of a certificate of occupancy in accordance with [Chapter 5: Buildings and Building Regulations](#), conformance of such a certificate of occupancy shall be reviewed against applicable standards of this UDO.
- (c) **Procedure.**
- (1) *Application Submittal.* A certificate of occupancy application must include all items specified by the Building Official.
- (2) *Review & Action.*
- a. The Land Development Administrator shall coordinate with the Building Official to determine whether a use or structure conforms with applicable provisions of the UDO and the site plan approved in conjunction with the building permit. The Land Development Administrator may inspect the development site as part of this compliance review.
- b. The Building Official shall not issue a certificate of occupancy unless the Land Development Administrator confirms the use or structure conforms to the applicable provisions of this UDO and the site plan upon which the building permit was issued.

## 7.6 SUBMITTAL REQUIREMENTS

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### 7.6.1 TRAFFIC IMPACT STUDY<sup>219</sup>

- (a) **Purpose.** A traffic impact study is a specialized engineering study that evaluates the traffic generation impacts of a proposed development on the surrounding transportation network. These analyses range in detail and complexity depending on the type, size, and location of the proposed development. Reviewing and decision-making bodies use a traffic impact study as a basis for evaluation of transportation improvements required to accommodate a proposed development.
- (b) **Role in Development Review.**
- (1) A traffic impact study (TIS) is used to evaluate:

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<sup>219</sup> Forest Acres is unique in that the City does not own/maintain the streets in its jurisdiction. However, traffic is typically a major community concern when new developments are proposed. This new Section allows the City to require a Tier 1 analysis for developments that wouldn't otherwise require a TIS and to require a full TIS for developments that are expected to generate less than 100 peak hour trips (the SCDOT TIS threshold) when certain conditions are present.

- a. Responsible long-term planning solutions that foster responsible growth of the City's and County's transportation infrastructure consistent with the established Comprehensive Plan and related planning documents;
- b. Impacts generated by the proposed development to the transportation network and appropriate mitigation strategies employed by the proposed development;
- c. Application of commonly accepted engineering and design measures related to traffic operations including but not limited to driveway and access locations, traffic signals, and other transportation facilities and components;
- d. Impacts of site-generated traffic on the quality of traffic flow within a reasonable distance of the development site, including impacts to existing residential streets and affected intersections within the vicinity of the site; and
- e. Adequate provisions proposed for pedestrians, transit users, and bicyclists.

(2) *Mitigation Strategies.*

- a. Where public streets are owned and maintained by the SCDOT or Richland County, rather than the City, the decision-making bodies receive the TIS as information only. While the decision-making body may recommend implementation of one or more of the mitigation strategies, if any, recommended in the TIS, the decision on whether to require mitigation rests with the owner of the subject street(s).
- b. The decision-making body may require mitigation strategies, as rerecommended in the TIS, as part of a Planned Development District application.
- c. Where public streets are owned and maintained by the City, the decision-making body may require mitigation strategies, as recommended in the TIS, as part of an associated application.

(c) **Applicability.**

(1) *Applications Requiring a TIS.* The decision-making body may require a traffic impact study for the following application types:

- a. Major subdivision applications;
- b. Group development applications;
- c. Zoning compliance review for building permit applications for non-residential and multi-family developments;
- d. Planned Development District applications; and

- e. Special exception applications.
- (2) *Coordination with SCDOT.* In cases such as large developments where significant traffic volumes are expected, considerable time and effort often can be saved, and the permitting time shortened, when the local jurisdiction and SCDOT are involved in the early stages of planning. In such cases, it is recommended that the applicant coordinate with the South Carolina District Traffic Engineer (DTE) prior to submitting for a development application.
  - (3) *Coordination with the County.* The applicant shall coordinate with County authorities to determine whether planned roadway or intersection improvements affect the capacity of the roadway or designs of roadways or access points proposed by the applicant.
- (d) **Thresholds & Type of Analysis Required.** Table 7.6.1-1: *Thresholds for TIS Tiers* specifies the level of traffic impact study required based on the anticipated peak hour trips.
- (1) A Tier 0 threshold indicates the proposed development does not expect to generate enough activity to warrant a traffic impact study.
  - (2) A Tier 1 threshold indicates the proposed development expects minimal impact on the existing levels of service. A Trip Generation Memo will be used as information for review by decision-making bodies and to identify whether further analysis is needed based on unique site attributes or development characteristics.
  - (3) A Tier 2 threshold indicates the proposed development likely will have significant impact on the existing levels of service. A comprehensive Traffic Impact Study will be used as information for the review and decision-making bodies to quantitatively assess the nature and extent of the proposed development's impact on the transportation network and to identify potential transportation improvements (and their associated costs) that would offset the proposed development's impact on the transportation network.
  - (4) The decision-making body may require a development that is projected to generate less than 100 peak hour trips to conduct a Tier 2 analysis if the proposed development:
    - a. Is likely to have a significant impact on transportation capacity, transportation levels of service, or traffic safety in the vicinity of the proposed development indicated by factors other than peak hour trips;
    - b. Affects a location with a high vehicle crash history;
    - c. Takes place at a high congestion location;
    - d. Creates the fourth leg of an existing signalized intersection; or
    - e. Exacerbates an already difficult situation, such as at a railroad crossing, fire station access, school access, or where there is poor roadway alignment.

**Table 7.6.1-1: Thresholds for TIS Tiers**

<b>Tier</b>	<b>Daily Peak Hour Trips of Adjacent Street or Proposed Use (whichever is greater)<sup>1</sup></b>
Tier 0	< 25
Tier 1	25 – 99
Tier 2	≥ 100

<sup>1</sup> The estimate of the number of trips for the sites is based on the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

(e) **Scope of Traffic Impact Study.**

- (1) A qualified professional traffic engineer registered in the State of South Carolina that specializes in transportation and has experience preparing TIAs must prepare the traffic impact study.
- (2) As part of the scoping process, the applicant's traffic engineer shall coordinate with the City Administrator, the County Engineer, and the South Carolina Department of Transportation (SCDOT) District Traffic Engineer (DTE).

(f) **Tier 1 – Trip Generation Memo Contents.** A trip generation memo includes, at a minimum, all of the following information, as applicable:

- (1) General site information (location, acreage, current and proposed zoning);
- (2) Existing and proposed use(s);
- (3) Square footage of existing and proposed non-residential structures;
- (4) Number and type of existing and proposed dwelling units;
- (5) Description of all known land uses and structures located on the site for the five years preceding the date of the trip generation memo, regardless of whether the land use or structure still exists on-site;
- (6) Existing and proposed trips associated with the site;
- (7) Description of anticipated impacts on the transportation network and site access points; and
- (8) A list of all previous traffic impact studies conducted for the site.

(g) **Tier 2 – Traffic Impact Study.** A Tier 2 analysis must be prepared in consultation with the County Engineer and SCDOT DTE, follow SCDOT Traffic Impact Study requirements of the Access and Roadside Management Standards (ARMS) Manual, and include consideration for non-motorized transportation.

(h) **Required Mitigation Based on TIS.**

- (1) *Generally.*
  - a. All recommended mitigation due to traffic generated by the proposed development will be the responsibility of the developer.
  - b. If the TIS recommends mitigation, the entity that owns the street(s) shall determine the required mitigation measures the developer must implement.
- (2) *Mitigation Strategies Based on TIS.* If the City finds that the proposed development will not meet applicable level of service standards, it may recommend one or more of the following mitigation strategies:
  - a. Reduce the size, scale, scope, or density of the development to reduce traffic generation;
  - b. Divide the project into phases and authorize one phase at a time until traffic capacity is adequate for the next phase of development;
  - c. Time the commencement of construction of a project with the construction of identified and funded regional traffic improvements (Richland County Penny Tax for Progress, capital improvement projects, SCDOT projects; etc.)
  - d. Dedicate necessary right-of-way for street improvements;
  - e. Construct new streets;
  - f. Improve intersection design and/or signalization;
  - g. Provide street connections to existing streets;
  - h. Redesign ingress and egress to the project to control traffic flow and operation;
  - i. Alter the use and type of development to reduce peak hour traffic; and/or
  - j. Integrate non-vehicular design components such as pedestrian and bicycle facilities to reduce trip generation.

### 7.6.2 EROSION & SEDIMENT CONTROL PLAN

- (a) **Purpose.** An Erosion and Sediment Control Plan adequately describes necessary land management practices and control measures used to effectively minimize soil erosion and sedimentation to a site.
- (b) **County and City Roles in Development Review.** The City of Forest Acres participates as a co-permittee with Richland County in its National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit. Applications must be initiated and

coordinated with the proper reviewing authority regarding relevant laws and regulations of Richland County. The Land Development Administrator, in coordination with the County Engineer, receives a copy of the erosion and sedimentation plan to ensure protection of land and waters from the effects of excessive soil erosion and sedimentation.

- (c) **Applicability.** An Erosion and Sediment Control Plan shall accompany all land disturbance permit applications.
- (d) **Contents of Erosion and Sediment Control Plan.**<sup>220</sup> All plans shall include contents in accordance with the [Richland County Land Development Code](#) Section 26-2.5(L): *Land Disturbance Permit (with approved SWPPP)* and Appendix 26-A: *Required SWPPP Application Materials*.

### 7.6.3 TREE SURVEY<sup>221</sup>

- (a) **Purpose.** A tree survey is a schematic plan of the property documenting an inventory of existing trees on the site.
- (b) **Role in Development Review.** A tree survey is used in the development review process to identify the physical characteristics of existing trees.
- (c) **Applicability.** A tree survey accompanies and is incorporated as part of a plan review for traditional subdivision, group development, and building permit applications.
- (d) **Contents of Tree Survey.**<sup>222</sup>
  - (1) A tree survey must indicate:
    - a. The location, DBH, and genus of all trees; and
    - b. The critical root zone for any significant trees proposed to be protected.
  - (2) For building permits for detached single-family dwelling units, the tree survey must include trees within the site improvement area (house and all accessory uses) and within 10 feet of this area. The tree survey must show the location, DBH, and genus of all significant trees and designate all significant trees proposed for removal.

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<sup>220</sup> New text aligns with Richland County LDC erosion and sedimentation control plan contents.

<sup>221</sup> This Section carries forward some language and adds new text for Tree Survey requirements.

<sup>222</sup> Carries forward existing contents of the Land Development Regulations.

- (e) **Scope of Tree Survey.**<sup>223</sup> 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 following:
- (1) An infra-red and/or aerial photograph no more than five years old may be used to assist in the location of protected trees.
  - (2) If photographs are inadequate to document existing trees, the Land Development Administrator may require a site visit or a tree survey or inventory of the affected area. The required tree survey shall be prepared by a certified arborist, licensed engineer, forester, landscape architect, or surveyor that will determine the size, species, health, condition, and structural integrity of forest trees and whether or not said trees are in good enough condition and safe enough to live beyond construction activity.

#### 7.6.4 TREE PROTECTION PLAN

- (a) **Purpose.** A tree protection plan identifies all trees to be retained and anticipated methods used during construction to protect retained trees on-site.
- (b) **Role in Development Review.** A tree protection plan is used by the Land Development Administrator to ensure conservation and protection of significant trees within the City of Forest Acres.
- (c) **Applicability.** All building permit applications shall be accompanied by a tree protection plan.
- (d) **Contents of Tree Protection & Planting Plan.**
  - (1) A tree protection plan shall include all submittal requirements identified in § 5.2: *Tree Protection & Preservation*.
  - (2) A tree protection plan must be drawn to a standard scale and size and include the following:
    - a. A tree protection plan, enumerating:
      1. All trees to be retained along with a description of protective barriers to be installed around critical root zones; and
      2. All trees to be removed along with a statement as to why the trees cannot be saved.
    - b. A tree planting plan, which may be part of any required landscaping plan, showing the number, location, species, and caliper of the replacement trees. The

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<sup>223</sup> New text aligns with Richland County LDC and City of Columbia zoning ordinance.

planting plan shall conform with § 5.2.7: *Plant Material Standards*. This plan must be approved prior to construction where street trees may be affected.

### 7.6.5 LANDSCAPING PLAN<sup>224</sup>

- (a) **Purpose.** A landscaping plan depicts the functionality of outdoor spaces; environmental, sustainability, and resiliency characteristics of site features; aesthetic quality of existing and proposed vegetation; and related site elements aimed to support the development proposal.
- (b) **Role in Development Review.** A landscaping plan is used by the Zoning Administrator to ensure compliance with the minimum landscaping requirements of this UDO.
- (c) **Applicability.** All building permit applications shall be accompanied by a landscaping plan.
- (d) **Contents of Landscaping Plan.** The landscaping plan shall include all necessary information in sufficient detail to demonstrate compliance with the landscaping requirements of this UDO, and be coordinated with the following, where applicable:
  - (1) Utilities;
  - (2) Irrigation;
  - (3) Tree survey; and
  - (4) Tree protection plan.
- (e) **Scope of Landscaping Plan.** A landscaping plan shall be prepared by a landscape architect or other qualified landscape designer.

### 7.6.6 OUTDOOR LIGHTING PLAN

- (a) **Purpose.** An outdoor lighting plan shows all existing and planned lighting occurring within a proposed development.
- (b) **Role in Development Review.** An outdoor lighting plan is used by the Zoning Administrator to review compliance with all outdoor lighting standards of this UDO.
- (c) **Applicability.** An outdoor lighting plan shall be included with all building permit applications.

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<sup>224</sup> New text describes the purpose, applicability, and required contents of a landscaping plan.



- (d) **Contents of Outdoor Lighting Plan.** An outdoor lighting plan shall contain the following information:
- (1) Location and mounting information for each luminaire;
  - (2) A fixture schedule listing fixture design, type of lamp, lumens, correlated color temperature, and BUG rating for each luminaire;
  - (3) Manufacturer's photometric data for each type of luminaire; and
  - (4) A chart demonstrating compliance with required lighting levels of this UDO.

### 7.6.7 SKETCH PLAN (TRADITIONAL SUBDIVISION)

- (a) **Purpose.** A sketch plan is the required first stage of submittal as part of the overall process for a minor or major traditional subdivision when subdividing land within the City of Forest Acres.
- (b) **Role in Development Review.** A sketch plan is a dimensioned and/or scaled plan used by the applicant to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations. The City Administrator, along with other agencies, will review a sketch plan against all applicable requirements established in the UDO.
- (c) **Applicability.** A sketch plan accompanies and is incorporated as part of a plan review for a traditional subdivision application.
- (d) **Contents of Sketch Plan.** A sketch plan submitted to the Planning Commission shall be drawn to a convenient scale of not less than 200 feet to one inch and shall show the following information:
- (1) *Name.*
    - a. Name of subdivision if property is within an existing subdivision.
    - b. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.
    - c. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)
    - d. Name of proposed streets (public and private).
  - (2) *Ownership.*
    - a. Name and address, including telephone number, of the legal owner or agent of the property involved in the subdivision.

- b. Name and address, including telephone number, of the professional person(s), if any, responsible for the subdivision's design or for the design of any public improvements and for the surveys.
- (3) *Location.* A vicinity map at a scale of not less than one inch equals one mile showing the relationship of the proposed subdivision to surrounding development. The scale of the vicinity map should be shown, as well as a north arrow.
- (4) *Features.*
- a. Total acreage in the tract to be subdivided.
  - b. Location of property lines, existing easements, watercourses, and existing buildings.
  - c. Location of all existing or platted streets or other public ways within or adjacent to the tract.
  - d. Names of any adjoining subdivisions.
  - e. Approximate location, widths, and classification of proposed streets, including width of rights-of-way.
  - f. Approximate location, dimensions, and area of all proposed or existing lots.
  - g. Existing and proposed uses of land throughout the subdivision.
  - h. Existing uses of land surrounding the subdivision.
  - i. The approximate location and dimensions of any parcel(s) of land proposed to be set aside for a park, playground, or other public use, or for the common use of property owners in the proposed subdivision with designation of the purpose thereof.
  - j. Location of lakes, swamps, and land subject to flood, based on a 100-year frequency flood.
  - k. Topography in terms of mean sea level by contours at vertical intervals of not more than five feet (the Land Development Administrator may accept vertical intervals of not more than 10 feet or waive the requirement where existing topographic mapping is not available at five-foot contours and the terrain of the proposed subdivision is not of major significance).
  - l. Location of city limit lines, if applicable.

- m. A tree survey showing the location of any and all significant trees in proposed street rights of way and a description of measures proposed to preserve such trees in accordance with § 5.2.8: *Tree Protection During Construction*. Any sketch plan proposing the removal of any significant tree(s) must be referred to the Forest Acres Planning Commission for review before plan approval is given by the Land Development Administrator (see 7.4.1(c)(6)b).
- (5) The subdivider may, and is encouraged to, submit a plat of the entire tract they plan to ultimately develop, even though their present plans call for the actual development of only a part of the property.

#### 7.6.8 PRELIMINARY PLAN (TRADITIONAL SUBDIVISION)

- (a) **Purpose.** A preliminary plan is the required second stage of submittal as part of the overall process of a major traditional subdivision when subdividing land within the City of Forest Acres.
- (b) **Role in Development Review.** The Land Development Administrator will review preliminary plans against the applicable regulations of this UDO.
- (c) **Applicability.** A preliminary plan accompanies and is incorporated as part of a plan review for a traditional subdivision application.
- (d) **Contents of Preliminary Plan.** Preliminary plans shall be prepared by a South Carolina registered land surveyor at a convenient scale of not less than 1 inch equals 100 feet and shall include the following:
  - (1) *Name.*
    - a. Name of subdivision if property is within an existing subdivision.
    - b. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.
  - (2) *Ownership.*
    - a. Name and address, including telephone number, of the legal owner or agent of the property involved in the subdivision.
    - b. Name and address, including telephone number, of the professional person(s) responsible for the subdivision's design, or for the design of any public improvements, and for the surveys.
  - (3) *Location.* A vicinity map at a scale of not less than one inch equals one mile showing the relationship of the proposed subdivision to surrounding development. The scale of the vicinity map should be shown, as well as a north arrow.

(4) *Features.*

- a. Total acreage in the tract to be subdivided.
- b. Graphic scale, north point, and date. The north point shall be identified as magnetic, true, or grid north.
- c. Boundaries of the tract to be subdivided with all bearings and distances indicated. The boundary survey shall be to such a degree of accuracy that error of closure is no greater than 1:10,000.
- d. The following existing conditions:
  1. Topography by contours at vertical intervals of not more than five feet.
  2. Deed record names of adjoining property owners.
  3. Names of any adjoining subdivisions.
  4. Property lines within and adjoining the subdivision.
  5. Location and rights-of-way of all existing or platted streets or other public ways, easements, watercourses, and buildings either on or adjacent to the property to be subdivided. Specify whether utility lines are in easements or rights-of-way and show location of poles or towers.
  6. Location of city limits, if applicable.
  7. Location of streams, lakes, swamps, and land subject to flood, based on a 100-year frequency flood.
  8. Location of existing adjoining property lines.
  9. In the case of resubdivisions, a copy of the existing plat with proposed resubdivisions superimposed thereon.
- e. The following proposed conditions:
  1. The location, width, classification, and proposed name of all proposed streets, alleys, and other public ways. This includes the width of both the paved surface and the right-of-way of each.
  2. The location and width of all utility and other types of easements.
  3. The location, dimensions, building setback lines, and lot width at building setback lines of all proposed lots.

4. The location and dimensions of all property proposed to be set aside as open space in accordance with § 5.4: *Open Space* with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
  5. Sufficient data to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; the location and description of all proposed monuments.
  6. Indication of the use of all lots (single-family, two-family, multi-family, townhouse, offices, commercial, etc.).
  7. Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.
  8. All lots in each block shall be consecutively numbered.
  9. Total number of lots and total length of new streets.
- (e) All dimensions shall be shown to the nearest one-tenth of a foot and angles to the nearest minute.

#### 7.6.9 CONSTRUCTION PLAN (TRADITIONAL SUBDIVISION)

- (a) **Purpose.** A construction plan is a type of plan used to review civil infrastructure.
- (b) **Role in Development Review.** The Land Development Administrator, along with other agencies, will review construction plans against the applicable regulations of the UDO.
- (c) **Applicability.** A construction plan accompanies and is incorporated as part of preliminary plan review for traditional subdivision and group development applications.
- (d) **Contents of Construction Plan.** Construction plans shall be prepared for all required improvements by a registered South Carolina engineer at a convenient scale of not less than one inch equals 100 feet. The construction plans shall include the following if such an improvement is proposed in the subdivision.
- (1) Profiles showing existing and proposed elevations along the center lines of all new roads. The elevation along the center line of existing roads shall be shown within 100 feet of their intersection with new roads. Approximate radii of all curves, lengths of tangents, and central angles on all streets shall be shown.
  - (2) Where steep slopes exist, the County Engineer may require that cross-sections of all proposed streets at 100-foot stations shall be shown at five points as follows: On a line

at right angles to the center line of the street and said evaluation points shall be at the center of the street, each property line, and points 25 feet inside each property line.

- (3) Plans and profiles showing the:
  - a. Locations and typical cross-section of street pavements, including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes, and catch basins;
  - b. Locations of street trees, street lighting standards, and street signs;
  - c. Location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains, and fire hydrants, showing connection to any existing or proposed utility systems; and
  - d. Exact location and size of all water, gas, or other underground utilities or structures.
- (4) Location, size, elevation and other appropriate description of any existing facilities or utilities, including but not limited to existing streets, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features such as swamps and buildings, at the point of connection to proposed facilities and utilities within the subdivision; the water elevations of adjoining lakes or streams at the date of the survey, and the approximate 100-year flood elevations of such lakes or streams. All elevations shall be referred to the mean sea level datum where public water and/or public sewers are to be installed.
- (5) The acreage of each drainage area affecting the proposed subdivision.
- (6) Topography at a contour interval of two feet, referred to sea level datum when public water and/or public sewers are to be installed or portion(s) of the subdivision would be inundated by a 100-year frequency flood.
- (7) All specifications and references required by the construction standards and specifications of the City of Forest Acres and the South Carolina Department of Environmental Services or the Richland County Health Department.
- (8) A site grading plan showing proposed finished contours when any major contour changes or filling for flood protection are proposed in the subdivision.
- (9) Title, name, address, telephone and signature of the South Carolina registered engineer and surveyor responsible for the plans and date, including revision dates.

### 7.6.10 FINAL PLAN (TRADITIONAL SUBDIVISION)

- (a) **Purpose.** A final plan is the required final stage of submittal as part of the overall process of a major traditional subdivision when subdividing land within the City of Forest Acres.
- (b) **Role in Development Review.** The Land Development Administrator will review final plans against the applicable regulations of the UDO.
- (c) **Applicability.** A final plan accompanies and is incorporated as part of a plan review for a traditional subdivision application.
- (d) **Contents of Final Plan.** The final plan shall be prepared by a South Carolina registered land surveyor at the same scale and containing the same information, except for any changes or additions required by the Planning Commission, as shown on the preliminary plan, except that final finished contours and the resultant areas subject to inundation by a 100-year flood shall be shown. The preliminary plan may be used as the final plan if it meets these requirements and is revised in accordance with the requirements of the Planning Commission. All revision dates must be shown as well as the following:
  - (1) The surveyed dimensions of lots drawn to scale.
  - (2) Sufficient data to determine readily and reproduce ground the location, bearing and length of every road right-of-way, subdivision boundary line, and block line, whether curved or straight. This shall include the radius, intersection angle, and tangent distance for the center line of curved streets. Curved property lines shall show arc or chord distance and radii. The boundary survey shall be to such a degree of accuracy that the raw error of closure is no greater than 1:10,000, and the block survey shall be to such a degree of accuracy that the raw error of closure is no greater than 1:10,000. All lengths and bearings shall be shown as surveyed, unadjusted.
  - (3) All monuments erected, corners and other points established in the field in their proper places. The material of which the monuments, corners or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, and the diameter.
  - (4) The following signed certificate shall appear on the final plan that is submitted to the Planning Commission by the subdivider:

*Certificate of Accuracy: I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the City of Forest Acres Land Development Regulations and the monuments shown have been placed to the specifications set forth in said regulations.*

\_\_\_\_\_, 20\_\_\_\_

Registration No. \_\_\_\_\_

Registered Land Surveyor \_\_\_\_\_

### 7.6.11 SITE PLAN (GROUP DEVELOPMENT)

- (a) **Purpose.** A group development site plan is the first stage of review required of a group development application.
- (b) **Role in Development Review.** The Land Development Administrator will review site plans against the applicable regulations of the UDO.
- (c) **Applicability.** A group development site plan accompanies and is incorporated as part of a plan review for a group development application.
- (d) **Contents of Site Plan.** Site plans shall be prepared and drawn to a convenient scale of not less than 200 feet to 1 inch and shall show the following information:
  - (1) *Name.*
    - a. Name of group development if property is within or an addition to existing group developments.
    - b. Proposed name if not within an existing group development. The proposed name shall not duplicate the name of any previous group development or subdivision.
  - (2) *Ownership.*
    - a. Name and address, including telephone number, of the legal owner or agent of the property involved in the group development.
    - b. Name and address, including telephone number of the professional person(s), if any responsible for the group development's design, or for the design of any public improvements, and for the surveys.
  - (3) *Location.* A vicinity map at a scale of not less than 1 inch equals 1 mile showing the relationship of the proposed group development to surrounding development. The scale of the vicinity map should be shown, as well as a north arrow.
  - (4) *Features.*
    - a. Total acreage in the tract to be developed.
    - b. Location of property lines, existing easements, watercourses, and existing buildings.



- c. Location of all existing or platted streets or other public ways within or adjacent to the tract.
- d. Names of any adjoining subdivisions or other developments.
- e. Approximate location and widths, and classification of proposed streets and access roads, including width of rights-of-way, if any.
- f. Approximate arrangement of existing and proposed buildings, parking areas and public areas.
- g. Existing and proposed uses of land throughout the tract.
- h. Existing uses of land and all existing street intersections surrounding the tract.
- i. Topography in terms of mean sea level by contours at vertical intervals of not more than five feet and extending at least 100 feet outside the tract (if access to adjoining land can be obtained).
- j. Date, north point, and graphic scale of not less than 200 feet to one inch.
- k. For residential group developments, the number of units in each building, the total number of units, listed by number of bedrooms in the development and the approximate gross floor area of any commercial or community buildings in the development.
- l. For commercial group developments, the approximate gross floor area of all commercial buildings.
- m. The locations of any building setback line.
- n. The separation distance between all buildings.
- o. Approximate total number of parking spaces in the development.
- p. All places of ingress and egress between the development and any public street.
- q. The location and dimension of all internal pedestrian walkways;
- r. Location of existing or proposed lakes, swamps, and land subject to flood, based on 100-year frequency flood.
- s. Location of city limit lines, if applicable.
- t. All proposed buffer zones showing types, location, and size.
- u. A tree survey (see § 7.6.3).

- v. An erosion and sediment control plan (see § 7.6.2).
  - w. A tree protection plan (see § 7.6.4).
- (5) The developer may, and is encouraged to, submit a site plan of the entire tract they plan to ultimately develop, even though their present plans call for the actual development of only a part of the property.
- (6) A site evaluation of the development, including a soil survey and interpretation of the same type requested of traditional subdivisions.

#### 7.6.12 PRELIMINARY PLAN (GROUP DEVELOPMENT)

- (a) **Purpose.** A group development preliminary plan is the second stage required as part of a plan review for a group development application.
- (b) **Role in Development Review.** The Land Development Administrator will review preliminary plans against the land development regulations of the UDO and the approved site plan.
- (c) **Applicability.** A group development preliminary plan accompanies and is incorporated as part of a plan review for a group development application.
- (d) **Contents of Site Plan.** The preliminary plan shall:
  - (1) Be prepared by a South Carolina Registered Engineer or land surveyor at a convenient scale of not less than 1 inch equals 100 feet.
  - (2) Include all features required of the site plan for group developments in accordance with § 7.6.8: *Preliminary Plan (Traditional Subdivision)*, except that all features shown approximately on the site plan should be shown exactly as proposed in the preliminary plan.

#### 7.6.13 CONSTRUCTION PLAN (GROUP DEVELOPMENT)

- (a) **Purpose.** A group development construction plan accompanies and is incorporated as part of a preliminary plan review for a group development application.
- (b) **Role in Development Review.** The Land Development Administrator will review construction plans against the applicable regulations of the UDO and the previously approved site plan.
- (c) **Contents of Site Plan.** The construction plan for group developments shall be prepared to meet the same requirements as construction plans for traditional subdivisions in accordance with § 7.6.9: *Construction Plan (Traditional Subdivision)*.

#### 7.6.14 FINAL PLAN (GROUP DEVELOPMENT)

- (a) **Purpose.** A group development final plan accompanies and is incorporated as part of a site plan review for a group development application.
- (b) **Role in Development Review.** The Land Development Administrator will review final plans against the applicable regulations of the UDO and previously approved plans.
- (c) **Contents of Site Plan.** The final plan for group developments include all the features and be in the format of the preliminary plan (see § 7.6.12: *Preliminary Plan (Group Development)*), but shown as actually constructed.

#### 7.6.15 SITE DEVELOPMENT PLAN

- (a) **Purpose.** A site development plan is a site plan that accompanies and is incorporated as part of a Planned Development District application.
- (b) **Role in Development Review Process.** A site development plan is a required attachment to the application for a Planned Development District application. City Council may establish conditions to the PDD regulations and site development plan as are necessary to assure that the purpose of the PDD is implemented. The site development plan approved by the City Council is the zoning district map for the PDD and is the basis for decisions by the Zoning Administrator and issuance of zoning and building permits.
- (c) **Site Development Plan Contents.** The site development plan shall include the following:
  - (1) The shape and dimensions of the zoning lot(s);
  - (2) The size and location of all existing buildings;
  - (3) The general location and orientation of any proposed buildings that shall be erected, altered, or moved;
  - (4) The locations of any building setback line;
  - (5) The heights of all proposed buildings and parts thereof;
  - (6) The existing and proposed use of each building and part thereof;
  - (7) The number of dwelling units in each existing building and the number that each proposed building is intended to accommodate;
  - (8) The size and location of all proposed points of ingress/egress to the property, interior driveways, off-street loading areas, and off-street parking areas containing more than six parking spaces;

- (9) Finished first floor elevation above mean sea level requirement and the flood hazard zone designation if in a special flood hazard zone;
- (10) Clear illustration of proposed development phasing boundaries; and
- (11) Such other reasonable and pertinent information concerning the lot or neighboring lots as the Zoning Administrator may find necessary for the enforcement of this Ordinance.

#### 7.6.16 COMMON SIGN PLAN<sup>225</sup>

- (a) **Purpose.** A common sign plan is a set of documents providing a comprehensive look at the design, placement, and specifications for signs within proposed planned developments or other land development projects, typically developments with multiple buildings or multiple tenants, such as shopping centers, office parks, and mixed-use developments.
- (b) **Role in Development Review.** The Planning Commission will review a common sign plan in accordance with § 7.3.10: *Sign Permit* to ensure that the proposed signs coordinate in style and are placed at appropriate locations on the site and buildings and provide comments for the applicant's consideration. Review of a common sign plan does not replace a sign permit, which the applicant must also obtain for any signs as required by this UDO.
- (c) **Applicability.** A common sign plan may be submitted at the option of the applicant for planned developments or other land development projects.
- (d) **Contents of Common Sign Plan.** A common sign plan should include the following information:
  - (1) Map or site plan showing the development area, including buildings, parking lots, and other features;
  - (2) Phasing of development area, if applicable;
  - (3) Division of tenant spaces and allocated sign area for each, if applicable;
  - (4) Maps, diagrams, or plans identifying the placement and location of all permanent signs within the development;
  - (5) Detailed designs of all proposed permanent signs, including the size, height, copy, materials, and colors;
  - (6) Illumination plans for signs, if applicable; and

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<sup>225</sup> New text to describe the purpose, applicability, and typical contents required of a Common Sign Plan. This is a voluntary process that will occur at the option of the applicant.

- (7) Plans for landscaping or architectural features to be used in conjunction with the proposed signs.

## ARTICLE 8: REVIEWING & DECISION-MAKING BODIES

### 8.1 PURPOSE

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- (a) This Article formally establishes commissions, boards, or officials, or recognizes existing commissions, boards, or officials, that administer this UDO.
- (b) This Article establishes the composition of those agencies, their jurisdiction, and related administrative matters.

### 8.2 CITY COUNCIL

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The City Council is organized and has the powers assigned by the City's Code of Ordinances, Chapter 2, [Article I. In General](#), and [Article VI. Council Rules of Order and Procedure](#).

### 8.3 PLANNING COMMISSION

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- (a) **Authority & Appointment.** Planning Commission is organized and has the powers assigned by the City's Code of Ordinances, Chapter 2, [Article V. Planning Commission](#).
- (b) **Duties & Responsibilities.** In addition to the duties specified in the City's Code of Ordinances, Chapter 2, [Article V. Planning Commission](#), the Planning Commission also has the following duties in the administration and enforcement of this UDO.
  - (1) Provide recommendations for approval or disapproval of annexation petitions (see § 7.3.2: *Annexation & Initial Zoning*);
  - (2) Review and approve, approve with conditions, or disapprove preliminary plan applications for traditional subdivisions (see § 7.4.1: *Traditional Subdivision (Minor and Major)*);
  - (3) Review and approve, approve with conditions, or disapprove preliminary plan applications for group developments (see § 7.4.2: *Group Development*);
  - (4) Review and approve, approve with conditions, or disapprove final plan applications for group developments (see § 7.4.2: *Group Development*); and
  - (5) Review and approve or deny changes to the name of an existing street (see § 7.4.3: *Street Name Changes*).

## 8.4 ZONING BOARD OF APPEALS<sup>226</sup>

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- (a) **Authority.** Pursuant to S.C. Code [§ 6-29-790](#), *et seq.*, this Section establishes a Zoning Board of Appeals (ZBA) for the City of Forest Acres.
- (b) **Appointment.**
- (1) *Terms.* The Zoning Board of Appeals consists of seven members who are residents of the City and appointed by the City Council. The term of office of the members of the board is three years.
  - (2) *Other Public Offices.* Members shall not hold any other public office in the City.
  - (3) *Removal.* City Council may remove members for cause upon written charges and after a public hearing.
  - (4) *Vacancies.* Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- (c) **Board Duties and Responsibilities.** The Zoning Board of Appeals is authorized to make decisions on the following matters:
- (1) Special Exception uses (see § 7.3.12: *Special Exception*);
  - (2) Variances (see § 7.3.13: *Variance*); and,
  - (3) Appeals of Administrative Decisions (see § 7.3.14: *Appeal of Administrative Decisions*).
- (d) **Elected Position Duties and Responsibilities.**
- (1) *Election of Chairperson.* The board shall elect one of its members chairperson, who shall serve for one year or until re-elected or until a successor is elected and qualified.
  - (2) *Duties of Chairperson.* The chairperson shall be a voting member and shall perform duties approved by the ZBA and outlined in the adopted Rules of Procedure. The chairperson or, in their absence, the acting chairperson, may administer oaths and compel the attendance of witnesses by subpoena.
  - (3) *Election of Secretary.* The ZBA shall appoint a secretary, who may be a member of City staff or the zoning board, to record meeting minutes and other administrative duties as may be required.

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<sup>226</sup> Carries forward Section 21.236 *Establishment, Membership, and Proceedings of the Board*.

- (4) *Duties of Secretary.* The Secretary shall perform duties approved by the ZBA and outlined in the adopted Rules of Procedure.

(e) **Meeting Proceedings.**

- (1) *Meetings.* Meetings of the ZBA shall be held at the call of the chairperson and at such other times as the board may determine. All hearings of the ZBA are open to the public, and all evidence and testimony shall be presented publicly.
- (2) *Minutes.* The ZBA shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Zoning Administrator and shall be a public record.
- (3) *Rules of Procedure.* The ZBA shall adopt Rules of Procedure that further outline meeting proceedings per this Section.

## 8.5 CITY ADMINISTRATOR

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The City Administrator is designated and maintains the duties and responsibilities assigned by the City's Code of Ordinances, Chapter 2, [\*Article II. City Administrator\*](#).

## 8.6 ZONING ADMINISTRATOR<sup>227</sup>

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- (a) **Designation.** The Zoning Administrator, abbreviated as "ZA" in this UDO, is designated to administer and enforce all zoning standards and procedures of this UDO.
- (b) **Duties and Responsibilities.** The Zoning Administrator has the following specific duties in the administration and enforcement of this Unified Development Ordinance:
  - (1) Receive, review, and act on Small Wireless Facility Permit applications (see § 7.3.8);
  - (2) Receive, review, and act on Adult or Sexually Oriented Business applications (see § 7.3.6);
  - (3) Receive, review, and act on Conditional Use Permit applications (see § 7.3.5);
  - (4) Receive, review, and act on Short-Term Rental Permit applications (see § 7.3.7);
  - (5) Receive, review, and act on Temporary Use Permit applications (see § 7.3.9);

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<sup>227</sup> Carries forward Section 21.221 *Zoning Administrator and Building Official*.



- (6) Receive, review, and act on Sign Permit applications (see § 7.3.10);
- (7) Receive, file, and forward to the Planning Commission all complete zoning applications that require its review, according to Article 7: *UDO Procedures*;
- (8) Receive, file, and forward to the Zoning Board of Appeals all complete applications that require its review, according to Article 7: *UDO Procedures*;
- (9) Provide public notice as required for specified procedures, according to Article 7: *UDO Procedures*;
- (10) Maintain records and files of all matters referred to them, including the official copy of the Zoning Map;
- (11) Execute files and all matters referred to them;
- (12) Execute all reports as the City Council may require;
- (13) Investigate, prepare reports, and issue notice of violations of this UDO;
- (14) Order discontinuances of illegal use of land, buildings, or structures; removal of illegal buildings or structures of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or any other action authorized by this UDO to ensure compliance with or to prevent violation of its provisions (see Article 10: *Violations & Enforcement*);
- (15) Perform duties as specified elsewhere in this UDO; and
- (16) Coordinate with other outside agencies as needed in the execution of these duties.

## 8.7 LAND DEVELOPMENT ADMINISTRATOR

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- (a) **Designation.** The Land Development Administrator is designated by the City Administrator.
- (b) **Duties and Responsibilities.** The Land Development Administrator has the following powers and duties under this UDO:
  - (1) Receive, review, and act on Tree Removal Permit applications (see § 7.3.11);
  - (2) Receive, review, and act on Traditional Subdivision Sketch Plan applications (see § 7.4.1);
  - (3) Receive, file, and forward to the Planning Commission all complete Traditional Subdivision Preliminary Plan applications (see § 7.4.1);
  - (4) Receive, review, and act on Traditional Subdivision Final Plan applications (see § 7.4.1);

- (5) Receive, review, and act on Group Development Site Plan applications (see § 7.4.2);
- (6) Receive, file, and forward to the Planning Commission all complete Group Development Preliminary Plan applications (see § 7.4.2);
- (7) Receive, file, and forward to the Planning Commission all complete Group Development Final Plan applications (see § 7.4.2);
- (8) Review Land Disturbance Permits for conformance with the UDO (see § 7.4.4);
- (9) Conduct UDO compliance reviews for building permits (see § 7.5);
- (10) Conduct UDO compliance reviews for certificates of occupancy (see § 7.5); and
- (11) Perform duties as specified elsewhere in this UDO.

## 8.8 BUILDING OFFICIAL<sup>228</sup>

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- (a) **Designation.** The Building Official is designated by the City Administrator.
- (b) **Duties and Responsibilities.** In addition to the duties and responsibilities assigned by the City's Code of Ordinances, [\*Chapter 5: Buildings and Building Regulations\*](#), the Building Official has the following duties in the administration and enforcement of this UDO:
  - (1) Receive, review, and act on Building Permit applications and issue and monitor progress on all Building Permits;
  - (2) Issue Certificates of Occupancy;
  - (3) Maintain records of all issued Building Permits and Certificates of Occupancy; and
  - (4) Perform duties as specified elsewhere in this UDO.

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<sup>228</sup> Carries forward Section 21.221 *Zoning Administrator and Building Official*.

## ARTICLE 9: NONCONFORMITIES & VESTED RIGHTS

### 9.1 GENERAL PROVISIONS

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#### 9.1.1 PURPOSE<sup>229</sup>

- (a) Applying new regulations to existing development can create situations where existing lot dimensions, development density or intensity, land uses, buildings, structures, landscaping, parking areas, signs, or other conditions do not strictly comply with new requirements.
- (b) To avoid undue hardship, this Article protects and regulates nonconforming lots, site elements, structures, and uses (collectively referred to as “nonconformities” <sup>230</sup>) and specifies the circumstances and conditions under which those nonconformities may continue.
- (c) The City finds that nonconformities adversely affect the orderly development and value of other property and should not continue unless brought into compliance with new City regulations over a reasonable period of time. In addition, reinvestment in some properties that do not strictly comply with current regulations can maintain existing neighborhood assets and economic growth and is allowed with appropriate conditions.

#### 9.1.2 APPLICABILITY

Sections 9.1 through 9.6 of this Article:

- (a) Apply to nonconforming lots, site elements, structures, and uses; and
- (b) Do not confer legal nonconforming status to expired approvals or abandoned uses and structures, nor to lots, site elements, structures, or uses established inconsistent with City regulations in effect when the lot, site element, structure, or use was established.

#### 9.1.3 AUTHORITY TO CONTINUE

- (a) Nonconformities that were otherwise lawful on the effective date of this UDO may continue, subject to the restrictions and qualifications set forth in this Article.

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<sup>229</sup> This new section clarifies the rationale for regulating nonconformities.

<sup>230</sup> The proposed definition of nonconformity is “a lawfully established lot, land use, structure, building, site feature, or sign that does not conform to the current regulations in this UDO.”

- (b) In all cases, the burden of establishing a lawful nonconformity exists is the responsibility of the lot owner or the authorized user of the nonconforming lot, site element, structure, or use.

## 9.2 NONCONFORMING LOTS

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### 9.2.1 APPLICABILITY

This Section applies to lots that have less area or width than required by § 4.2: *Lot Standards* for the district in which the lot is located.

### 9.2.2 USE OF NONCONFORMING LOTS

A nonconforming lot may be used for any use allowed in the zoning district in which the lot is located if the use meets all applicable requirements, including any applicable use conditions (see Article 3: *Use Regulations*).<sup>231</sup>

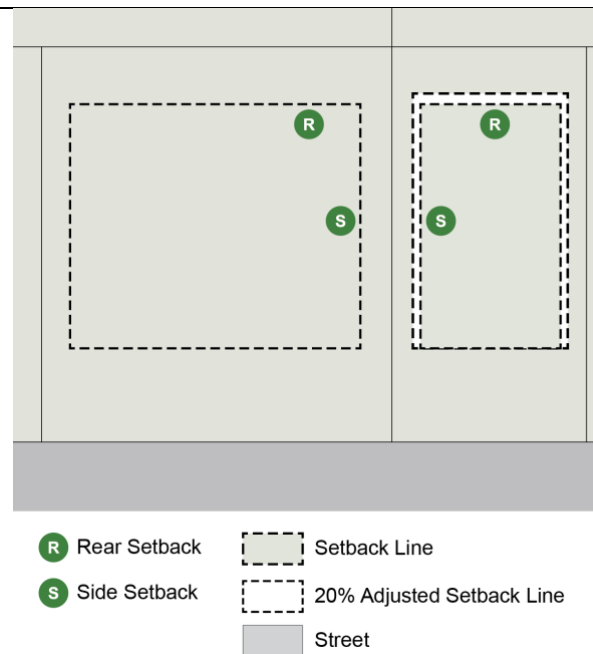
### 9.2.3 PROPORTIONATE SETBACKS FOR NONCONFORMING LOTS<sup>232</sup>

- (a) **Purpose.** The purpose of this Section is to provide a reasonable and equitable approach for the development or redevelopment of nonconforming lots by allowing a proportionate reduction in required side and rear setbacks.
- (b) **Applicability.** The Zoning Administrator may approve a side or rear setback reduction for proposed structures on nonconforming lots. However, in no case shall yard reductions be permitted for accessory structures (see § 4.3: *Yard Setbacks*).
- (c) **Maximum Side or Rear Yard Setback Reduction.** A side or rear yard setback of a nonconforming lot may be reduced by a percentage equal to the percentage of lot area nonconformity between the nonconforming lot and zoning district, up to a maximum of 20%. For example, if the lot area is 10% smaller the zoning district minimum, the side or rear yard setbacks may be reduced by up to 10%.

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<sup>231</sup> Carries forward Sec. 21.5.10.a *Single Lots* [Lots of Record] with revisions to simplify the text. Proposes that a nonconforming lot may be used for any allowed use, not just as “a building site for a single-family residence in a district where residences are permitted.”

<sup>232</sup> This new section allows flexibility for the development or redevelopment of nonconforming lots.

**Figure 9.2.3: Maximum Side or Rear Yard Setback Reduction****(d) Adjoining Nonconforming Lots.<sup>233</sup>**

- (1) If two or more adjoining nonconforming lots with continuous frontage are in single ownership at any time after the effective date of this UDO, the lots will be considered as a single lot or multiple lots of minimum required size, as applicable.
- (2) The lot or lots are subject to all applicable requirements of this UDO as if they were conforming lots.

**9.3 NONCONFORMING SITE IMPROVEMENTS****9.3.1 APPLICABILITY**

- (a) This Section applies to developed lots with site improvements that do not comply with the requirements of this UDO.

<sup>233</sup> Carries forward Sec. 21.5.10.b *Adjoining Lots* [Lots of Record] with revisions to simplify and clarify the text.

- (b) “Site improvements” are components, other than buildings, an applicant installs or maintains on a lot in conjunction with development and include buffers, landscaping, loading areas, open space, outdoor lighting, parking areas (vehicular and bicycle), signs, and vehicle queuing areas.

### 9.3.2 NONCONFORMING BUFFERS & LANDSCAPING

- (a) Nonconforming landscaping, perimeter buffers, right-of-way buffers, and screening of loading and service areas must be brought into compliance with § 4.7: *Buffers and Landscaping* and § 4.5: *Neighborhood Transition Standards*, if applicable, when:
  - (1) Any individual alteration or expansion of a principal structure located in a non-residential zoning district, including outdoor patio and deck areas, results in an increase in gross floor area, dwelling units, or guest rooms; and
  - (2) Any individual alteration or expansion of a multi-family dwelling located in any zoning district results in an increase in dwelling units or gross floor area.
- (b) If there is insufficient space on a lot to accommodate the required perimeter or right-of-way buffers, the Planning Commission may approve an alternative buffer plan that meets the intent of § 4.7.4: *Perimeter & Right-of-Way Buffers*.<sup>234</sup>

### 9.3.3 NONCONFORMING OPEN SPACE

Nonconforming open space must be brought into compliance with § 5.4: *Open Space* when:

- (a) An existing Residential Group Development is expanded by 10 or more dwelling units;
- (b) An existing Non-Residential Group Development is expanded in area by one acre or more; and
- (c) An existing Mixed Use Group Development is expanded by 10 or more dwelling units or by one acre or more.

### 9.3.4 NONCONFORMING OUTDOOR LIGHTING

- (a) Nonconforming outdoor luminaires may be maintained and repaired. Minor repair or normal maintenance shall mean actions necessary to:
  - (1) Maintain the fixture to a safe condition;

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<sup>234</sup> This proposed provision is intended to provide flexibility for the redevelopment of existing developed sites.

- (2) Correct damage or deterioration of the structural soundness; or
  - (3) Maintain the general appearance and functionality, including routine painting and electrical repairs such as rewiring, angle adjustments, and bulb replacement.
- (b) Nonconforming outdoor luminaires must be brought into compliance with § 4.8: *Outdoor Lighting* and § 4.5: *Neighborhood Transition Standards*, if applicable, when they are replaced.

### 9.3.5 NONCONFORMING PARKING, VEHICLE QUEUING, OR LOADING AREAS

Nonconforming off-street parking areas for vehicles or bicycles, vehicle queuing areas, and off-street loading areas must be brought into compliance with § 4.6: *Parking & Access* when:

- (a) Any individual alteration or expansion of a principal structure results in an increase in gross floor area, outdoor seating area, dwelling units, or guest rooms; and
- (b) A change in use of a developed lot results in an increase in the required number of off-street parking, queuing, or loading spaces. However, if a change in use would require an increase of three or fewer spaces, additional off-street parking spaces are not required.

### 9.3.6 NONCONFORMING SIGNS<sup>235</sup>

- (a) A sign user may repair or restore a nonconforming sign damaged and destroyed by natural causes, wear and tear, or any other cause to an extent equal to or less than 50% of its full replacement cost over a two year period. If the sign user does not repair or restore a damaged sign within 90 days, measured from the date of notice from the City, the sign user must remove the nonconforming sign.
- (b) A sign user may replace the sign faces on a nonconforming sign that is not damaged or destroyed.

## 9.4 NONCONFORMING STRUCTURES

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### 9.4.1 APPLICABILITY

This Section applies to any lawfully constructed structure that:

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<sup>235</sup> Carries forward a portion of § 21.167 *Non-Conforming Existing Signs*. Removes the provisions for signs that lawfully existed at the time of adoption of the Zoning Ordinance (June 9, 1981) to be brought into compliance within 10 years.

- (a) Does not meet the dimensional standards (e.g., setbacks, height, density, or gross floor area) in Article 4: *Site & Development Standards* for the district in which the structure is located;
- (b) Does not meet the dimensional standards or building design standards specified in § 2.3: *Centers & Corridors Overlay District (CC-OD)*;
- (c) Does not comply with the bulk standards specified in § 4.5: *Neighborhood Transition Standards*;
- (d) Does not comply with the rear wall plane standards specified in § 4.5: *Neighborhood Transition Standards*; or
- (e) Is located within a buffer required by § 4.7.4: *Perimeter & Right-of-Way Buffers*.

#### 9.4.2 CHANGES TO A NONCONFORMING STRUCTURE

- (a) **Additions to a Nonconforming Structure.**<sup>236</sup> A nonconforming structure shall not be extended or enlarged, except for a nonconforming single-family residential structure which may be enlarged or extended in any zoning district if the addition(s):
  - (1) Conforms to all provisions and requirements in the zoning district in which the structure is located;
  - (2) Conforms to subdivision restrictions of record duly noticed to the City; and
  - (3) Does not increase or enlarge the existing nonconformity. For example:
    - a. A structure that has a five-foot side yard setback where the UDO requires a 10-foot side yard setback cannot be enlarged so as to further encroach into the side yard setback such as by extending the building an additional two feet towards the setback line; and
    - b. This also means that a structure with a five-foot side yard setback where the UDO requires a 10-foot side yard setback cannot be expanded further along that plane of the structure, such that a larger portion of building area is now nonconforming.
- (b) **Repair or Alteration of a Nonconforming Structure.**<sup>237</sup>
  - (1) Repair or alteration of a nonconforming structure is allowed if:

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<sup>236</sup> Carries forward Sec. 21.6.1(c) [Non-conforming Uses].

<sup>237</sup> Generally carries forward a portion of Sec. 21.5.12: *Yard requirements, existing buildings* and consolidates it with Sec. 21.6.1(f) [Non-conforming Uses]. Minor revisions to clarify the text.



- a. The repair or alteration complies with this UDO;
  - b. The repair or alteration does not increase the gross floor area of the structure except as permitted under 9.4.2(a) above; and
  - c. The value of the repair or alteration does not exceed 50% of the fair market value of the nonconforming structure as determined by the Richland County Tax Assessor's records.
- (2) If the cumulative total of all repairs or alterations of a nonconforming structure over any consecutive 12-month period exceeds the maximum allowed by Paragraph 9.4.2(b)(1)c above, the nonconforming structure must be brought into full compliance with this UDO.

(c) **Damage to a Nonconforming Structure.**<sup>238</sup>

- (1) **Commercial and Multi-family Structures.** Any nonconforming structure that is damaged by fire, flood, explosion, earthquake, winds, war, riot, act of nature, or any other act not under the control of the owner shall not be rebuilt, altered, or repaired, except in conformity with this UDO, after damage from such cause(s) exceeding 75% of the fair market value of the improvement as determined by the Richland County Tax Assessor's records at the time such damage initially occurs. This provision does not prohibit performance of emergency mitigation work intended to prevent exacerbation of damage to a structure.
- (2) **Single-family and Two-family Structures.** Paragraph 9.4.2(c)(1) does not apply to single-family detached dwellings, townhouses, or duplexes, which may be rebuilt, altered, or repaired regardless of the extent of damage.

### 9.4.3 CHANGE OF USE IN A NONCONFORMING STRUCTURE<sup>239</sup>

A conforming use may be established or reestablished in a nonconforming structure if the use complies with all applicable UDO provisions.

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<sup>238</sup> Carries forward Sec. 21.6.1(e) [Non-conforming Uses].

<sup>239</sup> Generally carries forward a portion of Sec. 21.5.12: *Yard requirements, existing buildings*.

## 9.5 NONCONFORMING USES

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### 9.5.1 APPLICABILITY

This Section applies to any lawfully established use that does not meet the requirements in Article 3: *Use Regulations*.

### 9.5.2 CONTINUATION & EXTENSION OF NONCONFORMING USES<sup>240</sup>

- (a) A nonconforming use may continue if it remains otherwise lawful. Any change to a nonconforming use must be made in accordance with this Section.
- (b) When active operation or occupancy of a nonconforming use is discontinued for a consecutive period of 365 days, the nonconforming use shall not be reestablished.
- (c) A nonconforming use shall not be extended or enlarged.

### 9.5.3 CHANGE OF NONCONFORMING USES<sup>241</sup>

- (a) A nonconforming use shall not be changed to another nonconforming use.
- (b) A nonconforming use may be changed only to a conforming use. Thereafter, the property may not revert to a nonconforming use.

### 9.5.4 CONDITIONAL & SPECIAL EXCEPTION USES

A use that is nonconforming because it was a permitted use at the time of establishment and now is a conditional or special exception use in the zoning district pursuant to § 3.2.2: *Principal Use Table*:

- (a) May continue; and
- (b) Shall not be relocated, expanded, enlarged, or increased in intensity without first receiving conditional or special exception use approval, as applicable.

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<sup>240</sup> Generally carries forward the first paragraph of Sec. 21.6.1, Sec. 21.6.1(c), and Sec. 21.6.1(d) [Non-conforming Uses].

<sup>241</sup> Carries forward Sec. 21.6.1(a) [Non-conforming Uses].

### 9.5.5 CHANGES TO A STRUCTURE CONTAINING A NONCONFORMING USE

A conforming structure containing a nonconforming use may be altered if the alteration complies with this UDO.

## 9.6 VESTED RIGHTS

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### 9.6.1 PURPOSE<sup>242</sup>

- (a) Vested rights balance the right of property owners to reasonably rely on official governmental acts and the City's obligation to reasonably respond to community changes and needs through revisions to this UDO.
- (b) By this Section, the City recognizes and commits to protect vested rights as created by S.C. Code [§ 6-29-1510](#) *et seq.* (the "Vested Rights Act") and other applicable law.
- (c) The City will make vested rights determinations, at property owner request, according to procedures, requirements, exemptions, and other applicable provisions of state law, upon the City receiving all information necessary to determine whether vested rights arise from official City actions impacting a lot.

### 9.6.2 DEFINITIONS<sup>243</sup>

For the purpose of this Section, the following definitions apply:

- (a) **Approved or Approval.** A final action by the City or an exhaustion of all administrative remedies that results in the authorization of a site-specific development plan or phased development plan.
- (b) **Site Specific Development Plan.** A development plan submitted to the City by a landowner describing with reasonable certainty the types and density or intensity of uses for a specific property or properties.
- (c) **Phased Development Plan.** A phased development means a development plan submitted to the City by a landowner that shows the types and density or intensity of uses for a specific property or properties to be developed in phases, but which does not satisfy the requirements for a site-specific development plan.

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<sup>242</sup> These provisions are new.

<sup>243</sup> These definitions are from the S.C. Vested Rights Act.

- (d) **Vested Right.** The right to undertake and complete the development of property under the terms and conditions of a site-specific development plan or phased development plan and this UDO. A vested right pursuant to this section is not a personal right but attaches to and runs with the applicable real property.

### 9.6.3 VESTING PERIOD<sup>244</sup>

- (a) Approved site-specific development plans are vested pursuant to S.C. Code [§ 6-29-1510](#): *Vested Rights, et seq.*, from the date of final approval by the City.
- (b) Approved or conditionally approved phased development plans are vested pursuant to S.C. Code [§ 6-29-1510](#): *Vested Rights, et seq.*, from the date of final approval by the City.
- (c) Within the vesting period, the property owner may apply for a building permit from the Building Official in accordance with all applicable City regulations.
- (d) Upon expiration of a vested right, a building permit may be issued for development only in accordance with applicable UDO regulations.

### 9.6.4 EXTENSION OF VESTING PERIOD<sup>245</sup>

- (a) Prior to the end of the initial vesting period, and each successive annual vesting period if applicable, the property owner may submit a request to the Zoning Administrator for an annual extension of the vested right.
- (b) The Zoning Administrator must approve up to five one-year extensions of the vested right unless the City Council has adopted an amendment to the UDO that prohibits approval.
- (c) The applicant must submit a written request to the Zoning Administrator no earlier than 60 days prior to the expiration of each period of validity.

### 9.6.5 CONDITIONS & LIMITATIONS

A vested right established by this Section, and in accordance with S.C. Code [§ 6-29-1540](#), is subject to the following conditions and limitations.

- (a) **Purpose.** Site specific development plans and phased development plans typically authorize the developer or landowner to proceed with projects that require the investment in grading;

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<sup>244</sup> This language is from the S.C. Vested Rights Act.

<sup>245</sup> The S.C. Vested Rights Act requires the UDO to allow for this extension of vested rights.

installation of utilities, streets, or other infrastructure; and other significant expenditures necessary to apply for a building permit.

- (b) **Applicability.** For purposes of this Section, the following are considered site specific development plans and phased development plans:
- (1) City Council-approved Site Development Plans accompanying a Planned Development District application;
  - (2) Planning Commission-approved Preliminary Plans for major subdivisions;
  - (3) Planning Commission-approved Preliminary Plans for group developments;
  - (4) Staff-approved Sketch Plans for minor subdivisions;
  - (5) Zoning Board of Appeals-approved special exception uses; and
  - (6) Zoning Board of Appeals-approved variances.
- (c) **Termination.** The City may terminate a vested right established under a conditionally approved site specific development plan or conditionally approved phased development plan upon its determination, following notice and a public hearing held by the City Council, that the landowner has failed to meet the terms of the conditional approval.
- (d) **Associated Variance or Special Exception.** A site specific development plan or phased development plan for which a variance or special exception is necessary does not confer a vested right until the variance or special exception is approved.
- (e) **Amendments.** A vested site specific development plan or phased development plan may be amended if approved by the City pursuant to the provisions of this UDO.
- (f) **Associated Building Permit.** A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons or as prescribed by the applicable building code.
- (g) **Associated Codes and Laws.** A vested site specific development plan and phased development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations that do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit.
- (h) **Associated Overlay Zoning.** A vested site specific development plan or phased development plan is subject to later local governmental overlay zoning that imposes site plan-related

requirements but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses.

- (i) **Changes in Zoning District Designation.** A change in the zoning district designation or land use regulations made subsequent to vesting that affect real property does not operate to affect, prevent, or delay development of the real property under a vested site specific development plan or vested phased development plan without consent of the landowner;
- (j) **Revocation.** A vested right to a site specific development plan or phased development plan is subject to revocation by the City Council upon its determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval;
- (k) **Annexation.** If real property having a vested site specific development plan or phased development plan is annexed, the City Council must determine, after notice and public hearing in which the landowner is allowed to present evidence, whether the vested right is effective after the annexation.
- (l) **Waiver of Vested Rights.** The City must not require a landowner to waive their vested rights as a condition of approval or conditional approval of a site specific development plan or a phased development plan.

#### 9.6.6 APPLICATIONS & PROJECTS IN PROCESS

- (a) **Generally.**
  - (1) This Section addresses the transition from the previous ordinances (specified in § 1.8: *Repeal of Previous Ordinances*) in effect prior to the effective date of this UDO.
  - (2) The provisions in this Section clarify how to handle pending development applications, approvals granted prior to the effective date, development in progress, and the status of existing violations.
- (b) **Applications in Progress.**
  - (1) Applications submitted and accepted as complete prior to the date specified in § 1.7: *Effective Date* will be processed under the ordinances in place at the time of application acceptance.
  - (2) Applications in progress must comply with the timeframes for review, approval, and completion specified in the prior ordinances. If an application expires, then future applications are reviewed under the provisions of this UDO.
  - (3) At any stage of the application review process, an applicant may choose to have the proposed development reviewed under the provisions of this UDO.

(c) **Approvals Granted Prior to Effective Date.**<sup>246</sup>

- (1) Use permits, variances, building permits, subdivision sketch plats, and other similar development approvals that are valid on the date specified in § 1.7: *Effective Date* will remain valid until their expiration date.
- (2) Development may be completed in accordance with such approvals even if the building, structure, or development does not fully comply with the provisions of this UDO.
- (3) If development does not begin or continue within the timeframe required by the original approval or any approved extension of the same and the approval expires, then future applications are reviewed under the provisions of this UDO.

(d) **Existing Violations.** The City will enforce violations of the previous ordinances if the City issued a notice of violation prior to the date specified in § 1.7: *Effective Date*.

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<sup>246</sup> Generally carries forward LDR Sec. 17-163(d): *Legal Status*.

## ARTICLE 10: VIOLATIONS & ENFORCEMENT

### 10.1 PURPOSE

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This Article establishes the procedures to enforce compliance with this UDO and to mandate corrections for violations of this UDO or conditions of an approval or permit issued under this UDO.

### 10.2 VIOLATIONS

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#### 10.2.1 GENERALLY

- (a) When any structure is erected, constructed, reconstructed, altered, repaired, or converted, or any structure or land is used in violation of this UDO, the Zoning Administrator is authorized to institute any appropriate action to put an end to such violation.
- (b) More specific penalties are prescribed for violations of the sign regulations (see § 10.4.4) and tree protection regulations (see § 10.4.5) and for transferring lots in unapproved subdivisions (see § 10.4.6).

#### 10.2.2 TYPES OF VIOLATIONS<sup>247</sup>

- (a) The activities, acts, failures to act, and conditions listed below are violations of this UDO. The City will enforce the UDO using the penalties and remedies provided by this Article, the Forest Acres Code of Ordinances, and any requirements or limitations of South Carolina law.
  - (1) *Development or Use Without Permit or Approval.* Any activity that is not authorized by the acquisition of all required permits, approvals, certificates, and authorizations required by this UDO;
  - (2) *Development or Use of Land Inconsistent with This UDO.* Any activity that is inconsistent with any zoning, development, landscaping, sign, or general regulation of this UDO or any amendment to it;
  - (3) *Development or Use Inconsistent with Conditions of Approval.* Any activity that is inconsistent with any term, condition, or qualification placed by the City upon a required permit, certificate, rezoning, plan approval, or another form of authorization

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<sup>247</sup> These new provisions clarify the types of activities that violate the UDO. Removes “unauthorized changes to zoning map” since this task is performed by staff and not the applicant.



granted by the City to allow the use, development, placement of signs, or other activity upon land or improvements of land;

- (4) *Making a Lot or Yard Nonconforming.* Reducing or diminishing any lot area, lot width, lot depth, or setback so that the lot or yard is smaller than prescribed by the requirements of this UDO;
- (5) *Increasing Lot Coverage.* Increasing the lot coverage on a lot so that it exceeds the maximum allowed by this UDO;
- (6) *Increasing the Intensity of Use.* Increasing the intensity or density of use of any land or structure, except in accordance with the procedural and substantive requirements of this UDO;
- (7) *Deficient Parking.* Failing to install or maintain any parking spaces required by § 4.6: *Parking & Access*;
- (8) *Deficient Landscaping.* Failing to install or maintain any landscaping required by § 4.7: *Buffers and Landscaping*;
- (9) *Removal of Vegetation in Buffers.* The unauthorized removal or disturbance of vegetation from required buffers, except in accordance with the provisions of § 4.7: *Buffers and Landscaping*;
- (10) *Removal of Protected Trees.* The unauthorized removal or disturbance of protected trees, except in accordance with the provisions of § 5.2: *Tree Protection & Preservation*;
- (11) *Displaying a Temporary Sign Longer Than Permitted.* Displaying a temporary sign for a period of time in excess of that stated in the approval;
- (12) *Transferring Lots in Unapproved Subdivisions.* The sale or transfer of land by reference to, exhibition of, or by any other use of a plat showing a subdivision of land before the plat has been properly approved under this UDO and recorded in the office of the Richland County Register of Deeds. The description of metes and bounds in the instrument of transfer or other document used in the process of selling or transfer does not exempt the transaction from applicable penalties;<sup>248</sup>
- (13) *Disrupting Notice.* Removing, defacing, obscuring, or interfering with any notice posted or made pursuant to this UDO;

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<sup>248</sup> Carries forward a portion of Sec. 17.161(a): *Penalties for transferring lots in unapproved subdivisions* [Violation and Penalty]. Removes unnecessary and confusing language.

- (14) *Failure to Comply with a Stop Work Order.* Continuing construction or other site work on any development, building, or structure on any land or site after service of a stop work order issued by the City pursuant to this Article; and
  - (15) *Other Acts.* Any other act that is prohibited by this UDO or the failure to do any act that is required by this UDO is a violation under this Section and is punishable under this Article.
- (b) **Each Day Constitutes a Separate Violation.** Each day that any violation of any provision of this UDO continues after the Zoning Administrator issues notice of the violation constitutes a separate violation.<sup>249</sup>

### 10.3 ENFORCEMENT PROCEDURES<sup>250</sup>

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#### 10.3.1 RESPONSIBILITY FOR ENFORCEMENT

The Zoning Administrator and Building Official are responsible for enforcing all provisions of the UDO.

#### 10.3.2 NOTICE OF VIOLATION

- (a) In the case of violations of this UDO involving continuing construction or development or any emergency situation, the Zoning Administrator shall provide written notification to the person responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it.
- (b) In the case of violations of this UDO not involving continuing construction or development or any emergency situation, the Zoning Administrator shall give written notice of the nature of the violation to the owner, occupant, or agent of the property at the last known address.
- (c) The contents of the notice shall describe the nature of the violation in terms that would reasonably allow the property owner or other responsible person, representative, or tenant to determine the nature of the violation to allow for self-abatement and shall state a duration of time to cure before further enforcement action will be taken.
- (d) The person to whom notice is directed shall correct the violation or be subject to further enforcement action.
- (e) The notice shall be personally served or sent by certified mail, return receipt requested. Failure to sign for the certified mail or failure to pick up the notice from the post office is not deemed a

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<sup>249</sup> Carries forward 21.228.2 *Penalties for Violation* [Building Permits and Certificates of Occupancy].

<sup>250</sup> This new Section establishes responsibility for enforcement actions, notification, and cure periods.

lack of notice under this UDO where delivery was attempted, and a record of this attempt was provided as required by procedures for restricted mail.

### 10.3.3 IMMEDIATE ENFORCEMENT

- (a) If the Zoning Administrator determines that an emergency situation exists or continuing construction is occurring in violation of this UDO, the City may immediately use the enforcement powers and remedies available to it pursuant to § 10.4: *Remedies & Penalties*.
- (b) No other notification procedures are required as a prerequisite to an immediate enforcement action.

## 10.4 REMEDIES & PENALTIES

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### 10.4.1 GENERALLY

The City may use one, all, or any combination of the following remedies and penalties to enforce compliance with this UDO.

### 10.4.2 VIOLATION IS A MISDEMEANOR

- (a) Any person violating, by act or omission, any provision of this UDO is guilty of a misdemeanor and shall be punished by a fine not exceeding \$500.00 or imprisonment for not more than 30 days, or both, at the discretion of the court.<sup>251</sup>
- (b) The owner or tenant of any building, structure, premises, 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 be subject to the penalties provided in this Article.<sup>252</sup>

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<sup>251</sup> Carries forward Sec. 21.228.1 *Penalties for Violation* [Building Permits and Certificates of Occupancy], Sec. 17-145 *Enforcement* [Erosion & Sediment Control], and Sec. 21.212 *Enforcement* [Erosion & Sediment Control].

<sup>252</sup> Carries forward Sec. 21.228.3 *Penalties for Violation* [Building Permits and Certificates of Occupancy].

### 10.4.3 ACTION BY ZONING ADMINISTRATOR

- (a) **Generally.** When any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this UDO, the Zoning Administrator may:<sup>253</sup>
- (1) Follow up on violations until the situation is properly remedied;
  - (2) Order discontinuances of illegal use of land, buildings, or structures;
  - (3) Order the removal of illegal buildings or structures or illegal additions, alterations, or structural changes;
  - (4) Order the discontinuance of any illegal work being done;
  - (5) Institute injunction or other appropriate action in proceeding to prevent the violation;
  - (6) Take any action authorized in this Section; and
  - (7) Take any other action authorized by this UDO and governing law to ensure compliance with or to prevent violation of its provisions.
- (b) **Violations of Erosion & Sediment Control Regulations.**<sup>254</sup> If an applicant fails to conform to their approved Erosion & Sediment Control Plan, the Building Official may:
- (1) Direct conformance to the plan via a written order;
  - (2) Issue a written order to suspend work;
  - (3) Revoke the permit issued;
  - (4) Seek redress through legal action; and
  - (5) Withhold the release of permanent electric power to the site.

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<sup>253</sup> Carries forward and augments Sec. 21.229 *Remedies* [Building Permits and Certificates of Occupancy].

<sup>254</sup> Carries forward Sec. 17-145 *Enforcement* [Erosion & Sediment Control] and Sec. 21.212 *Enforcement* [Erosion & Sediment Control] but removes “any adjacent or neighboring property owner.”

#### 10.4.4 PENALTY FOR VIOLATION OF SIGN REGULATIONS<sup>255</sup>

Section 4.9.15: *Removal or Repair of Certain Signs* specifies penalties and remedies for failure to remove or repair certain signs. These penalties apply in addition to the remedies and penalties in this Section.

#### 10.4.5 PENALTY FOR VIOLATIONS OF TREE PROTECTION REGULATIONS<sup>256</sup>

- (a) Any title holder(s), homeowner(s), business owner(s), managing person(s), partner(s), renter(s), lessor(s), lessee(s), landlord(s), or tenant(s) of the subject property; tree service company(s), tree removal company(s), or their officers and/or employees; or any combination thereof, violating any of the provisions of § 5.2: *Tree Protection & Preservation* is guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or imprisonment of for not more than 30 days or both.
- (b) The removal of each significant tree in violation of this UDO is considered and constitutes a separate offense.

#### 10.4.6 PENALTY FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS<sup>257</sup>

- (a) The owner or agent of the owner of any land who sells or transfers the land by reference to, exhibition of, or by any other use of a plat showing a subdivision of land before the plat has been properly approved under this UDO and recorded in the office of the Richland County Register of Deeds is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in this Article. In addition, the City may enjoin such transfers by appropriate action.
- (b) The City of Forest Acres may enjoin such transfer or sale by appropriate action.

#### 10.4.7 REVOCATION OF PERMIT OR APPROVAL<sup>258</sup>

- (a) **Basis for Revocation.** The Zoning Administrator may revoke a permit or approval at any time prior to the completion of the use, building, structure, development, site improvement, or

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<sup>255</sup> Carries forward Sec. 21.172 *Penalties for Violations* [Signs].

<sup>256</sup> Carries forward Sec. 21.152.8 *Violations* [Tree Protection]. City Council input requested on the established penalty of \$250, which is lower than the standard fine of \$500 for all other penalties throughout the UDO. Would City Council prefer to bring this into conformance with the standard fine of \$500 or keep as is?

<sup>257</sup> Carries forward a portion of Sec. 17.161(a): *Penalties for transferring lots in unapproved subdivisions* [Violation and Penalty].

<sup>258</sup> This new Section allows revocation of a permit if the applicant provided materially incorrect information, if the applicant fails to comply with a condition, or if the City issued the permit or approval in error.

subdivision for which the permit was issued when the Zoning Administrator determines that one or more of the following conditions is present:

- (1) There is a departure from the plans, specifications, or conditions as required under the terms of the permit;
  - (2) That the applicant procured the permit using materially incorrect information;
  - (3) That the City issued the permit in error, and the construction or other work allowed by the permit has not yet begun; or
  - (4) That any of the provisions of this UDO are being violated.
- (b) **Notice.** Written notice of the revocation shall be served upon the owner, the owner's agent or contractor, or any person employed in the building or structure for which the permit was issued or shall be posted in a prominent location on the lot. Where notice of revocation is served or posted, all further construction, use, or development of the lot shall cease.
- (c) **Appeal of Revocation.** Any revocation of a permit may be appealed to the Zoning Board of Appeals as provided in § 7.3.14: *Appeal of Administrative Decisions*.

## ARTICLE 11: RULES OF INTERPRETATION & MEASUREMENT

### 11.1 RULES OF INTERPRETATION

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#### 11.1.1 PURPOSE

This Section and City Code [Sec. 1-2: Definitions and rules of construction](#) establish rules for interpreting this UDO.

#### 11.1.2 GENERAL RULES OF INTERPRETATION<sup>259</sup>

- (a) In their interpretation and application, the provisions of this UDO are considered the minimum requirements for the promotion of public safety, health, convenience, prosperity, and general welfare.
- (b) For purposes of interpreting this UDO, the following definitions of word use apply:
  - (1) Words used in the present tense include the future tense;
  - (2) Words used in the singular include the plural and words in the plural include the singular, unless the natural construction of the wording indicates otherwise;
  - (3) Words of one gender include the other genders and firms, partnerships, and corporations;
  - (4) The words “shall” and “must” are mandatory;
  - (5) The words “may,” “should,” and “encouraged” are permissive;
  - (6) The terms “structure,” “building,” and “dwelling” include any part thereof;
  - (7) The phrase “used for,” as applied to land or buildings, includes “designed for,” “intended for,” “arranged for,” “maintained for,” and “occupied for;”
  - (8) The words “such as,” “includes,” “including,” and “for example” mean “including, but not limited to” or “by way of example and not limitation,” unless otherwise provided;

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<sup>259</sup> Carries forward and clarifies Sec. 21.3.1 *Interpretation of certain terms and words* and Sec. 17.5 *Usage*. Removes terms defined in Article 13: *Definitions*.

- (9) The term “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other entity usually defined in legal usage as a person;
  - (10) The term “contiguous” means abutting directly or immediately adjacent to a common boundary or separated only by a right-of-way or water body; provided, however, that this definition shall not be applied to determinations of contiguity for purposes of annexation; and
  - (11) Words not defined in this UDO have their customary meaning as defined in a standard dictionary.
- (c) This UDO contains illustrations and graphics designed to assist the reader in understanding the provisions of this UDO. To the extent there is any inconsistency between the text of this UDO and any illustrations or graphics, the text controls.
  - (d) Where this UDO allows or requires an act on the part of an "owner," "lot owner," or “property owner” and a particular lot or tract of land is owned by several persons, whether in indivision, partnership, joint venture, or other form of joint ownership, the act shall be taken on behalf of, and with the express consent of, all such persons.
  - (e) Any reference to a statute, provision of the Forest Acres City Code, other laws or regulations, reference documents, technical manuals, or other documents refer to the most recent versions of those documents, including any amendments or updates to the statute, City Code, law, regulation, or other document.

### 11.1.3 INTERPRETATION OF ZONING MAP<sup>260</sup>

- (a) **Generally.** Where reasonable uncertainty exists concerning the boundaries of any zoning district shown on the zoning map, the Zoning Administrator determines the location of the boundaries using the criteria in this Section.
- (b) **Boundaries That Follow Physical Features.** Where district boundaries are indicated as approximately following the centerline of streams; railroads streets or highways; or street, highway, or railroad right-of-way lines; then such centerline or right-of-way lines are construed to be such boundaries.
- (c) **Boundaries That Follow Lot Lines.** Where district boundaries are indicated as approximately following lot lines, such lot lines are construed to be such boundaries.

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<sup>260</sup> Carries forward Sec. 21.4.3 *Rules for determining boundaries* with minor revisions to simplify the text. Changes “building official” to “Zoning Administrator.”



- (d) **Boundaries Parallel to Centerlines.** Where district boundaries are indicated as approximately parallel to the centerline of streets, highways, or railroads, or to the rights-of-way of streets, highways, or railroads, such district boundaries are construed as being parallel thereto and such distance therefrom as indicated on the zoning map. If some distance is given, the dimension is determined using the scale shown on the zoning map.
- (e) **Boundaries That Divide Lots.** Where a district boundary line as appearing on the zoning map divides a lot, the district requirements for the most restrictive portion of the lot apply 25 feet beyond the district boundary line.<sup>261</sup>

#### 11.1.4 CONFLICTING PROVISIONS<sup>262</sup>

- (a) **Conflicting Provisions in This UDO.** When one UDO provision conflicts with another UDO provision, whichever provision is more restrictive or imposes higher standards controls unless otherwise specified.
- (b) **Conflicts With Other Statutes, Ordinances, or Regulations.**
  - (1) *Stricter Standards in This UDO.* When this UDO imposes higher standards than are required in any other federal, state, or local statute, ordinance, or regulation, the UDO standards control.
  - (2) *Stricter Standards in Other Statutes, Ordinances, or Regulations.* When a federal, state, or local statute, ordinance, or regulation imposes higher standards than are required in this UDO, the federal, state, or local statute, ordinance, or regulation controls.
- (c) **Conflicts With Private Restrictions.**
  - (1) This UDO does not interfere with, abrogate, or annul any easements, covenants, restrictions, or other agreements between parties.
  - (2) Where this UDO is more restrictive or imposes higher standards than a private restriction, this UDO controls.
  - (3) Where a private restriction is more restrictive or imposes higher standards than this UDO, the private restriction controls if properly enforced by a person having the legal right to enforce the restrictions. The City does not enforce private restrictions.

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<sup>261</sup> Carries forward Sec 21.4.3.4 and clarifies the language. Replaces “a lot in single ownership” with, simply, “a lot.” It is unclear what “single ownership” means or what happens if the lot is not in single ownership. Further, the lot’s ownership status should not affect the regulation. Changes “least” restrictive to “most” restrictive to protect properties with lesser zoning intensities.

<sup>262</sup> Carries forward Sec 17-163(a) *Conflict with other laws*. Adds new provisions related to private restrictions.

## 11.2 RULES OF MEASUREMENT

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### 11.2.1 PURPOSE

This Section establishes rules for the measurement or calculation of UDO standards, such as lot area and height.

### 11.2.2 GROSS FLOOR AREA

- (a) **Generally.** This Subsection describes how to calculate gross floor area. Article 2: *Zoning Districts* regulates this metric in certain zoning districts, Article 3: *Use Regulations* regulates this metric for certain land uses, and Article 4: *Site & Development Standards* uses this metric for certain development standards such as the determination of the required number of parking spaces.
- (b) **How to Measure Gross Floor Area.**<sup>263</sup>
- (1) Gross floor area (GFA):
    - a. Is measured from the inside perimeter of the exterior walls of the structure, without deduction for the thickness of internal walls;
    - b. Includes the total horizontal area of all floors of a structure, including interior balconies, mezzanines, corridors, stairways, ramps, closets, columns, and other features; and
    - c. Excludes shafts with no openings and interior courts. A “court” is an open, uncovered space, unobstructed to the sky, bounded on three or more sides by exterior building walls or other enclosing devices.<sup>264</sup>
  - (2) The floor area of a structure or portion thereof without exterior walls is the usable area under the horizontal projection of the roof or floor above.
  - (3) For a dwelling, the measurement of GFA excludes carports, garages, basements, storage areas with only outside access, and open porches.<sup>265</sup>

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<sup>263</sup> This Section is consistent with the 2021 International Building Code (IBC) definition of “floor area, gross” (IBC, [Section 202](#)). It is a change from the measurement specified for the size of certain uses in the C-5 District (Sec. 21.132(6)) and for the floor area of residential dwellings (Sec. 21.3.2: *Definitions*), both of which measure from “the exterior face of the exterior walls.”

<sup>264</sup> This definition of *court* is from the 2021 IBC, [Section 202](#).

<sup>265</sup> These exclusions are from the current Zoning Ordinance definition of *floor area, residential* (Sec. 21.3.2).

### 11.2.3 HEIGHT

- (a) **Generally.** This Subsection describes how to measure building and structure height and allows exceptions for certain structures or elements.
- (b) **Principal Structures.**
  - (1) *How to Measure Height When Regulated in Feet.*<sup>266</sup>
    - a. Where this UDO regulates height in feet, the height of a principal structure is the vertical distance measured from the grade plane to the average height of the highest roof surface.
    - b. “Grade plane” has the same meaning given in the South Carolina Building Code.
  - (2) *How to Measure Height When Regulated in Stories.*
    - a. A story is measured:
      - 1. From top to top of two successive finished floor surfaces; and
      - 2. For the topmost story, from the top of the highest finished floor to the top of the ceiling joists or the top of the roof rafters if there is no ceiling.
    - b. An attic counts as a story if it contains habitable attic space, as defined by the Building Code.
  - (3) The ground-level component of an elevated building is considered a story if it is at least seven feet in height.
- (c) **Accessory Structures.** The height of an accessory structure is measured from the finished ground level to pinnacle of the roof.
- (d) **Exceptions.**<sup>267</sup>
  - (1) The height limitations specified in this UDO do not apply to church spires, belfries, cupolas, and domes not intended for human occupancy and located in the P-1 or P-2 Districts.

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<sup>266</sup> Revises the current approach to measuring height specified to align with the South Carolina Building Code. Sec. 21.3.2 of the current code defines *height of building* as “[t]he vertical distance measured from the mean finished ground level adjoining the building to the eaves or the base of the roof.”

<sup>267</sup> Carries forward a portion of 21.5.16 *Height limits*.

- (2) As specified in § 4.4: *Height*, the Zoning Board of Appeals may authorize special exceptions for the height of certain structures.

#### 11.2.4 LOT AREA

- (a) **Generally.** This Subsection describes how to calculate lot area. Section 4.2: *Lot Standards* regulates this metric in certain zoning districts, and Article 3: *Use Regulations* regulates this metric for certain land uses.
- (b) **How to Calculate Lot Area.**
- (1) The area of a lot:
- Is calculated in square feet by multiplying the lot depth by the lot width; and
  - Does not include any portion of a stream or lake; nor any street, highway, or railroad right-of-way.<sup>268</sup>
- (2) When a lot is irregularly shaped, the calculation method varies based on the lot shape and the information available. [See [www.mathopenref.com/polygonirregulararea.html](http://www.mathopenref.com/polygonirregulararea.html)]

#### 11.2.5 LOT DEPTH

- (a) **Generally.** This Subsection describes how to measure lot depth. The UDO does not regulate this metric, but it is used to calculate lot area. [See § 11.2.4: *Lot Area*]
- (b) **How to Measure Lot Depth.** The depth of a lot is the average horizontal distance between the front and rear lot lines, measured generally parallel to the side lot lines.

#### 11.2.6 LOT WIDTH & LOT FRONTAGE

- (a) **Generally.** This Subsection describes how to measure lot width and lot frontage. Section 4.2: *Lot Standards* regulates these metrics in all zoning districts.
- (b) **How to Measure Lot Width.** As shown in Figure 11.2.6-1: *Minimum Lot Width*, the width of a lot is the horizontal distance between the side lot lines at the front setback line, measured:
- (1) Parallel to the front lot line; or

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<sup>268</sup> This paragraph (b)(1)b carries forward Sec. 21.4.3.5 and significantly simplifies the text.

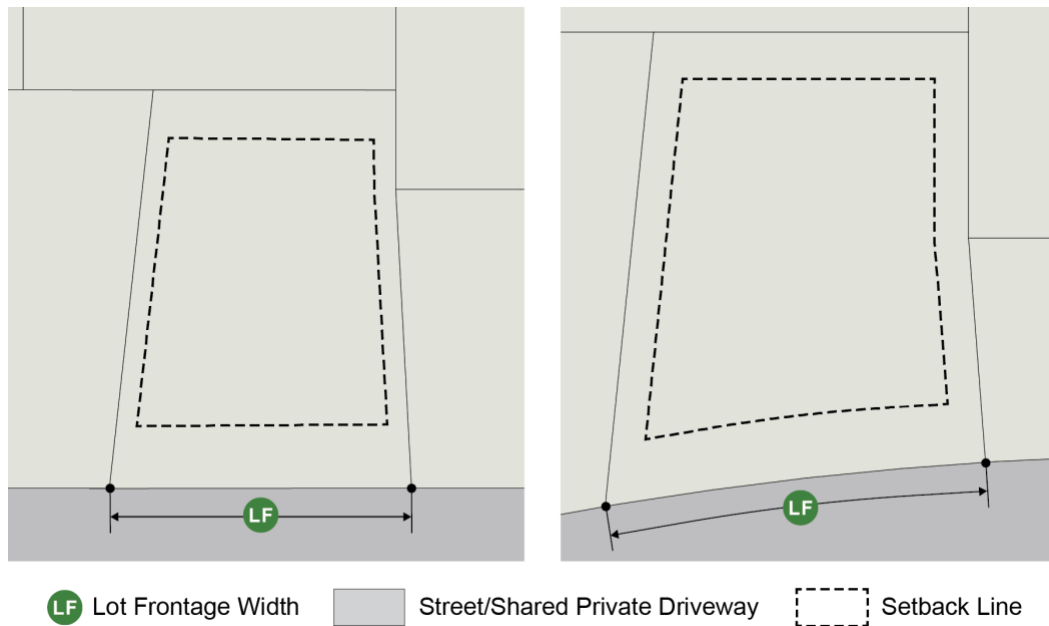
- (2) In the case of a curvilinear street, parallel to the chord of the arc between the intersection of the side lot lines and the front setback line.

**Figure 11.2.6-1: Minimum Lot Width**



- (c) **How to Measure Lot Frontage.** As shown in Figure 11.2.6-2: *Minimum Lot Frontage*, the frontage of a lot is the horizontal distance between the side lot lines at the front lot line, measured:

- (1) Parallel to the front lot line; or
- (2) In the case of a curvilinear street, parallel to the chord of the arc between the intersection of the side lot lines and the front lot line.

**Figure 11.2.6-2: Minimum Lot Frontage**

### 11.2.7 LOT COVERAGE

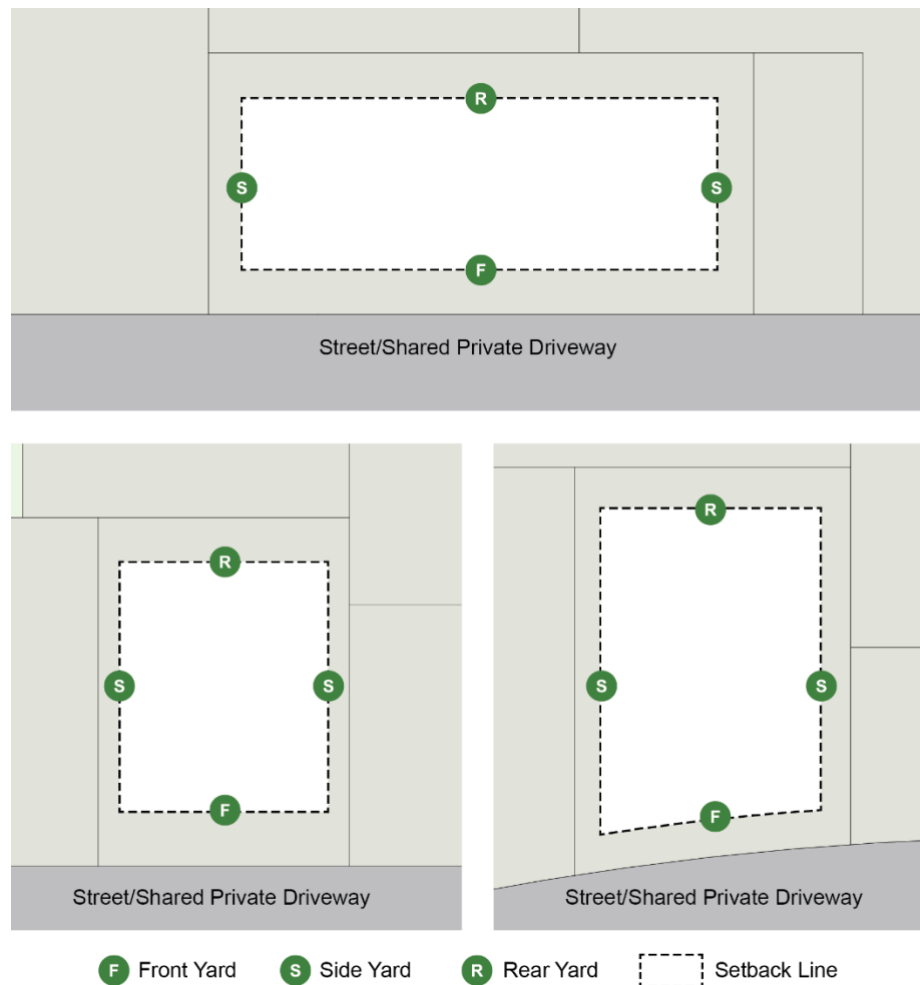
- (a) **Generally.** This Subsection describes how to calculate lot coverage. Section 4.2: *Lot Standards* regulates this metric in certain zoning districts.
- (b) **How to Calculate Lot Coverage.** Lot coverage is:
  - (1) Expressed as a percentage of lot area; and
  - (2) Calculated by dividing the total area (in square feet) of all principal and accessory building footprints within a lot by the total lot area (in square feet) and multiplying the result by 100.

### 11.2.8 SETBACKS

- (a) **Generally.** This Subsection describes how to measure yards and setbacks. Article 3: *Use Regulations* and § 4.3: *Yard Setbacks* regulate these metrics.
- (b) **Required Yards Cannot Overlap.** Required yards provided for one structure cannot be used to meet yard requirements for another structure.<sup>269</sup>

<sup>269</sup> Carries forward a portion of 21.5.3: *Yard service to one building*.

- (c) **Determinations and Interpretations.** When making determinations or, if necessary, interpretations under this Subsection, the Zoning Administrator shall consider the following characteristics of the lot and surrounding lots:
- (1) The orientation of existing or proposed buildings containing the principal use;
  - (2) The orientation of adjacent buildings and other buildings along the street;
  - (3) Means of gaining safe access;
  - (4) The relative dimensions of the lot and yards;
  - (5) Delivery of services to the lot, including mail and trash collection;
  - (6) Setbacks on surrounding lots; and
  - (7) Other features related to site design and safe circulation.
- (d) **How to Measure Setbacks.** Setbacks are measured from the lot line to the closest projection of any portion of a structure, except for encroachments as allowed by Paragraph 11.2.8(j): *Encroachments* below.
- (e) **General Location of Yards and Setback Lines.** Figure 11.2.8-1: *General Location of Yards and Setback Lines* illustrates yards and setback lines on typical lots.
- (1) *Front Yard Defined.* A front yard is an open, unoccupied space on a lot (except for encroachments as allowed by Paragraph 11.2.8(j): *Encroachments*) that typically faces a street and extends across the entire width of a lot between the side lot lines.
  - (2) *Side Yard Defined.* A side yard is an open, unoccupied space (except for encroachments as allowed by Paragraph 11.2.8(j): *Encroachments*) that extends from the front lot line to the rear lot line.
  - (3) *Rear Yard Defined.* A rear yard is an open, unoccupied space (except for encroachments as allowed by Paragraph 11.2.8(j): *Encroachments*) that generally is parallel to the front yard and extends across the entire width of a lot between the side lot lines.

**Figure 11.2.8-1: General Location of Yards and Setback Lines****(f) Exceptions for Front Yard Setbacks for Dwellings.<sup>270</sup>**

- (1) The front setback requirements specified by § 4.3: *Yard Setbacks* do not apply to dwellings located on a lot where the average existing front setback line on lots located wholly or in part within 200 feet on each side of the subject lot, measured from the required side yard setback line, within the same block and zoning district and fronting on the same side of the street as the subject lot, is less than the minimum front setback required.

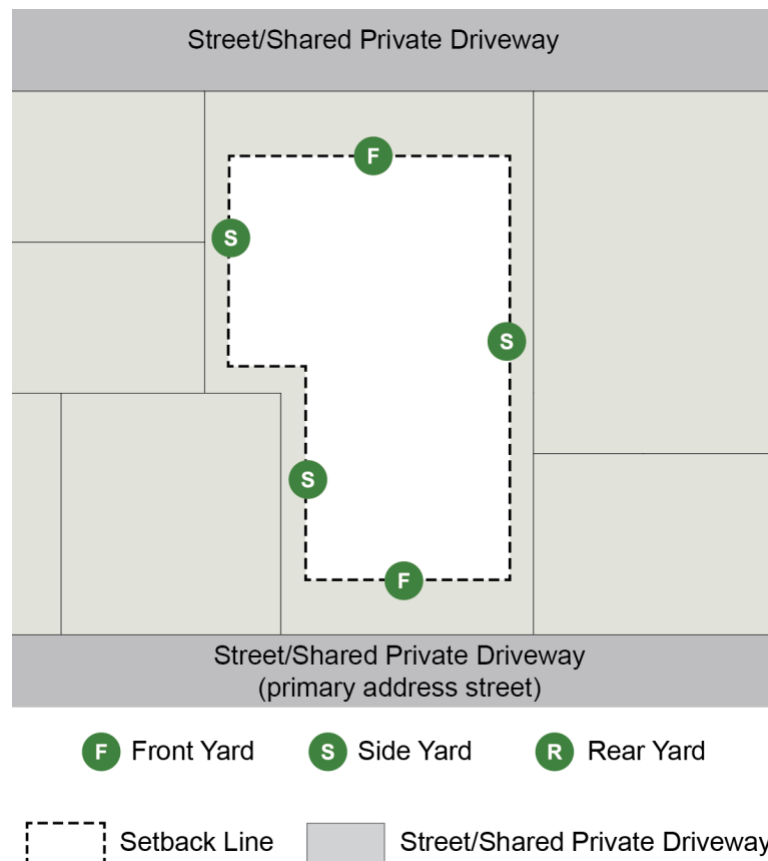
<sup>270</sup> Carries forward Sec. 21.5.11 *Exceptions for front yard setbacks for dwellings* and widens the catchment area from 100 to 200 feet on either side of the subject lot in order to have broader contextual comparisons for staff review of nearby lots along the block face. The point of reference for measurement purposes have also been clarified.



(2) In such cases the front setback may be less than the setback required by § 4.3: *Yard Setbacks*, but no less than the average setbacks on the aforementioned lots. In no case shall the front setback be less than 10 feet from the front lot line.

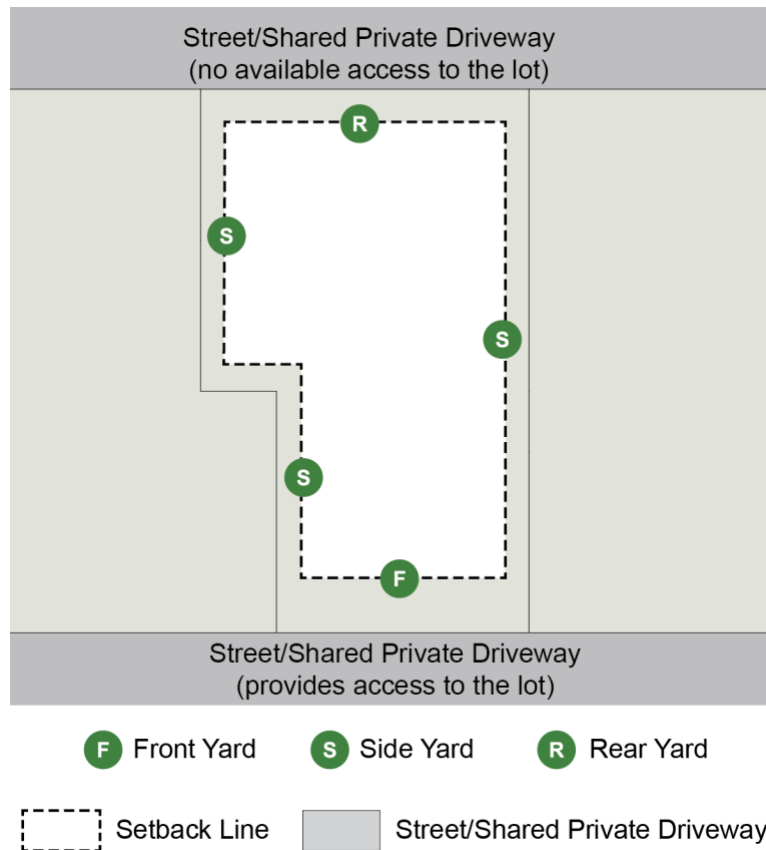
(g) **Double Frontage Lots.** For double frontage lots, the front setback requirements apply along both street frontages as shown in Figure 11.2.8-2.<sup>271</sup>

**Figure 11.2.8-2: Setback Locations on a Double Frontage Lot**

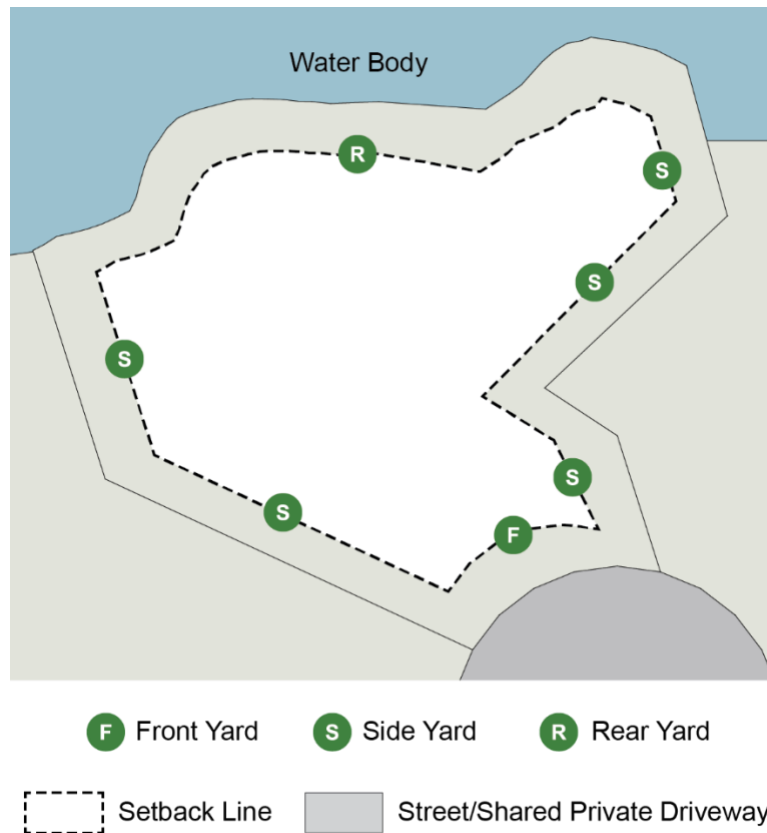


(h) **Reverse Frontage Lots.** For reverse frontage lots, the front setback requirements apply along the street that provides primary access to the lot and the rear setback requirements apply along the other street as shown in Figure 11.2.8-3.

<sup>271</sup> Simplifies and clarifies Sec. 21.5.8 *Double frontage lots*.

**Figure 11.2.8-3: Setback Locations on a Reverse Frontage Lot**

- (i) **Irregularly Shaped Lots.** Figure 11.2.8-4 shows the location of yards and setback lines on an irregularly shaped lot. This example is provided for reference only; the Zoning Administrator determines the location of yards and setback lines on irregularly shaped lots per Paragraph 11.2.8(c): *Determinations and Interpretations*.

**Figure 11.2.8-4: Example Location of Setback Lines on an Irregularly Shaped Lot****(j) Encroachments.<sup>272</sup>**

- (1) Every part of a required yard must remain open and unobstructed from its lowest level to the sky, except for the encroachments allowed by Table 11.2.8-1: *Allowed Encroachments into Required Yards and Setbacks*.
- (2) “Required yard” means that portion of any yard constituting the minimum area required in any zoning district but excluding that portion of the yard in excess of the minimum required area.

<sup>272</sup> The current Zoning Ordinance definition of *setback line* essentially exempts “standard overhangs, steps, bay windows without under support, and exterior chimneys” from meeting setback requirements. Proposed here is to limit the amount of encroachment.

**Table 11.2.8-1: Allowed Encroachments into Required Yards and Setbacks**

<b>Feature</b>	<b>Yard(s) Where Encroachment is Allowed</b>	<b>Encroachment (max)</b>	<b>Setback From Lot Line(s) (min)</b>
Bay windows without under support	Any yard	24 in	3 ft
Chimneys, flues	Any yard	24 in, or up to 1/3 of the width of the side yard, whichever is less	--
Eaves, windowsills	Side	1/3 of the width of the side yard or 24 in, whichever is less	--
Minor accessory uses and structures <sup>1</sup>	Any yard	No max	0 ft
Open or lattice-enclosed fire escapes	Any yard, if placed so as not to obstruct light and ventilation	5 ft	--
Open, uncovered decks attached to the principal structure	Any yard	1/3 of the width of the yard	3 ft
Protective awning, hood, or overhang above a doorway	Any yard	3 ft	--
Ramps for ADA accessibility	Any yard	No max	--
Steps	Any yard	No max	3 ft

**Key:** max = maximum allowed | min = minimum required | ft = feet | in = inches | -- = not applicable

<sup>1</sup> See § 3.4: *Accessory Uses & Structures*

### 11.2.9 USE SEPARATION<sup>273</sup>

- (a) **Generally.** This Subsection describes how to measure the required minimum separation distance between certain uses specified in § 3.3: *Principal Use Conditions*.
- (b) **How to Measure Separation Distance.** Measurements are taken in a straight line from the nearest portion of the lot line where the new regulated use is proposed to the nearest portion of the lot line or zoning district boundary line of the uses and districts from which the regulated use must be separated.

<sup>273</sup> As currently drafted, the only uses subject to a separation distance are non-depository personal credit institutions and adult or sexually oriented businesses.

## ARTICLE 12: DEFINITIONS & ACRONYMS<sup>274</sup>

### 12.1 PURPOSE

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The purpose of this Article is to provide a common meaning for terms used in this Ordinance.

### 12.2 ACRONYMS<sup>275</sup>

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#### (A, B, C)

**ADA.** Americans With Disabilities Act

**ADU.** Accessory dwelling unit

**ANSI.** American National Standards Institute

**BUG.** Backlight (B), uplight (U), and glare (G)

**CFR.** Code of Federal Regulations

#### (D, E, F)

**DBH.** Diameter at breast height

**DES or SCDES.** South Carolina Department of Environmental Services

**DOT or SCDOT.** South Carolina Department of Transportation

**DPH or SCDPH.** South Carolina Department of Public Health

#### (G, H, I)

**GFA.** Gross floor area

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<sup>274</sup> This Article is a working draft that will continue to be updated throughout the UDO drafting process. It tracks changes and additions to current definitions in the City's Zoning Ordinance and Land Development Regulations.

<sup>275</sup> This new section defines acronyms used in the UDO.

**(J, K, L)**

**LID.** Low impact development

**LZ.** Lighting Zone

**(M, N, O)****(P, Q, R)**

**ROW.** Right-of-way

**(S, T, U)**

**SCDA.** South Carolina Department of Agriculture

**SCDES or DES.** South Carolina Department of Environmental Services

**SCDOT or DOT.** South Carolina Department of Transportation

**SCDPH or DPH.** South Carolina Department of Public Health

**UDO.** Unified Development Ordinance

**USACE.** United States Army Corps of Engineers

**(V, W, X, Y, Z)**

**ZBA.** Zoning Board of Appeals

## 12.3 DEFINITIONS<sup>276</sup>

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Words used in this UDO have their customary meaning as defined in a standard dictionary unless they are specifically defined in this Ordinance.

### (A)

**Accessory Structure.**<sup>277</sup> A structure that is incidental to the principal structure(s) and is located on the same lot.

**Accessory Use.** A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

**Accommodation & Lodging Uses.** A use category that includes establishments in which lodging is arranged for short-term stays of less than 30 days. Use examples include:

- (a) *Bed and Breakfast or Inn.* A building or group of buildings, one of which contains a dwelling unit occupied by the owner or operator, in which lodging and meals are offered to the general public for compensation on a day-to-day basis.
- (b) *Hotel.* A building in which sleeping rooms are provided and offered to the general public for compensation on a day-to-day basis. This definition does not include boardinghouses, rooming houses, bed and breakfasts, inns, or short-term rentals.
- (c) *Short-Term Rental.* See [Short-Term Rental](#) and associated definitions.

**Active Frontage Conditions.** Dedicated areas, located between the front façade of a building and the street right-of-way, for outdoor dining, seating areas, landscaping, or similar public amenities.

**Addition.** An extension or increase in floor area, number of stories, or height of a structure.<sup>278</sup>

**Adult Day Care.** A facility that provides custodial care to adults not related to the operator during part of any 24-hour period and that is registered or licensed with the South Carolina Department of Social Services. “Day care” does not include residential continuous care.

**Adult or Sexually Oriented Business Uses.**<sup>279</sup>

The following definitions pertain to Adult or Sexually Oriented Business Uses:

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<sup>276</sup> Carries forward, revises, and augments current definitions in Sec. 21.3.2: *Definitions*.

<sup>277</sup> Redefines Accessory Structure to align with the 2021 South Carolina Residential Building Code.

<sup>278</sup> This definition is from the 2021 South Carolina Residential Code, [Section R202 Definitions](#).

<sup>279</sup> Carries forward Article XXII Adult or Sexually Oriented Businesses, specifically § 21.250 Definitions.

(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 “certain sexual activities” or “specified anatomical areas.”

(b) *Adult Bookstore or Adult Video Store*.

(1) A commercial establishment that, as one of its business purposes, offers for sale, rental, use, or viewing any one or more of the following:

- a. Books, magazines, periodicals, or other printed matter; photographs, films, motion pictures, video cassettes or video reproductions, slides; or other visual representations that depict or describe “specified sexual activities” or “specified anatomical areas;” or
- b. Instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities.”

(2) A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to except such commercial establishment from being categorized as an adult bookstore or adult video store so long as any business purpose is the offering for sale or rental for any consideration the specified materials which depict or describe “specified sexual activities” or “specified anatomical areas.”

(c) *Adult Cabaret*.

(1) A nightclub, bar, restaurant, or similar commercial establishment that features or allows:

- a. Persons who appear in semi-nude;
- b. Live performances that are characterized by persons appearing semi-nude; or
- c. Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

(2) It is further provided that nudity or state of nudity is specifically prohibited and that no physical contact whatsoever exists between the performers and the patrons.

(d) *Adult Establishment*. Establishment means and includes one of the following:



- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether a sexually oriented business, to any sexually oriented business;
- (3) The additions of any sexually oriented business to any other existing sexually oriented business;
- (e) *Adult Motion Picture Theater*. A commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities” are shown.
- (f) *Adult Theater*. A theater, concert hall, auditorium, or similar commercial establishment that features live performances characterized by persons appearing semi-nude.
- (g) *Nude Model Studio*. Any place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.
- (h) *Nudity or State of Nudity*. Nudity or State of Nudity means actual nudity or the effect of what appears to be or the semblance of human bare buttocks, anus, male genitals, female genitals, or female breasts.
- (i) *Permittee*. Permittee means a person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit.
- (j) *Person*. Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- (k) *Semi-Nude*. Semi-nude means a state of dress in which clothing covers only the genitals, pubic region, anus, and areolae of the female breast; the genital area and anus covered by a commercially obtainable bikini bottom.
- (l) *Sexually Oriented Business*. An adult arcade, adult bookstore, or adult video store, adult cabaret, adult motion picture theater, adult theater, or nude model studio, or any other type of operation engaging in adult or sexually oriented activities not specifically set forth this Subsection, or any type of business defined in this Subsection engaging in adult or sexually oriented activities not included in the definitions set out in this Subsection, or activities limited by the definitions set out in this Subsection. The quantity or duration of the sexually oriented material being immaterial.
- (m) *Specified Anatomical Areas*. Specified Anatomical Areas means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals, buttocks, or anus.
- (n) *Specified Sexual Activities*. Specified Sexual Activities means and includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
  - (2) Sex acts, normal or perverted, actual, or simulated, including intercourse, oral copulation, or sodomy;
  - (3) Masturbation, actual or simulated; or
  - (4) Excretory functions as part of or in connection with any of the activities set forth in (a)(1) through (3), above.
- (o) *Substantial Enlargement of a Sexually Oriented Business.* Substantial Enlargement of a Sexually Oriented Business means the increase in floor areas occupied by the business by more than 25%, as the floor areas exist on the date of adoption of Ordinance No. 97-519 (October 28, 1997).
- (p) *Transfer of Ownership or Control.* Transfer of Ownership or Control of a sexually oriented business means and includes any of the following:
- (1) The sale, lease, or sublease of the business;
  - (2) The transfer of securities which constitutes a controlling interest in the business, whether by sale, exchange, or similar means; or
  - (3) The establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

**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. An alley is not intended for general traffic circulation.

**Alteration.** Any construction, retrofit, or renovation to an existing structure other than [repair](#) or [addition](#) that requires a permit. Also, a change in a building, electrical, gas, mechanical, or plumbing system that involves an extension, addition, or change to the arrangement, type, or purpose of the original installation that requires a permit.<sup>280</sup>

**Alternative Nicotine Product.** A product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. An "Alternative Nicotine Product" does not include Tobacco Products, or any product approved by the United States Food and Drug Administration as a non-

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<sup>280</sup> This definition is from the 2021 South Carolina Residential Code, [Section R202 Definitions](#).

tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, which is being marketed and sold solely for that approved purpose.

**Animal Care.** Establishments primarily engaged in providing services for household pets, such as veterinary care, grooming, or training.

**Apartment Complex.** A group development comprised of two-family dwellings, three-family dwellings, four-family dwellings, and/or multi-family dwellings.

**Applicant.** A person or their authorized representative who applies for any permit or approval controlled by this UDO.

**Arterial Street, Major.** Those four-lane thoroughfares that carry the highest traffic volumes and serve the major centers of activity in the City of Forest Acres; specifically, Forest Drive, Beltline Boulevard, Trenholm Road, Decker Boulevard, and Two Notch Road.

**As-Built Drawings.** The maps or drawings accompanying a final plat or plan and showing specific location and design of improvements installed in a subdivision in accordance with the requirements of the Planning Commission as a condition of the final plat or plan.

**Athletic Field.** An outdoor area expressly designed for games and sports.

**Awning.** An architectural projection from an exterior wall of a building that provides weather protection, identity, or decoration. An awning has a lightweight frame structure covered by a lightweight covering such as fabric or vinyl. A sign or signs can be applied to the covering.

## (B)

**Back of Sidewalk.** The edge of a public sidewalk located closest to a lot.

**Backlight.** For an outdoor luminaire, lumens emitted in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the luminaire. For luminaires with symmetric distribution, backlight will be the same as front light.

**Banner.** A temporary, generally flexible, sign applied on lightweight material, such as plastic or fabric of any kind, hung either with or without a frame.

**Beauty Shop, Barber, or Hair Salon.** An establishment wherein one or more persons engage in the practice of cosmetology on a regular basis for compensation.

**Billboard.** A permanent, freestanding, off-premises sign or sign structure with a height of more than 20 feet and one or more faces that have an area greater than 150 square feet upon which copy is placed on a poster or panel and mounted on a pole or metal structure, typically as follows:

- (a) Wood posts or pole supports with dimensional lumber as the secondary support (A-frame) with a wood or metal catwalk and a single display panel;
- (b) Steel A-frame constructed with angle iron or steel supports with metal framing, catwalk, and a single display panel;
- (c) Multi-mast structure constructed with steel poles, I-beam, or equivalent as primary support, with a catwalk, and a single display panel; or
- (d) Monopole structure constructed with tubular steel support, tubular steel framing, metal catwalk and a single display panel with a concrete foundation.

**Block.** A tract of land bounded by streets or by a combination of streets and public parks, shorelines of waterways, or boundary lines of municipalities.

**Bond.** Any form of security, including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Forest Acres City Council. The amount of each bond shall be recommended to City Council by the Planning Commission upon consultation with the City Public Utilities Director. All bonds shall be approved by the Forest Acres City Council wherever a bond is required by this UDO.

**BUG.** A luminaire classification system that classifies backlight (B), uplight (U), and glare (G).

**Build-To Zone.** The specified depth along the front property line abutting the street right-of-way within which the frontage of the building must be located.

**Buildable Area.** That portion of a site, exclusive of the minimum required yard areas and the building site, on which a structure, or building may be erected as established in the zoning ordinance of the city for respective zoning district classifications. (Ord. No. 87 238, § 2, 6-9-87)

**Building.** Any structure having a roof supported by columns or by walls and which is designed for the shelter, support or enclosure of persons, animals, or property of any kind.

**Building Code.** The current building and property codes and standards as adopted and amended by the South Carolina Building Codes Council and adopted by the Forest Acres City Council and such other building and property codes and standards as are promulgated, published, or made available by the International Code Council, Inc. and adopted by the Forest Acres City Council.

**Building Footprint.** The outline of the total area covered by a building's perimeter at ground level.<sup>281</sup>

**Building Official.** The party designated by City Administrator to conduct building inspections, issue permits, and assist in enforcement of the Zoning Ordinance, or their designee.

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<sup>281</sup> This definition is from the Richland County Land Development Code, Sec. 26-9.3 *Definitions*.

**Building or Structure, Principal.** A building or structure within which the principal use of the lot is conducted.

**Building, Site.** That portion of a lot which is occupied by a building or that portion of a site which is proposed to be occupied by a building and for which a building permit has been issued. (Ord. No. 87-238, §2, 6-9-87)

## (C)

**Caliper.** The diameter of the trunk of a nursery-grown tree as measured at six inches (6”) above the top of the root mass. (Ord. No.2005-3, 5-12-05)

**Cannabis Product.** A product originating from the species Cannabis Sativa L., excluding marijuana as defined in S.C. Code Ann Sec 44-53-110 (27), and shall include all forms of Cannabis or low-THC Cannabis product (CBD) to be consumed or applied. (Ord. No. 20-21 § 21.3.2, 11-10-20)

**Canopy, Freestanding.** A permanent structure that is structurally independent of a building, that is of rigid construction, and over which a rigid covering is attached that provides weather protection, identity, or decoration. A sign or signs can be affixed to the fascia of a freestanding canopy.

**Canteen.**<sup>282</sup> A small restaurant located within a place of work, intended to serve employees of the principal use.

### **Cemetery or Ash Garden.**

(a) *Ash Garden.* An area where cremated human remains may be scattered.

(b) *Cemetery.*<sup>283</sup> Land, either public or private, used or intended to be used for the permanent interment of the dead. A cemetery may include a combination of one or more of the following: burial areas, columbaria, crematoria, and mausolea.

**Child Day Care, Nursery School, or Preschool.**<sup>284</sup> A facility that provides custodial care to children not related to the operator during part of any 24-hour period and that is registered or licensed with the South Carolina Department of Social Services. “Day care” does not include residential continuous care.

**Children’s Amusement Center.** Establishments containing games, facilities, and activities for children.

**City.** The City of Forest Acres, South Carolina.

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<sup>282</sup> This definition expands former definition to allow canteens in any place of work, rather than just office buildings.

<sup>283</sup> New term.

<sup>284</sup> Carries forward § 21.147 Day Nurseries and Kindergartens.

**City Administrator.** The person responsible to the City Council for the proper administration of the affairs of the City who has the powers duties prescribed by the City Code.<sup>285</sup>

**Civic Uses.** Civic Uses may be public or private land that offers a broad variety of activities, uses, or structures serving in the interest of the public. Use examples include:

- (a) *Community Center, Recreational Center, or Neighborhood Building.* A public or semi-public building or facility used as a place of meeting, recreation, or social activity and not operated for profit.
- (b) *Government Facility.* Buildings, functions, and uses, except for penology, related to any level of government, including City, County, State, and federal government, that provide services to the public.
- (c) *Library.*<sup>286</sup> A facility for the use and occasional sale of literary, historical, musical, artistic, scientific, cultural, or other reference materials. Accessory uses include offices and storage facilities used by staff, multi-purpose areas, and meeting rooms.
- (d) *Museum.* An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.
- (e) *Cultural Facility.* A use providing for the display, performance, or enjoyment of heritage, history, or the environment. Examples include archaeological sites, historic sites and buildings, and botanical gardens.
- (f) *Place of Worship.*<sup>287</sup>
  - (1) A building, or portion thereof, where people regularly assemble to conduct religious worship, services, rituals, and related education.
  - (2) The structure and its accessory structures and uses are maintained and controlled by a religious body or organization.
  - (3) Places of worship include chapels, churches, synagogues, mosques, shrines, tabernacles, temples, and other similar religious places of assembly.
  - (4) Accessory uses may include administrative offices, classrooms, meeting rooms, schools, day care facilities, cooking and eating facilities, cemeteries, and other accessory uses customary to the operation of a religious institution, and a dwelling for persons who regularly participate in the operation of the place of worship.

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<sup>285</sup> This definition is derived from City Code [Sec. 2-17](#).

<sup>286</sup> New term.

<sup>287</sup> Formerly “churches;” Added definition.

**Clearing.** Removal and proper disposal of exposed objectionable matter from an area. This may include but is not limited to trees, roots, grass, underbrush, rubble, any type of structures, etc. (Ord. No.2005-3, 5-12-05)

**Club, Lodge, Civic, or Fraternal Organization.** An incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, but not including shooting clubs, operated for the benefit of its members and not open to the general public, provided it is a non-profit organization duly registered with the Secretary of State.

**Common Sign Plan.** A document or series of documents that provide for uniform standards for signs on a development site, generally for a planned unit development or large commercial development. These standards frequently include matters such as materials, colors, and illumination methods to create a uniform aesthetic appearance for the development.

**Communications, Infrastructure, & Utility Uses.** Essential infrastructure that serves the general public and that may be utilitarian in nature. Use examples include:

- (a) *Communication Tower.* A Communication Tower means a tower or other structure that supports one or more antennae utilized for radio or television broadcasting or for two-way radio, television, or telephone communication, but does not include any structure or device that is less than 10 feet in height as measured from the base. See § 3.3.3: *Communication Towers*.
- (b) *Small Wireless Facility.* See § 3.3.15: *Small Wireless Facilities*.
- (c) *Utility.*<sup>288</sup> Any publicly, privately, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil products, water, steam, waste, storm water, and other similar services and commodities including publicly owned fire and police and traffic signals and lighting systems, which directly or indirectly serve the public or any part thereof.
- (d) *Utility Lines and Related Appurtenances.* All lines and supporting apparatus or equipment related to the distribution, transmission, or disposal of water, stormwater, sanitary sewage, natural gas, power, telephone, and telecommunication cable. Electricity, gas, steam, communications, transportation, wastewater, or water that is furnished to the public under state or county regulations by a person, firm corporation, municipal department, or board.

**Comprehensive Plan.** A document adopted by the Forest Acres City Council in accordance with S.C. Code Title 6, [Chapter 29](#), Article 3, to address elements considered critical, necessary, and desirable to guide the development and redevelopment of its area of jurisdiction. The Comprehensive Plan includes an inventory of existing conditions, a statement of needs and goals, and implementation strategies with timeframes. When used in this Chapter, “Comprehensive Plan” means the mostly recently

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<sup>288</sup> Carries forward definition in § 21.3.

adopted version of the plan, any part of such plan separately adopted, and any amendment to such plan or parts thereof.

**Construction.** Any building or erection of a structure or any preparation for same.

**Construction Plan.** The maps or drawings accompanying a subdivision plat or plan and showing specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission as a condition of the approval of the plat or plan.

**Convention Center.** A facility for meetings of business and service organizations, professional conferences, and other large events.

**County.** Richland County, South Carolina.

**Country Club.** A club organized and operated primarily for social and outdoor recreation purposes, including accessory uses and structures, such as a golf course, a swimming pool, or tennis courts.

**Critical Root Zone.** The minimum area beneath a tree that should be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. Section 5.2.8: *Tree Protection During Construction* specifies the minimum dimensions of the critical root zone.<sup>289</sup>

**Customary Home Occupation.** An occupation, profession or trade customarily carried on by an occupant in a dwelling unit as a secondary use which is clearly incidental to the dwelling unit for residential purposes and which meets with conditions defined in Article 3: *Use Regulations*.

**Cutting.** The detaching or separating of any limb, branch, trunk, or root from a tree. (Ord. No.2005-3, 5-12-05)

## (D)

**Dead Tree.** A tree that does not contain sufficient live tissue to sustain the entire tree system. (Ord. No.2005-3, 5-12-05)

**Dedication.** The transfer of property from private to public ownership.

**Developed Property.** Property upon which a building has been placed or in which a building permit has been issued. (Ord. No. 87-238, § 2, 6-9-87)

**Developer.** Any person acting on their own behalf as a property owner, or as an agent for a property owner, who makes application for plan approval under this Code.

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<sup>289</sup> This definition is from the Richland County Land Development Code.



**Development.** Any human-made change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, diking, berming, excavation, drilling operations, or storage of equipment or materials.

**Diameter at Breast-Height (DBH).** The standard measure of tree diameter for trees existing on a site. The tree trunk is measured at a height of four and one-half (4.5) feet above the ground. If a tree splits into multiple trunks below 4.5 feet, measure the trunk at its most narrow point beneath the split. (Ord. No.2005-3, 5-12-05)

**Diameter, Tree.** The diameter of a tree measured as follows: 1) for existing or trees to be preserved, at a point 4.5 feet above the ground; 2) for new replaced/planted trees, at a point six inches above the ground. (Ord. No.2005-3, 5-12-05)

**Digital Message Board.** An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer or other source from a remote location. Also known as an electronic message center. Digital message boards typically use light emitting diodes (LEDs) as a lighting source but also include signs with other display technologies.

**Drainage.** A general term applied to the removal of surface or subsurface water from a given area, either by gravity via natural means, or by systems constructed to remove water, commonly applied herein to surface water.

**Drainage System.** The surface and subsurface system for removal of water from the land, including both the natural elements of streams, marshes, swales, and ponds, whether of an intermittent or continuous nature; and the human-made elements such as improved open channels, culverts, retention facilities, and enclosed storm sewers.

**Drive-Through Facility.** A facility that is part of a principal structure or an accessory structure and used to enable a customer to transact business from their vehicle. The definition of “drive-through facility” shall not be construed to mean a “pick-up window,” which is defined separately.

**Drive-Through Lane.** An on-site driveway approach to a building window, door, or automated device where customers transact business from their vehicle.

**Driving Range.** An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include incidental uses such as a snack bar and pro-shop.

**Dwelling, Accessory.** A dwelling unit that is an [accessory use](#) to a [single-family dwelling](#).

**Dwelling, Four-Family.** A detached building located on a single lot containing four dwelling units only. This type of dwelling is commonly referred to as a “quadplex.”

**Dwelling, Multi-Family.** A detached building containing five or more dwelling units.

**Dwelling, Single-Family.** A detached building containing one dwelling unit only.

**Dwelling, Three-Family.** A detached building located on a single lot containing three dwelling units only. This type of dwelling is commonly referred to as a “triplex.”

**Dwelling, Townhouse.** A building that contains three or more attached [townhouse units](#).<sup>290</sup>

**Dwelling, Two-Family.** A detached building, commonly known as a “duplex,” containing two dwelling units only.<sup>291</sup>

**Dwelling, Upper Story.** A dwelling unit located on one or more floors above the ground floor of a mixed use building in which the ground floor is used for one or more allowed non-residential uses.

**Dwelling Unit.** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.<sup>292</sup>

## (E)

**Easement.** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

**Eating & Drinking Establishments.** A use category that includes any commercial use within which food or beverages are offered for purchase and/or available to or consumed by patrons. Use examples include:

- (a) *Bar, Tavern, or Lounge.* An accessory use to a full-service restaurant that is primarily engaged in the serving of alcoholic beverages by the drink to patrons, for consumption on the premises. Nano breweries, tap rooms, and wine bars are not considered a bar, tavern, or lounge.
- (b) *Beer or Wine Garden.* The temporary use of an outdoor area to serve beer and/or wine. [See § 3.6: *Temporary Uses & Structures*]
- (c) *Brewpub.* A tavern, public house, restaurant, or hotel which produces on the permitted premises a maximum of 2,000 barrels a year of beer for sale on the premises.<sup>293</sup>
- (d) *Drive-In or Drive-Through Service.* A facility designed to permit customers of an establishment to obtain or consume goods or receive services while remaining inside a motor vehicle. Curbside drop-off and pick up, where customers use off-street parking spaces to wait for goods to be loaded or unloaded from their vehicle, are not considered a drive-through or drive-in service.

<sup>290</sup> This definition is from the 2021 South Carolina Residential Code, [Section R202 Definitions](#).

<sup>291</sup> Carries forward the current definition in § 21.3 and adds common nomenclature.

<sup>292</sup> This definition is from the 2021 South Carolina Residential Code, [Section R202 Definitions](#).

<sup>293</sup> This definition is from S.C. Code [§ 61-4-1700 Definitions](#).

- (e) *Restaurant*. A commercial establishment where food and beverages are prepared and served to patrons, and either consumed on the premises or offered as a carry-out service.
- (f) *Tap Room*. A commercial establishment that is incidental to a principal use and open to the public for the sale of beer or wine for on-site and/or off-site consumption.
- (g) *Wine Bar*. A commercial establishment primarily engaged in the serving of wine by the bottle, glass, or taste to patrons for consumption on the premises. A wine bar shall not serve or sell beer or alcoholic liquors. A wine bar may, but is not required to, serve food.

**Educational Uses.** A use category that includes institutions or campuses established predominately for the purposes of education, study, and research. Use examples include:

- (a) *College, Community College, University*. An institution, other than a trade school, that provides full-time or part-time education beyond high school.
- (b) *School (K-12)*. Any building or group of buildings that meets state requirements for primary, secondary, or higher education.
- (c) *Vocational School*. A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills.

**Embankment of Fill.** A deposit of soil, rock, or other material placed by a human.

**Encroachment, Landscape Area.** Any protrusion of a vehicle outside of a parking space, display area, or access way into landscape area.

**Erosion.** The general process by which soil and rock fragments are detached and moved by the action of wind, water, ice, and gravity.

**Erosion and Sediment Control Plan.** A plan that adequately describes necessary land management practices and control measures, including a timetable or schedule for their installation, which will effectively minimize soil erosion and sedimentation; prepared and approved as provided in this UDO for application to a particular land area.

## (F)

**Family.** One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over three persons, but further provided that domestic employees employed on the premises may be housed within the single dwelling unit without being counted as a separate family or families.

**Farmers' Market.** See Open Air Market.

**Fence.** A barrier or screening structure composed of wood, metal parts, wire mesh, electric fencing, invisible fencing, chain link or masonry used as a boundary or means of protection, confinement, separation, or buffering. The definition of a fence is also inclusive of a wall or walls. [See § 4.7.8: *Fences & Walls*]

**Final Plat or Plan.** The map or plan or record of a subdivision and any accompanying material, as required by this UDO, including as-built drawings of storm sewers, water system, and sanitary sewers.

**Fire Code.** The current South Carolina Fire Code adopted by both the South Carolina Building Codes Council and adopted by the Forest Acres City Council.

**Flag.** A piece of durable fabric or other flexible material with distinctive colors and patterns mounted by attaching one side to a freestanding pole or a pole attached to a building.

**Flood:** A temporary rise in the level of water that results in the inundation of areas not ordinarily covered by water. For the purposes of this UDO, a flood is any inundation that has a return frequency of 100 years or less.

**Floor Area, Gross.** The area within the inside perimeter of the exterior walls of a building. Gross floor area is measured in accordance with Article 11: *Rules of Interpretation & Measurement*.

**Frontage.** That portion of a lot abutting on a street and ordinarily regarded as the front of the lot. On a corner lot, any frontage along the side lot line is not considered frontage for the purpose of complying with the minimum required lot frontage specified in § 4.2: *Lot Standards*.

## (G)

**Game Arcade.** An establishment providing video and computer games.

**Garage Sale.** The sale of used household goods from a residential premises.

**Gas Station.** See [Vehicle-Related Uses](#).

**Genus.** A category of tree classification and the first part of the common or scientific tree name (e.g., oak is the common genus name, *Quercus* is the scientific genus name). (Ord. No.2005-3, 5-12-05)

**Glare.** Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

**Grade.** The slope of a road, street, or other public way, specified in percentage terms from the horizontal.

**Grading.** Altering the shape of the ground surfaces to a predetermined condition. This includes any displacement of soil by stripping, excavating, cutting, filling, stockpiling, shaping, or any combination thereof and includes the land in its excavated or filled condition.

**Grading Permit.** See [Land Disturbance Permit](#).

**Grocer.** A type of retail establishment where most of the floor area is devoted to the sale of fresh food products. Grocers may also sell convenience items and household goods.

**Group Development.** All developments of a tract or parcel of land that include two or more building sites for the purpose, whether immediate or future, of building development. Group developments include, but are not limited to, apartment complexes; condominium complexes; office parks; shopping centers or other commercial structures or complexes containing two or more business establishments; manufactured home parks; and schools, hospitals, retirement homes or other institutional developments where the site is not subdivided into lots and streets.

**Group Living Uses.** Group living uses are residential uses with an arrangement of dwelling units or sleeping rooms that share one or more common areas, such as dining areas, bathing facilities, and recreational areas. Group living uses are occupied by more than three people that do not meet the definition of “[family](#).”

- (a) *Dormitory, Fraternity or Sorority House.*<sup>294</sup> A building used as group living quarters for students of a college, university, or seminary.

## (H)

**Height of Building.** The vertical distance from grade plane to the average height of the highest roof surface. “Grade plane” has the same meaning given in the South Carolina Building Code.<sup>295</sup> See § 11.2.3: *Height*.

**Hemp, CBD, or Cannabis Product.**<sup>296</sup>

- (a) *Cannabis Product.* A product originating from the species *Cannabis sativa* L., excluding marijuana as defined in S.C. Code [§ 44-53-110\(27\)](#), and shall include all forms of Cannabis or low-THC Cannabis product (CBD) to be consumed or applied.
- (b) *Hemp.* The plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, within a delta-9 THC concentration of not more than 0.3% of a dry weight basis as set forth in S.C Code [§ 46-55-10\(6\)](#) and (8).

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<sup>294</sup> New term added; Reflects where Universities/Vocational uses are permitted.

<sup>295</sup> This definition is from the S.C. Building Code, [Section 202 Definitions](#).

<sup>296</sup> Carries forward former definitions in § 21.3.2 Definitions.

**Homesharing.** <sup>297</sup>

(a) *Homesharing*. The use of a principal or accessory dwelling unit as a:

- a. Hosted short-term rental property; or
- b. Short-term rental for a maximum of 14 days per calendar year.

(b) *Hosted Short-Term Rental Property*. A Short-term rental property where the short-term rental owner or a long-term tenant is present on the same premises as the short-term rental lessee during their stay.

(c) *Other Definitions*. See [Short-Term Rental](#) for other relevant definitions.

**Hotel.** A hospitality business providing rental units for transient habitation (less than 30 days per sojourn) where the rental units are accessed from interior, enclosed hallways.

**Hydronic Heater.** <sup>298</sup> A fuel-burning device which may be equipped with a heat storage unit, which is designed to burn naturally grown wood or pellets made from naturally grown clean wood or other biomass as fuel and heat building space/water via the distribution (typically through pipes) of a fluid heated in the device (typically water or a water/antifreeze mixture), and is also known as an outdoor wood-fired boiler (OWB), outdoor wood furnace, or outdoor-wood fired hydronic heater (OWHH).

**(I, J, K)**

**Illumination, Internal.** Illumination of a sign by an artificial source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface or from behind opaque letters.

**Illumination, External.** Illumination of a sign by an artificial source of light not contained within the sign itself.

**Junkyard.** Any use involving the storage or disassembly of wrecked automobiles, trucks or other vehicles or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, the keeping, abandonment, sale or resale of junk, including scrap metal, used paper or other scrap materials, salvaged house wrecking and structural steel materials and equipment, storage, baling or otherwise dealing in bones, animal hides, cloth or rags, used plumbing fixtures, appliances, furniture, and used brick, wood or other building materials. Such uses shall be considered

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<sup>297</sup> New use. This is intended to allow a property owner to rent out a room in their house on a regular basis or to rent out their accessory dwelling on a regular basis, or for property owners to rent out their entire property for up to 14 days per year. The (un-hosted) short-term rental of an entire dwelling for more than 14 days per year is considered a principal use (see Subsection 3.3.14).

<sup>298</sup> Carries forward § 21.11.1 (passed in December 2021 and not yet codified in Municode, as of this draft).

junkyards whether or not all or part of such operations are conducted inside a building or in conjunction with, in, addition to, or accessory to other uses of the premises.

## (L)

**Lamp.** A generic term for a source of optical radiation (i.e., “light”), often called a “bulb” or “tube.” Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.

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

**Land Development Administrator.** The City Administrator or their designee.

**Land Disturbance Activity.** Any activity involving the clearing or cutting of trees in combination with other activities including, but not limited to, dredging, grading, or filling of land, which may result in soil erosion from water or wind and the movement or relocation of sediments. (Ord. No.2005-3, 5-12-05)

**Land Disturbance Permit.** Permit issued giving authorization to begin land disturbance activities that includes an approved Erosion and Sediment Control Plan.

**Landscaping.** Landscaping shall consist of any of the following or a combination thereof: materials, such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms; and nonliving durable material commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

**Laundry Facility.** An establishment where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron on the premises, or an establishment where pickup and delivery of dry cleaning and/or laundry is maintained.

**Light Pole Banner, Temporary.** A piece of durable fabric or other flexible material mounted on a light pole using brackets that attach the top and bottom of the banner to the light pole.

**Light Trespass.** Light that falls beyond the boundaries of the property it is intended to illuminate.

**Lighting Equipment.** Equipment specifically intended to provide gas or electric illumination, including but not limited to, lamps, luminaires, ballasts, poles, posts, lenses, and related structures, electrical wiring, and other necessary or auxiliary components.

**Liner Building.** A building or portion of a building placed between a street and a parking structure or off-street parking area in order to screen the parking from the street. A liner building is typically designed for occupancy by retail, service, and/or office uses.

**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 for building development.

- (a) *Lot, Corner.* A lot situated at the intersection of two streets (the interior angle of such intersection not exceeding 135 degrees).
- (b) *Lot, Double Frontage.* A lot having frontage and access on two or more public streets, but not a corner lot unless such lot has access on three or more streets.
- (c) *Lot Improvement.* Any building, structure, place, work of art, or other object, or improvement of the land on which it is situated constituting a physical betterment of real property, or any part of such betterment.
- (d) *Lot, Interior.* A lot other than a corner lot.
- (e) *Lot, Reversed Frontage.* A lot having frontage on two or more public streets, the access of which is restricted to one street.

**Lot Area.** The total horizontal area included within lot lines. See § 11.2.4: *Lot Area*.

**Lot Coverage.** The percentage of a lot covered by buildings. See § 11.2.7: *Lot Coverage*.

**Lot Frontage.** The distance between the side lot lines measured at the front property line.

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

**Lumen.** The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from “watt,” a measure of power consumption).

**Luminance.** The light that is emitted by or reflected from a surface. It is measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units.) Expressed in SI units as  $\text{cd/m}^2$ , and in English units as foot lamberts. Sometimes also expressed as “nits,” a colloquial reference to SI units. It can be measured by means of a luminance meter.

**Luminaire.** A complete lighting unit consisting of a light source such as a lamp or lamps, together with the parts designed to position the light source and connect it to the power supply. It may also include parts to protect the light source or the ballast or to distribute the light. A lampholder itself is not a luminaire.<sup>299</sup>

**Luminaire, Fully-Shielded.** A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or

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<sup>299</sup> This definition is from the National Electrical Code, Article 100 – Definitions.



refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.<sup>300</sup>

**Luminaire, Mounting Height.** The height of the photometric center of a luminaire above grade level.

## (M)

**Major Subdivision.** All traditional subdivisions not classified as minor subdivisions including, but not limited to subdivisions of four or more lots, or any size subdivision requiring a new street or streets or extension of supporting governmental or private utilities.

**Manual Message Board.** A sign or part of a sign on which the copy or symbols change manually through placement of letters or symbols on a panel mounted in or on a track system.

**Manufactured Home.** A structure that is:

- (a) Transportable in one or more sections;
- (b) Eight feet or more in width or 40 feet or more in length or when erected on site is 320 or more square feet;
- (c) Built on a permanent chassis;
- (d) Designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and
- (e) Includes the plumbing, heating, air conditioning, and electrical systems contained in it.<sup>301</sup>

The term “manufactured home” includes any structure that meets all the requirements listed above except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the U.S. Department of Housing and Urban Development and complies with the standards established under 24 CFR 3280. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home is considered a manufactured home.

**Manufactured or Mobile Home Park.** Any site, lot, field, or tract of ground upon which one or more manufactured or mobile homes are placed, regardless of whether or not a charge is made for such

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<sup>300</sup> This definition is from the Joint International Dark-Sky Association – Illuminating Engineering Society [Model Lighting Ordinance \(MLO\)](#).

<sup>301</sup> This portion of the definition is from S.C. Code [§ 40-29-20\(9\)](#) and the S.C. Residential Code, [Section R202 Definitions](#). The proposed new paragraph is from the S.C. Residential Code definition of *manufactured home*.

accommodation, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such park.<sup>302</sup>

**Mature Tree.** Any tree that has attained the maximum capability of growth, flowering and reproducing. (Ord. No.2005-3, 5-12-05)

**Medical Uses.** A use category that includes facilities that provide medical or surgical care to patients. Some facilities may offer overnight care. Use examples include:

- (a) *Emergency Medical Services.* A facility for the dispatch, storage, and maintenance of emergency medical care vehicles, including ambulatory surgical centers and emergency medical offices.
- (b) *Hospital.* Any facility, as that term is defined in [Regulation 61-16: Minimum Standards for Licensing Hospitals and Institutional General Infirmaries](#), licensed by the South Carolina Department of Public Health (SCDPH). A Hospital may include related facilities, such as emergency medical facilities, laboratories, outpatient departments, training facilities, central service facilities, staff offices, and dining facilities.
- (c) *Medical Office, Clinic, or Lab.* A use classification that includes doctor offices, dentist offices, urgent care facilities, medical and diagnostic laboratories, and similar facilities concerned with the diagnosis, treatment, and care of human beings.

**Miniature Golf Course.** A novelty version of golf where patrons play in small groups with a putter and a golf ball on a miniature course, typically comprised of nine or eighteen putting greens with artificial playing surfaces.

**Minor Subdivision.** Any traditional subdivision containing not more than three lots fronting on an existing street, not involving any new street or road, or the extension of public utilities, and not adversely affecting the remainder of the parcel of adjoining property, and not in conflict with any provision of this UDO.

**Mixed Use Building.** A building that contains at least one dwelling unit and one or more non-residential uses allowed in the zoning district in which the mixed use building is located.

**Mobile Food Vending.**

- (a) *Commissary.* A permitted retail food establishment that is authorized by SCDA to provide support of operations, storage, and servicing area for mobile food units.<sup>303</sup>

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<sup>302</sup> This is the definition of “mobile home park” in City Code [Chapter 11: Mobile Homes and Mobile Home Parks](#).

<sup>303</sup> This definition is from [SCDA Regulation 61-25: Retail Food Establishments](#), Chapter 9: *Standards for Additional Retail Food Establishment Operations*.

(b) *Mobile Food Vending Unit*. A fully enclosed mobile kitchen that prepares, cooks, or serves food as defined in [SCDA Regulation 61-25: Retail Food Establishments](#) and permitted by SCDA.

(c) *Mobile Food Vendor*. A person who operates a mobile food vending unit.

**Mobile Home.** A vehicle that is designed, constructed, and equipped principally as a permanent dwelling place and is equipped to be moved on streets and highways, but that exceeds the size limitations prescribed in [S.C. Code § 56-3-710](#) and that cannot be licensed and registered by the Department of Motor Vehicles as a "house trailer."<sup>304</sup> A mobile home was manufactured prior to June 15, 1976, the date of enforcement of the federal Manufactured Home Construction and Safety Standards.<sup>305</sup>

**Modular Building.**<sup>306</sup> Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes and transported to the point of use for installation or erection.<sup>307</sup> A modular building includes the necessary electrical, plumbing, heating, ventilating, and other service systems necessary for permanent occupancy, and is not designed for ready removal to another site. A modular building meets the requirements of the South Carolina Modular Buildings Construction Act ([S.C. Code § 23-43-10](#), et seq.).

**Monument Sign.** A permanent, on-premises, freestanding sign with a low profile that has a base and support structure with a solid appearance and where the base measures at least one-half of the width of the widest part of the sign's face.

**Motor Fuels.**<sup>308</sup> All gasoline, diesel fuel, gasohol or other fuels used to operate motor vehicles (collectively "motor fuels").

## (N)

**Neighborhood Courtyard Housing.** Neighborhood Courtyard Housing is a residential development that consists of a group of three or more detached single-family dwellings grouped around a central open space ("courtyard"). Dwellings may be located together on a single lot or may be located on individual lots.

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<sup>304</sup> This portion of the definition is from [S.C. Code § 56-19-10](#)(39).

<sup>305</sup> This new definition clarifies the difference between manufactured homes and mobile homes.

<sup>306</sup> Definition revised for consistency with S.C. Code. S.C. Code [§ 23-43-130](#) states "local requirements and rules which may be enacted by local authorities must be reasonable and uniformly applied and enforced without any distinction as to whether a building is a modular or constructed on site in a conventional manner."

<sup>307</sup> This sentence is the statutory definition of "modular building unit" (S.C. Code [§23-43-20](#)).

<sup>308</sup> Carries forward former § 21.10 Motor Fuels definition.

**New Development.** New development includes new construction of primary and secondary structures, and renovations or additions to buildings if the expansion increases the existing building's gross floor area by 50 percent or more within a five-year period.

**Nit.** A unit of illuminative brightness equal to one candle per square meter (cd/m<sup>2</sup>), measured perpendicular to the rays of the source.

**Nonconformity.** A lawfully established lot, land use, structure, or site feature that does not conform to the current regulations in this UDO.

**Non-Depository Personal Credit Institution.** An establishment that provides short-term, high-interest personal lending services. These institutions include check cashing establishments (not including incidental check cashing), motor vehicle title lenders, pawnbrokers, payday lenders, deferred presentment services, bail bonding, and other businesses with similar business models and land use impacts. This definition does not include banks, credit unions, savings and loan associations, precious metals dealers, or similar uses.

**Non-Residential Subdivision.** A subdivision whose intended use is commercial.

## (O)

**Office Uses.** A use category that includes facilities with a room or group of rooms used to conduct the affairs of a business, profession, service industry, or government. Use examples include:

- (a) *Bank or Financial Institution.* An office that provides retail banking services, mortgage lending, investment services, or similar financial services to an individual or business.
- (b) *General Office.* An office owned or leased by a business that traditionally includes workspaces, common areas, and conventional supporting functions such as a reception desk, meeting rooms, lunchrooms, coffee rooms, printer rooms, and mail rooms.
- (c) *Government Office.* An office that accommodates city, county, state, federal, or quasi-government related agencies, except for penology.
- (d) *High-Intensity Office.* An office characterized by having a greater number of employees relative to its space compared with a traditional general office setting resulting in increased parking demand and trip generation. Such uses include call center and "cubicle farms."
- (e) *Professional or Business Office.* An office that accommodates uses such as advertising; business management consulting; collection agency; law; accounting or bookkeeping; engineering; architectural; sales; real estate; charitable institution; travel agency; radio, television, or recording studio; or similar services.

**Official Street Tree Planting Plan and Program.** A plan and program adopted for the planting of trees along public streets, parks, and other public places. (Ord. No.2005-3, 5-12-05)

**Off-Site.** Any premises not located within the area of a particular lot.

**Off-Street Loading Space.** The area required to load or unload goods or other material plus the necessary driveways and maneuvering area.

**Off-Street Parking Space.** The area required to park one automobile plus the necessary driveways and maneuvering area.

**Open Air Market.** An outdoor retail facility where merchandise is displayed and sold outside of an enclosed building by two or more sellers.

**Ordinance.** Any legislative action, however denominated, of a local government that has the force of law, including any amendment or repeal of any ordinance.

**Outdoor Lighting.** Lighting equipment installed within the lot line and outside the building envelopes, whether attached to poles, buildings, structures, the earth, or any other location; and any associated lighting control equipment.

**Owner.** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in a lot or development.

## (P, Q)

**Parks, Open Space, & Greenway Use.** A use category that generally includes land set aside for the protection and enjoyment of natural and open space areas. Use examples include:

- (a) *Greenway or Trail.* A linear Park primarily used as an alternative transportation route for pedestrians and bicycles. A Greenway or Trail often connects recreational areas with schools, residences, and commercial areas.
- (b) *Park.* An open space used for active or passive outdoor recreation. Parks are typically characterized by large areas of natural vegetation and/or landscaping and few structures. Examples include nature preserves, play fields, game courts, picnic areas, dog parks, and urban plazas.
- (c) *Playground.* An area for recreational use primarily by children. Playgrounds typically include play structures, such as swings and slides.

**Parking Structure.** See [Vehicle-Related Uses](#).

**Perimeter Planting Strip.** Land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized. (Ord. No.2005-3, 5-12-05)

**Parking, Off-Street.** An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a street arranged so that no maneuvering incidental to parking shall be on any street and so that an automobile may be parked or unparked therein without moving any other automobiles.

**Personal Service Establishments.** Businesses primarily engaged in the provision of frequent or recurrent needed services for people, animals, or goods.

**Pickleball.** The play or establishment of facilities for the sport of pickleball.

**Pick-Up Window or Area.** A window or designated portion of a building or site where customers may drop off or pick up goods or receive a service without entering a building. Pick-up windows or areas have significantly less operational or functional impacts compared to “drive-through facilities” and may require customers to park and approach on foot or pull up briefly into a short-term loading area without extensive stacking of vehicles. When goods are received at a pick-up window or area, the customer must place the related order off-site (via phone or app). Examples of businesses that may use pick-up windows or areas include pharmacies, banks, and dry cleaners.

**Planning Commission.** The Forest Acres Planning Commission established in accordance with S.C. Code Title 6, [Chapter 29](#).

**Planting Season.** The time period or season during which newly planted trees will have the best opportunity for survival. The planting season begins on November 1st and ends on March 31st. (Ord. No.2005-3, 5-12-05)

**Plant Nursery.** Any land used to raise trees, shrubs, flowers, and other plants for sale or for transplanting.

**Post Office.** A facility that offers the retail sale of stationary products and packaging and other mail services, including distribution and sorting of mail, and that may provide mailboxes for lease.

**Preliminary Plat or Plan.** The preliminary drawing or drawings indicating the proposed manner or layout of a subdivision.

**Print Center.** Establishments primarily engaged in duplicating and printing services, which may include photocopying, binding, publishing, and engraving.

**Pruning.** The elimination of live and/or dead branches from a tree's crown to improve tree structure, visibility, and/or maintain safety. All pruning shall be in compliance with the American National Standards Institute for Tree Pruning (ANSI A300 (Part 1 - 2001 Pruning). (Ord. No.2005-3, 5-12-05)

**Public Improvement.** Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which a local government may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which local government responsibility is established.

**Public Recreational Facilities.** Buildings and facilities not operated for profit and available for use by the general public.

## (R)

**Recreational and Entertainment Uses.** A use category for establishments that vary in size and offer sports, recreation, amusement, or entertainment-oriented activities in an indoor or outdoor setting. Use examples include billiard halls, bowling centers, skating rinks, sports courts, and swimming pools. Such facilities may also engage in retail sales of specialty products and services and provide ancillary indoor activities such as restaurants, concessions, and locker rooms.

**Registered Engineer.** An engineer properly licensed and registered in the State of South Carolina.

**Registered Land Surveyor.** A land surveyor properly licensed and registered in the State of South Carolina.

**Removal of Trees.** Any intentional or negligent act which will cause a tree to decline and die within a period of one year, including but not limited to such damage inflicted upon the root system of a tree by application of toxic substances, the operation of machinery, the change of natural grade by excavation or filling above the root system or around the trunk of a tree, and damages from injury or fire inflicted on trees which result in or permit pest infestation. (Ord. No. 87-238, §2, 6-9-87)

**Repair.** The reconstruction, replacement, or renewal of any part of an existing structure for the purpose of its maintenance or to correct damage.<sup>309</sup>

**Repair Garage.** A business engaged in major engine repairs of automobiles, trucks, boats, heavy equipment of all sorts consisting of but not limited to one or more of the following: spray or other manner of painting; body, fender, clutch, transmission, differential, axle, spring, or frame repair; engine overhaul requiring, but not limited to, removal there from of cylinder head or crankcase pan; repair of radiators requiring removal thereof; major engine tune-ups, brake relining, front end alignment.

**Repair Shop.** An establishment primarily engaged in providing repair services to individuals and businesses but excluding automotive repair. May include repair of household appliances without gasoline engines, bicycle, canvas, clock, computer, jewelry, locks and keys, musical instrument, office equipment, radio, shoe, television, or like objects.

**Replacement Tree.** A new tree planted on a site after development. The minimum planting size of large maturing trees shall not be less than three inches caliper, medium maturing trees shall not be less

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<sup>309</sup> This definition is from the 2021 South Carolina Residential Code, [Section R202 Definitions](#), except it uses the term *structure* rather than *building*.

than two and one half inches caliper, and small maturing trees not less than two inches caliper. (Ord. No.2005-3, 5-12-05)

**Residential Uses, Special Care.** Special Care Residential Uses offer particular health- and safety-related services in a residential setting.

(a) *Community Residence.*<sup>310</sup> A home that:

- (1) Provides care on a 24-hour basis to nine or fewer individuals who have mental or physical impairment;
- (2) Is approved or licensed by a state agency or department or under contract with the agency or department for that purpose; and
- (3) Complies with S.C. Code [§ 6-29-770\(E\): Governmental entities subject to zoning ordinances; exceptions.](#)

(b) *Continuing Care Retirement Community (CCRC).*<sup>311</sup>

- (1) A community in which there is furnished, pursuant to a continuing care contract, to two or more persons not related to the administrator or owner of the facility within the third degree of consanguinity, board or lodging together with nursing, medical, or other health-related services, regardless of whether the services or lodging are provided at the same location or not.
- (2) A CCRC does not include an institution operating solely as a nursing home or community residential care facility licensed by the South Carolina Department of Public Health.
- (3) A CCRC is licensed by the [South Carolina Department of Consumer Affairs.](#)
- (4) A “continuing care contract” means a contract to provide board or lodging together with nursing, medical, or other health-related services:
  - a. To a person 65 years of age or older at the time the contract is signed or purchased; or
  - b. Which provides for services for the life of the person or for more than one year, including mutually terminable contracts; and

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<sup>310</sup> Renames “Small Group Home” as “Community Residence.” S.C. Planning Act [§ 6-29-770\(E\)](#) exempts these facilities from zoning when they accommodate nine or fewer residents. A “Community Residence” with more than nine residents would be considered a “Long-Term Care Facility.”

<sup>311</sup> New use. This definition is from S.C. Code [§ 37-11-20\(2\)](#) and (6) and [§ 37-11-30\(A\)](#) [State Continuing Care Retirement Community Act].



- c. Which requires payment of an entrance fee or other fee in return for a promise of future care.

(c) *Emergency Shelter*.<sup>312</sup> An establishment primarily engaged in providing short-term emergency shelter for victims of domestic violence, sexual assault, or child abuse; and/or temporary residential shelter for homeless individuals or families, runaway youth, and patients and families caught in medical crisis.

(d) *Long-Term Care Facility*.<sup>313</sup> A facility that provides a variety of services, both medical and personal care, to people unable to live independently and who need full-time assistance and supervision but are not in need of hospital care, including nursing homes, convalescent homes, skilled nursing facilities, and assisted living facilities.

**Resubdivision.** A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

**Retail.** Establishments involved in the sale, lease, or rental of new or used products directly to consumers.

**Right-of-Way.** A strip of land occupied or intended to be occupied by a street, crosswalk, road, electric transmission line, oil or gas pipeline, water main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

**Runoff.** The portion of the precipitation on the land that reaches the drainage system.

## (S)

**Sale or Lease.** Any immediate or future transfer or ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

**Seasonal Lighting.** Temporary lighting installed and operated in connection with holidays or traditions.

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<sup>312</sup> Carries forward current use description in § 21.120(34) [Permitted Uses in the C-4 District].

<sup>313</sup> New term. Definition derived from SCDPH definition for "nursing home" in [\*Regulation 61-84: Standards for Community Residential Care Facilities\*](#).

**Security Lighting.** The minimum amount of outdoor lighting necessary to illuminate building entrances, exits, and other possible points of entry; exterior walkways; and/or outdoor storage areas.

**Sedimentation.** The process that operates at or near the surface of the ground to deposit soil, debris, and other material, either on other ground surfaces or in water channels.

**Setback Line, Building Setback Line.** The distance of a line beyond which no foundation or wall of any building shall project unless specified exceptions are made elsewhere in these regulations. Standard overhangs, steps, bay windows without under support and exterior chimneys are not normally considered in the setback requirements.

**Shopping Center.** A group of two or more retail or commercial establishments designed as a single unit on a property, either as an enclosed or open-air pedestrian mall or as a strip center, that share common areas and facilities such as parking, restrooms, signage, and pedestrian plazas.

**Short-Term Rental.** The leasing of any short-term rental property or permitting the occupancy of any short-term rental property or any other property by a lease or any other form of agreement.

- (a) *Short-Term Rental Agent.* A person authorized by an owner to act on the owner's behalf in connection with any short-term rental property or any short-term lease. Also referred to as "agent."
- (b) *Short-Term Rental Lessee.* Any person occupying all or any part of a short-term rental property or any other property under any lease or other form of agreement for a period of less than 30 days.
- (c) *Short-Term Rental Owner.* Any person who owns one or more short-term rental properties.
- (d) *Short-Term Rental Property.* Any residential property in the municipal limits of the City of Forest Acres, South Carolina, that, in whole or in part, is offered for lease or occupancy under a lease or any other form of agreement, for periods of less than 30 days.

**Shrub, or Hedge.** A woody and dense plant or bush, smaller than a tree, consisting of several small stems from the ground or small branches near the ground used in a tight pattern to form a barrier that protects, shields, separates, or demarcates an area from view.

**Sign.** A visual display on an object or device that includes elements such as colors, lights, motion, symbols, images, icons, letters, numerals, figures, characters, or combines any of those elements, that a person intends to communicate, advertise, identify, announce, direct, inform, or attract attention. The term "sign" includes a structure used to support or display a sign.

**Sign, Abandoned.** Any permitted sign or sign structure that was erected or installed on a premises in conjunction with a particular use that has been discontinued for a period of six months or more.

**Sign, A-Frame.** A temporary, portable, freestanding sign in the shape of the letter "A" with back-to-back sign faces, an easel, or a similar configuration.

**Sign, Attached.** A permanent, on-premises sign that is attached to a building. Attached sign types include wall signs and projecting signs.

**Sign, Canopy.** A permanent, on-premises sign that is attached to a freestanding canopy.

**Sign, Freestanding.** An on-premises sign that is permanently affixed to the ground is not a part of a building or other structure.

**Sign, Incidental.** A small permanent sign that is freestanding or attached to a building that is in addition to the primary sign types for the property, such as attached signs and freestanding signs, and that has a height and scale that is subordinate to the primary sign types allowed for the property. Examples of typical incidental signs include house numbers, occupant directories, directional signs, flags, and parking signs. The list of examples is provided to clarify the regulations and does not limit the content of incidental signs. The City will not review the content of incidental signs.

**Sign, Monument.** A permanent, on-premises ground sign with a low profile that has a base and support structure with a solid appearance measuring at least one-half of the width of the widest part of the sign's face.

**Sign, Permanent.** A sign constructed from durable materials affixed to a building, a structure, or the ground so that the sign resists environmental loads, such as wind, and that precludes ready removal or movement of the sign.

**Sign, Pole.** A permanent, on-premises, freestanding sign supported by one or more poles or vertical members that are less than one-half of the width of the widest part of the sign's face.

**Sign, Off-Premises.** A sign that advertises businesses, organizations, goods, products, or services that are not located, sold, manufactured, or distributed on or from the premises or facilities where the sign is located. Nothing contained in this definition will be construed to apply to limit noncommercial messages or information placed on any allowed sign.

**Sign, On-Premises.** A sign that advertises businesses, organizations, goods, products, or services that are located, sold, manufactured, or distributed on or from the premises or facilities where the sign is located. Nothing contained in this definition will be construed to apply to limit noncommercial messages or information placed on any allowed sign.

**Sign, Portable.** Any sign structure without a permanent foundation or otherwise permanently attached to a fixed location, that a person or vehicle can carry, tow, haul, or drive. Examples of portable signs include:

- (a) Portable signs with the wheels removed;
- (b) Portable signs with a chassis or support constructed without wheels; and
- (c) Signs designed for use on a trailer or on wheels.

**Sign, Projecting.** A permanent, attached, on-premises sign type affixed to and projecting more than 12 inches from the wall of a building, generally perpendicular to the building façade. A projecting sign does not include signs located on a canopy or awning.

**Sign, Residential Development.** A freestanding sign located near the entrance drive or road to a residential development or an attached sign located on a multi-family building. An example of a typical residential development sign is one that identifies the name of the development or phase of development, sometimes incorporating architectural or landscape features. The example is provided to clarify the regulations and does not limit the content of residential development signs. The City will not review the content of residential development signs.

**Sign, Roof.** A sign located on the roof of the building that has the roof as a principal means of sign support or that extends on or above the eaves on a building with a sloped or mansard roof or above the top of the wall on flat-roofed buildings without parapet walls. Signs on parapet walls and those mounted on the upper edge of an awning or canopy are not roof signs. However, signs located on awnings, canopies, parapet walls, building towers, cupolas, and similar architectural features are roof signs if they extend above the higher of the top of the parapet or roof line of the building.

**Sign, Temporary.** A sign constructed of cloth, canvas, light fabric, cardboard, wood, wallboard, metal, or other light materials, with or without frames, that is intended to be displayed for a limited period of time only. Temporary signs include stake signs, post signs, A-frame signs, and feather signs. Examples of common temporary sign uses include political signs, public demonstrations, grand opening signs, contractor signs, real estate signs, and signs that announce an event such as a carnival, circus, or similar event. The list of examples is provided to clarify the regulations and does not limit the content of temporary signs. The City will not review the content of temporary signs.

**Sign, Wall.** A permanent, on-premises sign attached flat or parallel to the exterior wall or surface of a building or other structure and which projects not more than 12 inches from that wall or surface.

**Sign, Window.** A permanent, on-premises sign attached or affixed to the interior or exterior of a window. A window sign includes any sign or device that is located inside a building, that is three feet or less from a window or glass door, and that is clearly visible from outside the building.

**Significant Tree.** Any healthy and structurally sound tree that has a diameter at breast height 18 inches and larger including the specific list and size of trees below:

Table 12.3-1: Significant Trees		
Botanical Name	Common Name	DBH
<i>Cercis candensis</i>	Eastern Redbud	4 inches
<i>Cornus florida</i>	Flowering Dogwood	4 inches
<i>Ilex opaca</i>	American Holly	4 inches
<i>Magnolia virginiana</i>	Sweet Bay	4 inches
<i>Oxydendrum arboreum</i>	Sourwood	6 inches

**Site Plan.** A plan that reflects existing and proposed conditions on a site that is intended for construction. Including but is not limited to topography, structures and/or additions, grading, drainage, erosion control measures, trees to be saved or planted to comply with the requirements of this Ordinance, best management practices, parking requirements, streets, and other type improvements. (Ord. No.2005-3, 5-12-05)

**Sketch Plat or Site Plan.** A sketch preparatory to the preparation of the preliminary plat or plan (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat or plan and the objectives of these regulations.

**Skyglow.** The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

**Small Engine Repair.** An establishment primarily engaged in the service and repair of small, motorized power equipment, excluding motor vehicles.

**Smoke or Vape Shop.** Any retail store with more than an Incidental or Ancillary Use, as defined herein, that displays, sells, distributes, delivers, offers, furnishes or markets one or more of the following: 1) Alternative Nicotine Products; 2) Vape Products; 3) Tobacco Products; 4) cigarettes, cigars, dried or shredded plant material, flowers, smoking blends, and similar products that are smoked or inhaled and contain Cannabis Product, Hemp or Synthetic Cannabinoids; or 5) Smoking Paraphernalia. For purposes of this definition, "Incidental or Ancillary Use" is defined as a display or sale by a grocery store, supermarket, convenience store, gas station, or similar retail business that uses no more than 2% of the total square footage of the business, or 200 square feet, whichever is less, for the display, sale, distribution, delivery, offering, furnishing, stocking, storage or marketing of one or more such products; or, as to any such retail business consisting of 250 square feet or less, as no more than five square feet being used for such purposes. For purposes of this definition, the area of a business used for such purposes shall be determined based upon the square footage devoted to such use plus an additional customer aisle area measuring 18 inches in width perpendicular to and along each customer-facing portion of such display or other use.

**Smoking Paraphernalia.** Any paraphernalia, equipment, device, or instrument that is designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of Tobacco Products, Cannabis Products, Hemp, Alternative Nicotine Product, Synthetic Cannabinoids, or controlled substances as defined in S.C. Code Ann. [§ 44-53-110](#). Items classified as Smoking Paraphernalia include, but are not limited to, pipes, ice pipes or chillers, air-driven pipes, water pipes, bongs, water bongs, hookahs, punctured metal bowls, and roach clips.

**Soil and Water Conservation District.** The soil and water conservation district for Richland County, as established by state statute.

**Special Event.** A temporary activity open to the general public, whether by general admission or through ticketed access, and occurring on public or private property, including without limitation, block parties, parades, rallies, walks, running or bicycle races, fundraisers, picnics, or sports tournaments.

**State.** The State of South Carolina.

**Storage.**

- (a) *Construction-Related Storage.* The temporary use of one or more structures, including shipping containers, cargo containers, storage units, storage facilities, trash or debris dumpsters, or other containers or like items, for the storage of construction-related materials.
- (b) *Portable Storage Unit.* Any container designed for the temporary storage of personal or business property that is utilized in conjunction with relocating such property from one site to another. A portable storage unit is typically delivered and removed by truck.
- (c) *Storage Container.* Shipping containers, cargo containers, storage units, storage facilities, or other containers or similar items.

**Street.** A 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 Classifications.**

- (a) *Collector Street.* A street that is used or intended to be used for moving traffic from minor streets to arterials, including the principal entrance and circulation streets of a development.
- (b) *Cul-de-sac.* A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- (c) *Local Street.* A street intended to provide access to other streets from individual properties.
- (d) *Marginal Access Street.* A local street located parallel to an arterial street that provides access to abutting properties and protection from through traffic.
- (e) *Perimeter Street.* An existing street to which the parcel of land abuts on only one side.
- (f) *Primary Arterial.* A street intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the governmental unit, and/or as a route for traffic between communities or large areas.
- (g) *Secondary Arterial.* A street intended to distribute traffic in a manner similar to primary arterials, except that these roads service minor traffic generating areas such as community-commercial areas, primary and secondary educational facilities, hospitals, major recreational

areas, churches, and offices, and are designed to carry traffic from collector streets to the system of primary arterials.

**Structure.** Anything, including a building or dwelling, constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

**Studio Space.** A type of establishment used for personal instruction where students and instructors are engaged in the practice of art, dancing, music, martial arts, or similar type of activity.

**Subdivider.** Any person who:

- (a) Having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or
- (b) Directly or indirectly sells, leases, or develops, or offers to sell, lease or develop, or advertises for sale, lease, or development any interest, lot, parcel, site, unit, or plat in a subdivision; or
- (c) 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; and
- (d) Who is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

**Subdivision.** All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record; however, the following exceptions are included within this definition only for the purpose of requiring that the Forest Acres Planning Commission be informed and have record of the subdivisions:

- (a) 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 or exceed the standards of the City of Forest Acres;\*
- (b) The division of land into parcels of five acres or more where no new street is involved; and
- (c) The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

Plats of such exceptions shall be received as information by the Planning Commission which shall indicate such fact on the plats.



\*In the interpretation of "a" above, the term "previously platted" means platted, approved, and recorded if such lots were created in accordance with land development regulations in effect at the time of their creation, or created as a result of a land division and recorded prior to existence of applicable land development regulations.

**Synthetic Cannabinoids.** A class of artificially made chemicals that are cannabinoid receptor agonists intended to replicate, mimic, or cause a similar reaction to the psychoactive effects of marijuana. These compounds may be found in products marketed as incense, herbal blends or mixtures, synthetic marijuana, or potpourri, and labeled as Spice, K2, Green Giant, Smacked, Wicked X, AK-47, Geeked Up, Ninja, Caution, Red Giant, Keisha Kole, XXX Ultra, Skunk, Atomic, and other names, however named.

## (T)

**Tailor or Garment Shop.** An establishment offering specialized services primarily engaged in repair and refurbishment of clothing, shoes, and fabrics.

**Tattoo Establishment.** Facilities engaged in the practice of tattooing, which is the process of applying an indelible mark or color to the skin by subcutaneous introduction of nontoxic dyes or pigments.

**Theater or Auditorium.** An establishment for the performing arts with seating for spectators, which may include related services such as food and beverage sales.

**Tobacco Product.** Any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including but not limited to cigarettes; cigars; cheroots; stogies; perique; granulated, plug-cut, crimp-cut, ready rubbed and other smoking tobacco; snuff; snuff flowers; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco, prepared in such a manner as to be suitable for chewing or smoking in a pipe, or other tobacco related devices. Tobacco Products do not include any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

**Topping.** The severe cutting back of branches to a stub, bud, or a lateral branch not large enough to assume the terminal role. (Ord. No. 2005-3, 5-12-05)

**Townhouse Dwelling.** See [Dwelling, Townhouse](#).



**Townhouse Unit.** A dwelling unit in a townhouse dwelling that extends from foundation to roof and has open space on at least two sides.<sup>314</sup> Each townhouse unit in a townhouse dwelling may be located on its own fee simple lot.

**Traditional Subdivision.** Any division of a tract or parcel of land into two or more lots, for the purpose, whether immediate or future, of sale, lease, or building development. [from Zoning Ordinance]

**Tree.** A usually tall, woody plant, distinguished from a shrub by having comparatively greater size and longevity and, characteristically, defined as:

- (a) *Large Maturing.* Single trunk whose canopy dimensions have the potential to reach at least 45 feet tall and 25 feet wide at maturity. [See § 5.2.10: *Recommended and Prohibited Trees*]
- (b) *Medium Maturing.* Single trunk whose canopy dimensions have the potential to reach at least 25 feet tall and 20 feet wide at maturity. [See § 5.2.10: *Recommended and Prohibited Trees*]
- (c) *Small Maturing.* Single trunk or multi-stem whose canopy dimensions have the potential to reach at least 15 feet tall and 15 feet wide at maturity. [See § 5.2.10: *Recommended and Prohibited Trees*] (Ord. No. 2005-3, 5-12-05)

**Tree Permit.** That consent given in writing by the city to a person or private firm or agency to maintain, remove or do any work requiring a permit involving any tree .

**Tree Protection and/or Planting Plan.** A plan that identifies the critical root zone where significant trees are to be protected and preserved, and replacement trees planted on a property to meet minimum requirements, as well as methods of tree protection to be undertaken on the site and other pertinent information.

**Tree Survey.** A schematic property plan showing the physical location, DBH, genus, and critical root zone of all significant trees within the area to be disturbed by a development project.

## (U, V, W)

**Uplight.** For an exterior luminaire, flux radiated in the hemisphere at or above the horizontal plane.

## Use.

- (a) *Accessory Use.* A use customarily incidental and subordinate to the principal use or building.<sup>315</sup>

<sup>314</sup> This definition aligns with the 2021 South Carolina Building Code, [Section 202 Definitions](#).

<sup>315</sup> Carries forward current definition of “accessory use” in § 21.3.2: *Definitions*.

- (b) *Non-Residential Use*. Any use other than a residential use including, but not limited to, a commercial, retail, office, civic, or institutional use.
- (c) *Principal Use*. The primary use of a lot or structure, as distinguished from subordinate or accessory uses.
- (d) *Residential Use*. Any use that includes only dwelling units and their customary accessory uses, but no other uses. Residential uses are places of human habitation that may contain an assortment of arrangements of dwelling units or rooming units.
- (e) *Temporary Use*. A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period. This definition excludes uses and events customarily associated with the principal land use (e.g., weddings at a place of worship, or sporting events at a stadium).

**Utility**. Any publicly, privately, or cooperatively owned line, facility or system for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil products, water, steam, waste, storm water, and other similar services and commodities including publicly owned fire and police and traffic signals and lighting systems, which directly or indirectly serve the public or any part thereof (Ord. No. 87-238, §2, 6-9-87)

**Utility Easement**. The right-of-way acquired by a utility or governmental agency or private agency to locate utilities, including all types of pipelines, television cable, telephone, and electric cables. (Ord. No.2005-3, 5- 12-05)

**Vape Product**. Any non-combustible product, which may or may not use or contain a Cannabis Product, Hemp, Alternative Nicotine Product, or Synthetic Cannabinoid, that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from a liquid solution or any other form, to be inhaled, snorted, sniffed, consumed or ingested by any other means. "Vape Product" includes devices called e- cigarettes, electronic cigars, electronic pipes, vaporizers, vaporizer cartridges, vapes, e-hookahs, vape pens, pod mods, box mods, puff bars, tanks or mods, sub-ohm tanks, vaporizers, dab pen, or similar product or device. "Vape Product" also includes e-juice, vape juice, and e-liquid containing an Alternative Nicotine Product, Cannabis Product, Hemp, or Synthetic Cannabinoids. "Vape Product" does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the United States Food, Drug, and Cosmetic Act.

**Vegetation**. All plant growth, including trees, shrubs, grasses, and mosses.

**Vehicle-Related Uses**. A use category for establishments related to the sale, rental, servicing, repair, or storage of motor vehicles including passenger vehicles, mopeds, dirt bikes, ATVs, golf carts, low speed electric vehicles, and boats. Use examples include:

- (a) *Gas Station*.<sup>316</sup> An establishment where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. A Gas Station may also offer retail sale of food, drinks, and convenience items.
- (b) *Parking Structure*. A structure composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.
- (c) *Vehicle Sales, Rental, or Leasing Center*. A commercial establishment primarily engaged in the display, sale, rental, or lease of new or used motor vehicles including passenger vehicles, mopeds, dirt bikes, ATVs, golf carts, low speed electric vehicles, and watercraft.
- (d) *Vehicle Services*. Establishments primarily engaged in the repair and service of passenger vehicles, light and medium duty trucks, and other consumer motor vehicles such as motorcycles, watercraft, and recreational vehicles.

**Vines.** Plants that normally require support to reach mature form.

**Warehouse, Storage, & Distribution Uses.** Facilities involved in the storage or movement of goods, with little on-site sales activity to customers. Warehouse and Distribution includes the following:

- (a) *Distribution and Fulfillment Center*. A large facility where goods are received and/or stored for delivery to the ultimate consumer at remote locations.
- (b) *Junkyard*. A Junkyard includes any use involving the:
  - (1) Storage or disassembly of wrecked automobiles, trucks, or other vehicles;
  - (2) Dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof;
  - (3) Keeping, abandonment, sale, or resale of junk, including scrap metal, used paper or other scrap materials, salvaged house wrecking and structural steel materials and equipment, storage, or baling; or
  - (4) Storage of bones, animal hides, cloth, or rags, used plumbing fixtures, appliances, furniture, or used brick, wood, or other building materials.
  - (5) The uses listed above are considered junkyards whether all or part of such operations are conducted inside a building or in conjunction with, in addition to, or accessory to other uses of the premises.

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<sup>316</sup> Changed from “Automobile Service Station” to better distinguish between this use and Vehicle Services.

- (c) *Self-Service Storage Facility*.<sup>317</sup> A facility composed of one or multiple structures designed and used for the purpose of renting or leasing individual storage space to occupants who have access to the space for the purpose of storing and removing personal property.
- (d) *Warehouse*. A facility primarily engaged in storage, wholesale, and distribution of manufactured goods.

### (X, Y, Z)

**Yard.** An open or unoccupied space on the same lot with a principal building and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

**Yard Area.** That portion of any site covered by the front, side and rear yard areas as established by the minimum setback requirements in this chapter for respective zoning district classifications.

**Yard, Front.** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street or road and the front line of the building.

**Yard, Rear.** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building.

**Yard, Side.** An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line and extending from the front yard to the rear yard. Any lot line not a rear or a front line shall be deemed a side line.

**Zoning Administrator.** The City Administrator or their designee who administers these regulations and administratively assists boards and commissions.

**Zoning District.** Any portion of the area of the City of Forest Acres in which the regulations governing the use of land, buildings, and structures are uniform for each class or kind of building, structure, or use. The UDO establishes three types of zoning districts: base, overlay, and legacy (see § 2.1.1: *Districts Established*).

**Zoning District, Non-Residential.** A base zoning district in which the predominant uses are commercial or other non-residential uses. The following districts are considered Non-Residential Zoning Districts: P-1, P-2, C-1, C-2, C-3, C-4, and C-5.

**Zoning District, Residential.** A base zoning district in which the predominant uses are residential dwellings. The following districts are considered Residential Zoning Districts: R-1, R-1a, R-2, and R-3.

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<sup>317</sup> This definition is from S.C. Code Title 39, Chapter 20: Self-Service Storage Facilities, [Section 39-20-20\(f\)](#).