Chapter 3: General Provisions

3.1: Applicability

The following provisions shall apply throughout the jurisdiction of this Ordinance, regardless of the underlying regulating district.

3.2: Compliance to Ordinance for Increases on Improvements of Existing Uses

3.2.1: All general and district requirements shall apply to an existing conforming use increasing in parking area and/or building area by at least 10%, especially landscaping, parking, and fence standards.

3.3: Fence and Wall Standards

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

3.3.1: Residential Use

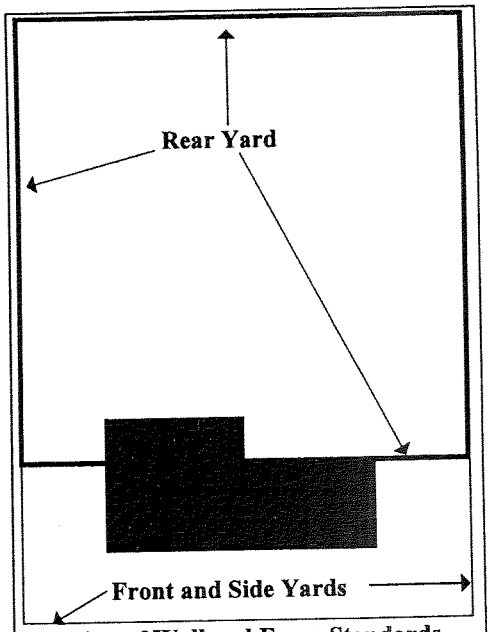
A. Rear yard fences and walls
1. Max. Height: 8 feet

B. Side and front yard fences and walls
1. Max. Height: 8 feet

3.3.2: Commercial and Industrial Use

A. Rear yard fences and walls
1. Max. Height: 8 feet
2. Materials: Brick, stucco, chain link (barbed wire is permitted for rear yard fences not visible from a street), wrought iron, stone, wood, concrete, or combinations of the above. When combination of 2 or more materials is used, the heavier material shall be below.

B. Side and front yard fences and walls
1. Max. Height: 8 feet (exceptions: required screening for the affected district)
2. Materials: Brick, stucco, chain link (barbed wire is permitted for side yard fences not visible from a street), wrought iron, stone, wood, concrete, or combinations of the above. When combination of 2 or more materials is used, the heavier material shall be below.



Location of Wall and Fence Standards

3.3.3: Civic and Institutional Use

A. Fences and walls in all yards
1. Max. Height: 8 feet
2. Materials: Brick, stucco, wrought iron, stone, wood, concrete, or combinations of the above. When combination of 2 or more materials is used, the heavier material shall be below.

3.4: Temporary Structures

3.4.1: Temporary structures and uses, when in compliance with all applicable provisions of the Ordinance, and all other ordinances of the City of Clinton shall be allowed. The following temporary structures and uses shall be permitted:

3.4.2: Construction Trailers and Storage Trailers: Trailers used in conjunction with construction projects provided that the following conditions are met:

- **A.** Such construction trailers may be located at a building site where there is a valid building permit for the construction project, or, in the case of a residential subdivision, a valid building permit for at least one of the residential units being constructed.
- **B.** All construction trailers shall be located at least ten (10) feet off any street right-of-way and not be placed in any required rear or side yard setbacks.
- **C.** All construction trailers shall be removed within one (1) month of the completion of the project or issuance of the Certificate of Occupancy.
- **D.** All other uses of trailers, including using them as permanent on-site storage, are prohibited.

3.4.3: Temporary Sales or Events: Uses requiring utilities more than fifteen (15) days in duration and held no more than three (3) times per year at any particular location) which would not otherwise be permitted in a particular zoning district may be issued a temporary permit as herein provided. Upon completion and submittal of an application, the Zoning Administrator may grant a zoning permit for the following temporary uses: fireworks sales not to exceed 30 days; food and beverage sales not to exceed 120 days and subject to SC DHEC review and approval; open lot sales of Christmas trees in the C-1, C-2, and I-1 districts not to exceed forty-five (45) days.

3.4.4: Other Temporary Uses:
All other such temporary uses not otherwise listed may be granted a temporary zoning permit only after the Zoning Administrator has made the following determinations:

- **A.** The proposed use shall not materially endanger the public, health, welfare, and safety; and
- **B.** The proposed use shall not have a substantial negative effect on adjoining properties.
- **C.** Temporary permits shall be applied for ten (10) days in advance of the event or function.
- **D.** A separate permit shall be obtained for each event.

In approving such a temporary permit, the Zoning Administrator may authorize conditions regarding duration of the use, hours of operation, signage, lighting, etc. and such conditions shall be made part of the permit issued. Violations of such conditions shall be considered a violation of this Ordinance.

3.5: Bed and Breakfast Inns

Bed and Breakfast inns may be allowed under the following conditions:

3.5.1: Such uses shall be allowed only in older residential structures that are recognized as architecturally, historically, or culturally significant and that through renovations and use as a bed and breakfast, will contribute significantly to the ambiance, character, or economic revitalization of the neighborhood.

3.5.2: The architectural integrity and arrangement of existing interior spaces must be maintained, except as may be required to meet health, safety, and sanitation requirements.

3.5.3: Minimal outward modifications of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood.

3.6: Vibration, Light, Noise, and Odor

3.6.1: Vibration: No inherent and recurring generated vibration shall be perceptible without instruments at the property line.

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

3.6.3: Noise: No persistent noise shall be detectable beyond the property line in excess of the average level of street and traffic noise generally heard at the point of observation, and no noise below such level shall be objectionable with respect to intermittence, beat, frequency, or shrillness.

3.6.4: Odor: No objectionable odor shall be detectable beyond the property line and the emission of odors, regardless of type shall not be such as to be detrimental to the value and use of adjacent property.

3.7: Recycling Facilities

3.7.1: Such facilities shall be in wholly enclosed buildings except for incidental storage, or within an area enclosed on all sides by an opaque fence or wall not less than eight feet in height and landscaped on all street frontages.

3.7.2: All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or palletized.

3.7.3: The site shall be maintained free of litter and any other undesirable materials, shall be cleaned of loose debris on a daily basis and shall be secured from unauthorized entry and removal of materials when attendants are not present.

3.7.4: Space shall be provided on site for the anticipated peak load of customers to circulate, park, and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of ten (10) customers or the peak load, whichever is higher, except where the Zoning Administrator determines that allowing overflow traffic is compatible with surrounding business and public safety.

3.7.5: Where a facility is to be located within 500 feet of property in a residential zone, it shall not be in operation between 7 PM and 7 AM.

3.7.6: Any containers provided for after hours donation of recyclable materials shall be at least 50 feet from any property zoned or occupied for residential use; shall be sturdy, rust resistant construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials.

3.7.7: Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.

3.8: Accessory Apartments

3.8.1: The principal structure (dwelling) must be owner-occupied.

3.8.2: The apartment, whether attached or detached, cannot exceed 50% of the gross floor area of the principal dwelling, or contain more than two bedrooms.

3.8.3: The apartment must be a complete living space, with kitchen and bathroom facilities separated from the principal unit.

3.8.4: An accessory apartment may be accessory only to a single-unit dwelling, and not more than one apartment shall be allowed per dwelling or lot.

3.8.5: The lot size shall be at least 50% greater where an accessory apartment is proposed in the R-1 district.

3.8.6: The apartment shall meet all yard setback requirements and, where detached from the principal dwelling, shall be set back not less than 10 feet from the principal dwelling.

3.8.7: Evidence of the accessory apartment should not be apparent from the street in the R-1 district.

3.8.8: A third off-street parking space shall be required.

3.9: Adult Uses SIC 7299

Owing to the potentially objectionable operational characteristics of sexually oriented or adult uses, and the deleterious affect of such uses on existing businesses and/or residential areas around them, the location of such uses shall be tempered by the supplemental siting criteria of this section.

No such use shall be located within 1,000 feet (measured in a straight line) of:

1) a residential use;
2) a church or religious institution;
3) public or private schools and educational facilities;
4) public parks and recreational facilities, or
5) any other adult or sexually oriented business.

3.10: Mini-warehouses SIC 4225

Due to the need to better integrate mini-warehouses into the urban fabric of the community, the following standards shall be observed:

A. Size: Mini-warehousing sites shall not exceed two acres.
B. Lot Cover: Lot coverage of all structures shall be limited to 50% of the total area.
C. In/Out: Vehicular ingress-egress shall be limited to one point for each side of property abutting any street lot line.
D. Storage Only: No business activity other than rental of storage units shall be conducted within or from the units.

3.11: Manufactured homes on separate lots

The placement of manufactured homes in subdivisions, and on individual or separate lots, where permitted by this Ordinance, shall comply with the following requirements:

A. Only one manufactured home shall be located on each lot.
B. The manufactured home and accessory uses shall conform to all applicable district requirements.
C. The manufactured home shall be securely underpinned and anchored as required by the Standard Building Code. The securing of the unit must be inspected and approved by the Zoning Administrator.
D. Each manufactured home shall have skirting constructed of bricks, concrete blocks, or other appropriate material which extends from the exterior wall to the ground. The tongue shall be removed where so designed.
E. Recreational vehicles are never to be considered a manufactured home.

3.12: Manufactured home parks or courts

Manufactured home parks or courts shall comply with the following requirements:

A. The park shall be served by municipal water and sewer systems, a system of storm drainage, and refuse disposal facilities, not less than 40 feet from any manufactured home, plans of which shall be approved by appropriate city officials.
B. All manufactured home spaces shall abut upon an all-weather surface driveway of not less than twenty-two (22) feet in width which shall have unobstructed access to a public street.
C. A description of the procedures of any proposed home owners association or other group maintenance agreement must be submitted to appropriate city officials.
D. All on-site roadway intersections shall be provided with a street light, and interior lights shall be provided at not less than 400 foot intervals.
E. Each individual manufactured home site shall be at least 25 feet from any other site and at least 25 feet from the right-of-way of any street or drive providing common circulation.
F. Manufactured homes shall be placed on one of the following types of foundations which shall be subject to approval by the Zoning Administrator: (a) piers under frame made of masonry construction, (b) curtain wall foundation of solid continuous construction around the entire perimeter of the home, (c) concrete or masonry footings. Foundations shall be so constructed as to prevent settling and accumulation of water under the home. All manufactured homes placed on a concrete slab foundation or on a concrete or masonry footing foundation shall be provided with appropriate skirting of solid durable material around the entire perimeter. Each manufactured home shall be securely underpinned and anchored in accord with the Standard Building Code.
G. Space Numbers: Permanent space numbers shall be provided on each manufactured home space and shall be located so as be visible from the street or driveway. Signs identifying space locations shall be provided at each street or driveway intersection.
H. License Required; Revocation: A business license shall be requisite to the opening or operation of a manufactured home park in the City of Clinton. Said license may be revoked by City Council for a violation of this ordinance or other applicable ordinance and regulations governing the operations of such uses.
I. Recreational vehicles are not to be allowed as permanent residences in a park.

3.13: Group Occupied Dwellings

Due to the potential lifestyle conflicts between group occupied and single family occupied dwellings, the need to resolve such conflicts and provide harmonious living conditions, and meet the variant housing needs of the local population, the additional requirements of this section shall apply to the location and use of group occupied dwellings in the City of Clinton.

A. A minimum of three off street parking spaces shall be provided, only two of which may be located in the required front or side yards in the R-2 district, plus one space for each bed (over three) in the dwelling. In all other districts, the required off street parking may be provided in all required yards, provided that in the front or side yards the parking shall meet the design standards and include a buffer around all perimeters of the parking area.
B. No such use shall be located within 600 feet of an existing group occupied dwelling in the R-2 district, or 400 feet in all other districts (measured in a straight line).
C. An agreement executed by the owner of the dwelling shall accompany the request for a permit: (1) to ensure proper maintenance of the yards and dwelling, (2) to ensure the control of litter and noise, (3) to ensure participation by the owner in the communication and enforcement process necessary to accomplish compatibility within the neighborhood, and (4) to ensure that only independently functioning dwelling units are rented on a single lease agreement.

Compliance and Permit Requirements

An occupancy permit shall be prerequisite to the use of a dwelling unit for group occupancy. Said permit shall be valid for 12 months. Thereafter group occupancy permits shall be subject to annual review by the Zoning Administrator to determine continuing compliance with the requirements of this section

Where non-compliance with the provisions of this section or an on-going problem has been determined to exist, the Zoning Administrator shall notify the owner in writing of the nature and extent of the problem, together with instructions to correct the problem within a reasonable time frame. Failure of the owner to comply fully with an order to correct the situation shall constitute a violation of this ordinance resulting in (a) revocation of the occupancy permit, and/or (b) fines and penalties as determined by the Court.

An on-going problem shall be determined to exist where written documentation has been compiled over a three month period by the Zoning Administrator, affected neighborhood associations, or area residents. Copies of the documentation shall be filed with the city and forwarded to the property owner.

Household Occupancy

With the exception of a family, the number of occupants permitted to reside in a dwelling unit in a particular zoning district shall comply with the following table on the condition that for each occupant, one (1) off-street parking space shall be provided. In any dwelling unit, only one (1) family, as defined by this ordinance, may occupy a unit. Additionally, in a dwelling unit occupied primarily by a family, two (2) occupants may reside within the dwelling unit. No additional occupants may be permitted on any single household residential lot which contains a separate apartment unit.

District	***Number of Occupants***
R-1	Three (3)
R-2, R-3, C-2, C-3, A-R	Four (4)
PD	Set by approved plan

3.14: Yard and Garage Sales

Yard, garage, tag, patio, and apartment sales are permitted without a permit and permission of the property owner or leaser of the lot, as an accessory use on any residentially or institutionally developed lot in any district. Such sale shall be limited to no more than 2 days per calendar month on the same lot.

3.15: Home Occupations

A home occupation shall be permitted in any residential district or structure provided that such occupation:

A. is conducted by members of the family residing in the dwelling and are permitted to be engaged in such occupation.
B. is conducted within the principal building;
C. utilizes not more than 25% of the total floor area of principal building;
D. produces no alteration or change in the character or exterior appearance of the principal building from that of a dwelling;
E. conducts no retail sales, other than items hand-crafted on the premises, in connection with such home occupation.
F. no display of products shall be visible from the street;
G. is not visibly evident from outside the dwelling, except for the permitted sign. (See Section 3.9: Signs)

H. does not generate traffic in greater volumes than would normally be expected in a residential neighborhood. Any need for parking shall be met by off-street parking and other than in a required front yard.

3.16: Private Swimming Pools and Tennis Courts

3.16.1: Pools and tennis courts, including but not limited to aprons, walls, and equipment rooms, shall not protrude into any setbacks.

3.16.2: This use shall be fenced or otherwise protected against intrusion.

3.17: Signs

3.17.1: Signs are considered to be structures and the regulations herein shall apply and govern in all zoning districts. No sign shall be erected or maintained unless it is in compliance with this section and the **additional requirements located in Chapter 4** for the specific zoning district.

3.17.2: A permit shall be required for the erection, alteration, relocation, or reconstruction of permitted signs unless otherwise noted, and shall be issued by the Zoning Administrator in accordance with Chapter 5 of this ordinance.

3.17.3: Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.

3.17.4: Non-conforming signs damaged more than fifty percent (50%) of their reasonable replacement cost shall not be repaired or replaced except in accordance with the provisions of this ordinance.

3.17.5: Prohibited Signs

A. Sign imitating warning signals. No sign or structure shall display flashing or intermittent lights of any type, nor shall any colored lights be utilized for sign purposes that resemble lights utilized on emergency vehicles, including police, fire, EMS, towing, and rescue vehicles; nor shall any sign use the words "Stop", "Danger", or any other that may confuse an automobile or other vehicle driver.

B. Signs within street or highway rights-of-way. Except traffic signs and signals, information signs erected by or authorized by a governmental or other public agency, or political signs.

C. Certain attached and painted signs. Signs painted on or attached to trees, fence posts, and telephone poles or other utility poles or signs painted on or attached to rocks or other natural features. Also, signs that have been altered from their original use, such as removing the legs from a free standing sign and placing it on a pole.

D. Fluttering ribbons and banners. Except the flags of governments and their agencies.

3.17.6: Signs for which a permit is not required.

A. Traffic, directions, warning, or information signs authorized by any public agency.

B. Official notices issued by any court, public agency, or officer.

C. Non-illuminated "for sale", "for rent", or "for lease" signs not exceeding 12 square feet.

D. One permitted home occupation sign, provided it is non-illuminating, no larger than one (1) square foot, and mounted against a wall of the principal building.

E. Non-illuminated signs not exceeding 12 square feet on work under construction, such as non-illuminated signs displaying the contractors, subcontractors, architects, engineers, owners, financial, selling, and development agencies.

F. Political signs. These signs shall not be placed more than forty-five (45) days before an election and must be removed ten (10) days after the election.

1. Notice of Violation: Ten (10) days after the election, the Zoning Administrator shall send notice of the sign violation by registered mail, return receipt requested, to the owner of the land on which the sign is located and the violator who is responsible for the sign. Within five (5) days of receipt or refusal of the order, the owner or violator must remove the sign.
2. Fines: Failure to comply with the Zoning Administrator's order shall constitute a civil violation. Admission of liability or finding of liability shall be punishable by a fine of one hundred dollars ($100.00) for each individual charge. Each day during which the violation is found to have existed shall constitute a separate offense.

3.17.7: Removal of Signs. Whenever a sign becomes structurally unsafe or endangers the safety of a structure or premise or the public, or is erected or maintained in violation of this ordinance, the Zoning Administrator shall order such sign to be made safe or comply with ordinance, as the case may be, or be removed. Such order shall be sent to the owner of the land on which the sign is located by registered mail and shall be complied with within twelve (12) days from the date of mailing or such time as the Zoning Administrator may deem appropriate. Failure to comply shall constitute ground for the Zoning Administrator to have the sign removed, and the cost thereof shall be added to any fine imposed for violation under this ordinance.

3.18: Common Open Space

3.18.1: Intent: Common open space is land and/or water bodies used for recreation, amenity or buffer; it shall be freely accessible to all residents of a development, where required by this ordinance. Open space shall not be occupied by buildings or structures, roads, parking, or road right-of-way; nor shall it include the yards or lots or residential dwelling units required to meet minimum lot area or parking area requirements.

The purpose of this section is to ensure adequate open space for high density residential development; to integrate recreation, landscaping, greenery, and/or natural areas into such projects; to promote health and safety of residents of such projects; and to compensate for the loss of open space inherent in single family residential properties.

The following uses/projects consisting of nine or more units shall provide common open space in the amounts prescribed:

Proposed Uses/Projects	Common Open Space Ratio (% Lot)
Cluster Developments	15%
Townhouse Projects	15%
Manufactured Housing Parks	15%
Multi-family housing projects	20%

No new development, building, or structure in connection with the above shall hereafter be erected or used unless common open space is provided in accord with the provisions of this section. No existing development, building or structure in connection with the above shall be expanded or enlarged unless the minimum common open space required by the provisions of this section are provided to the extent of the alteration or expansion.

Common Open Space Plan

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

1) Designate areas to be reserved as open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site.
2) Designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational features, etc.
3) Specify the manner in which common open space shall be perpetuated, maintained, and administered.

Types of Common Open Space and Required Maintenance

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

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

Preservation of Open Space

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

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

In the event that any private owner of open space fails to maintain same, the city may in accordance with the Open Space Plan and following reasonable notice, demand that deficiency of maintenance be corrected, and enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

3.19: Landscaping

3.19.1: Intent: These regulations are established to protect and enhance the natural landscape of Clinton and ensure the appropriate use of plant material in new construction. It is the intent of these regulations to preserve natural tree cover and establish new tree planting with development in order to:

A. reinforce community identity,
B. reduce visual blight and noise,
C. increase building and property values,
D. prevent soil erosion,
E. reduce storm water runoff,
F. create shade and reduce solar overheating.

3.19.2: Landscaping is required as described in Chapter 4 for the specific zoning district to provide for buffering of adjacent zones, sound and light abatement, and screening of commercial uses and parking. All required landscaping shall be installed and maintained in compliance to the following general requirements:

A. All plant material installed shall be healthy and of the best quality.
B. Landscaping shall be provided in accordance with these regulations whenever a building or use is changed or experiences a 10% enlargement in floor area.
C. Landscaping shall not conflict with the visibility at street intersections.
D. Wheel stops shall be placed three (3) feet from required landscaping areas.
E. Existing vegetation may be used to satisfy portions of the landscaping requirements.

3.19.3: Canopy Trees: The following is a list intended for general reference and should not be considered all-inclusive.

Large Maturing Trees: 30'-80' Spread at Maturity			
Common Name	**Growth Rate**	**Deciduous or Evergreen**	**Remarks**
Ash, White	Fast	Deciduous	Grown best in moist, well-drained soils
Ash, Green	Fast	Deciduous	Disease resistant; upright form
Baldcypress	Medium	Deciduous	Suitable in poorly-drained sites
Cedar, Eastern Red	Medium	Evergreen	Makes an excellent buffer
Cedar, Deodar	Fast	Evergreen	Pyramidal form requires large planting area
Elm, Chinese	Medium	Deciduous	Fast-growing and hardy; handsome ornamental with showy bark
Ginkgo	Slow	Deciduous	May require 20 years to attain mature form
Hackberry/Sugarberry	Fast	Deciduous	Fast growing and extremely hardy
Honeylocust (Skyline)	Medium	Deciduous	Thornless and fruitless variety, subject to borers
Linden, American	Medium	Deciduous	Drought tolerant
Magnolia, Southern	Medium	Evergreen	Requires high organic content in soil
Maple, Red	Fast	Deciduous	Protect thin bark on young plants from injury; hardy plant
Oak, Laurel (Darlington)	Slow	Evergreen	Handsome shade tree, widely planted
Oak, Live	Medium	Evergreen	Broad, spreading canopy
Oak, Pin	Fast	Deciduous	Hardy, easily transplanted
Oak, Sawtooth	Slow	Deciduous	Excellent nut producer for urban wildlife
Oak, Water	Medium	Deciduous	Sensitive to root disturbance
Oak, White	Slow	Deciduous	Majestic, long-lived specimen
Oak, Willow	Medium	Deciduous	Excellent multipurpose tree
Pecan	Medium	Deciduous	Broad, open crown filters sunlight
Pine, Loblolly	Fast	Evergreen	Tolerates poor soil
Pine, Longleaf	Fast	Evergreen	Suitable for dry sandy soils
Planetree, London	Fast	Deciduous	Hardy, tolerant of city conditions
Sweetgum	Medium	Deciduous	Easily killed by spreading fill dirt around trunk and roots
Sycamore	Fast	Deciduous	One of the largest eastern hardwoods
Tulip Poplar	Fast	Deciduous	Protect thin bark from injury
Willow, Weeping	Fast	Deciduous	Avoid planting near underground pipes
Zelkova, Japanese	Medium	Deciduous	Short trunk, spreading branches, disease resistant

3.19.4: Understory Trees: The following is a list intended for general reference and should not be considered all-inclusive.

Small Maturing Trees: 15'-30' Spread at Maturity			
Common Name	**Growth Rate**	**Deciduous or Evergreen**	**Remarks**
Althaea	Medium	Deciduous	Showy flowers
Birch, River	Fast	Deciduous	Interesting peeling bark, lower branches droop
Cherry, Kwanzan	Medium	Deciduous	Colorful pink flowers
Cherry, Weeping	Medium	Deciduous	Graceful and airy, pink flowers
Cherry, Yoshino	Fast	Deciduous	Great flowering, most effective in front of evergreens
Crabapple, Flowering	Medium	Deciduous	Protect from bark damage
Crapemyrtle	Medium	Deciduous	Excellent multipurpose specimen
Dogwood, Flowering	Medium	Deciduous	Protect bark from damage
Dogwood, Kousa	Medium	Deciduous	White blooms in early summer
Golden Raintree	Medium	Deciduous	Showy, yellow flowers, requires well-drained soil
Holly, American	Slow	Evergreen	Berries on female plants
Holly, "Hume #2"	Medium	Evergreen	Few spines on leaves
Holly, "Savannah"	Medium	Evergreen	Excellent fruiting
Holly, "Foster #2"	Medium	Evergreen	Strongly upright form
Loquat	Fast	Evergreen	Interesting espaliered plant
Magnolia, Saucer	Medium	Deciduous	White flowers before leaves appear in spring
Magnolia, Star	Slow	Deciduous	White flowers before leaves appear in spring
Magnolia, Sweetbay	Medium	Deciduous/Evergreen	Fragrant flowers
Maple, Japanese	Slow	Deciduous	Grows best in part shade
Momsa	Medium	Deciduous	Pink flowers, short-lived tree
Pagodatree, Japanese	Slow	Deciduous	Hardy under city conditions, late summer flower blossoms
Pine, Japanese Black	Medium	Evergreen	Tolerates drought and windy seaside locations
Plum, Purpleleaf	Medium	Deciduous	Best grown in full sun
Redbud, Eastern	Medium	Deciduous	Drought resistant
Sourwood	Medium	Deciduous	White flowers in mid-summer
Tallowtree, Chinese	Fast	Deciduous	Dense rounded crown with small poplar-like leaves, grown best in sandy soil
Vitex	Fast	Deciduous	Showy flowers
Waxmyrtle	Slow/medium	Evergreen	Combines well with junipers
Yaupon	Medium	Evergreen	Many red berries, hardy

3.20: Tree Protection

3.20.1: Intent: These regulations are established to protect trees by regulating the cutting down, damaging, planting and replacement of trees during development in order to:

A. Maintain the environmental and aesthetic benefits that trees provide;

B. Improve the appearance of vehicular use areas;

C. Protect and conserve property values within the City.

The provisions herein shall not be interpreted to prohibit or unduly inhibit development of private property.

3.20.2: Exemptions:

A. Residential Exemption: Existing single and small multifamily residential uses are exempt from the requirements of this section unless such use is in the process of being converted into a commercial or industrial use.

B. Commercial Timber Operation Exemption: Commercial timber operations shall be exempt from the provisions of this Ordinance. The City encourages the retention of a fifty foot (50') buffer of existing trees adjacent to all public rights-of-ways.

3.20.3: Protection of Trees Prior to Development: On a vacant parcel of land, where a building permit or subdivision approval has not been issued, the destruction, within any five (5) year period, of more than twenty-five percent (25%) of the protected trees on any one (1) parcel of non-exempt land shall be prohibited. The total number of protected trees existing on any one parcel shall not be reduced below a total number equal to twenty (20) protected trees per acre.

3.20.4: Protection of Trees During Development: For parcels of land proposed for development, a minimum number of *protected trees* (eight inches [8"] or greater DBH) on the entire parcel equal to twenty (20) protected trees per acre shall be saved. For parcels containing less than twenty (20) protected trees per acre, the total number of protected trees required to be saved shall equal the total number of protected trees existing on the parcel. Grand trees (twenty-four inches [24"] or greater DBH) to be saved may be used to calculate the total number of protected trees to be saved.

A. Protective Barricades Required: Protective barricades shall be placed around all protected trees and grand trees located in development areas, and designated to be saved, prior to the start of development activities, and shall remain in place until development activities are complete or construction in accordance with standards set forth in this Section commences. The area within the protective barricade shall remain free of all building materials, dirt or other construction debris, vehicles and development activities. Barricades shall be erected at a minimum distance of ten feet (10') from the base of each protected and grand tree.

B. Construction within the Protective Barricade: Construction of impervious surfaces shall not be permitted within five feet (5') of a protected tree or within twelve feet (12') of the base of a grand tree, unless special construction methods, including but not limited to tree feeders and porous paving materials, are used and certified as acceptable by a reputable tree service or other qualified organization.

C. All roots outside the protective barricade to be removed during development shall be severed clean and a two inch (2") layer of mulch shall be applied over the surface of exposed roots during development.

D. All pruning of protected trees and grand trees shall be done according to the National Arborists Association, *Pruning Standards for Shade Trees.*

3.20.5: Standards for Removal of Protected or Grand Trees:

A. The removal of a protected tree shall be approved if the Zoning Administrator finds that one or more of the following conditions exist. This section shall not apply to grand trees.
   1. The protected tree is located where a proposed building or accessory structure is to be placed in accordance with other zoning standards; or
   2. The protected tree creates unsafe vision on a public street or right-of-way.

B. Each protected tree or grand tree that is determined by the Zoning Administrator to be diseased or injured to the extent it is irreparably damaged shall be approved for removal. Replacement trees shall not be required.

3.20.6: Tree Removal, Relocation, or Replacement:

A. Tree Replacement Required: Removal of each protected or grand tree shall require replacement with two (2) same or similar species and at least ten feet (10') in height on the same parcel. Applicant shall submit to the Zoning Administrator the species and size of replacement trees for approval.

B. Relocation of Protected Trees: Relocation may be accomplished by relocating the tree on land under the same ownership within the City limits or to public land within City limits.

C. Tree Planting Criteria: In the relocation or the replacement of a protected or grand tree, all trees used shall be vigorous, well shaped, branched and foliated.

D. Maintenance: The owner of the parcel shall be responsible for the maintenance of all protected, grand, relocated or replaced trees.

3.20.7: Application for a Zoning Permit: Application for a permit where land development, new construction, or addition in the footprint of a structure is proposed shall require the submission of a site plan or plat which includes the following:

A. A tree survey which locates all protected and grand trees identified by DBH and species. Groups of trees in close proximity may be designated as a clump of trees, with the predominant species, estimated number and average diameter indicated. For developments which exceed ten (10) acres, an aerial photograph may be substituted for a tree survey with the approval of the Zoning Administrator in instances that they would provide the same information as the tree survey.

B. Location of all existing and proposed structures, improvements, rights-of-way, and easements on the property and designation of all public rights-of-way and other public lands adjacent to the property.

C. Designation of protected trees to be saved and those to be relocated or removed.

3.21: Parking

3.21.1. General Design Standards:

A. Unless no other practicable alternative is available, any off-street parking area shall be designed so that vehicles may utilize such areas without backing onto a public street.

B. Off-street parking areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments.

C. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians and without interfering with parking areas.

D. No off-street parking area shall be located over an active or auxiliary septic tank field.

E. Retaining walls, screen, landscaping, and building walls shall be protected from vehicle contact.

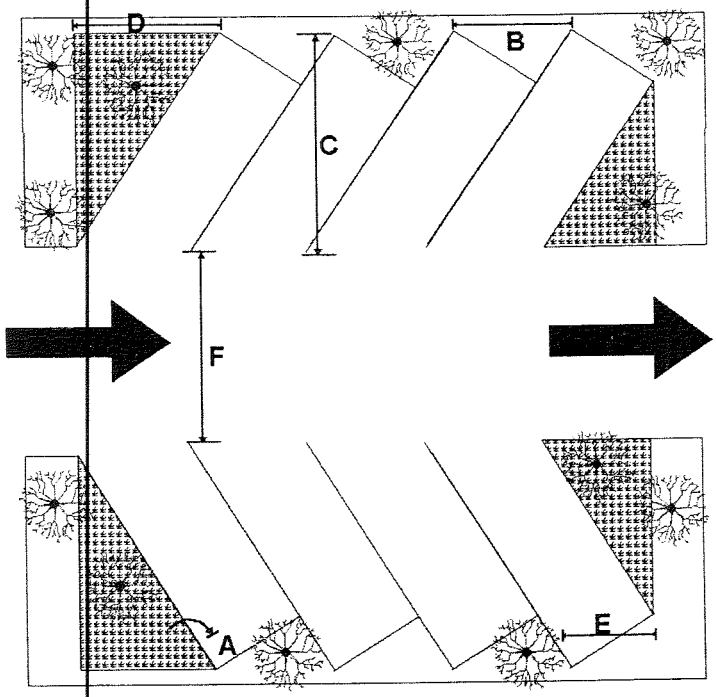
F. A permanent turn-around shall be required when the dead-end aisle exceeds 500 feet, measured along the centerline of the dead-end aisle, from the last aisle or public roadway.

3.21.2. Parking Space Dimensions:

A. Each parking space shall contain a rectangular area of at least 171 square feet.

B. Parallel parking shall provide a space of 19 feet by 9 feet.

C. Parking areas and widths shall conform to the following table:



Parking Standards						
A Parking Angle	B Curb Length	C Stall Depth	D Starting Loss	E Last Car Requirement	F Aisle Width Minimum	
					ONE WAY	*TWO WAY*
30°	18'	18'	30'	4'	12'	20'
45°	12'	20'	20'	6'	14'	20'
60°	10'	21'	12'	8'	18'	22'
90°	9'	20'	0.0'	9'	25'	22'

3.21.3: Disabled Parking:

A. Except for a lot containing a single-family or duplex dwelling, all uses shall be required to provide and designate the following number of spaces designed for disabled persons.

Total Number of Off-Street Parking Spaces	Total Number of Spaces Required for Disabled
1-25	1
26-50	2
51-75	3 plus 1 for every 50 spaces over 100

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

1. All spaces for the disabled shall have access to a curb-ramp or curb-cut when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles, and shall be located the shortest possible distance between the parking area and the entrance to the principal building it serves.
2. Parallel parking spaces for the disabled shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.
3. Each parking space for the disabled shall be paved and prominently outlined with paint and with a permanent sign bearing the internationally accepted wheelchair symbol, posted at the head of the parking space.

4. The size of the parking space shall be per building code specifications.

3.21.4: Cooperative Parking:

A. Refer to required parking in Chapter 4 for the specific zoning district. These requirements may be met with cooperative parking.

B. Cooperative provisions for off-street parking may be made by contract between two or more adjacent property owners. The parking area provided on any one lot may be reduced to not less than one-half (½) the number of required parking spaces for the use occupying such lot. These lots shall be interconnected in the HC district.

3.21.5: Application of Parking Requirements:

A. Mixed Uses: When more than one (1) principal or accessory use occupy the same building or parcel; the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

B. Change In Use, Alteration Of Use, Or Extension Of Use: Off-street parking spaces shall be provided in accordance with these regulations whenever a building or use is changed, altered or enlarged by at least 50% in floor area, number of employees, number of dwelling units, seating capacity, or otherwise.

C. A scale drawing or layout of all required parking areas showing the location, size, and arrangement of the individual parking spaces, loading spaces, and landscaped areas shall be submitted to the Zoning Administrator for approval.

3.21.6: Lighting Standards:

A. All parking space area lighting shall be energy efficient and designed so that any glare is directed away from adjacent properties or create any hazardous traffic conditions.

B. Lighting shall be provided to illuminate any off-street parking or loading spaces within developments providing customer service to the public after 5:00 P.M. Required lighting shall be designed at a mounting height, luminance, and spacing to provide a minimum average horizontal illumination of 0.6 foot-candles within the parking area and at primary building entrances.

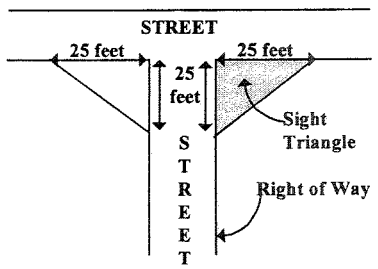
3.22: Sight Triangle

3.22.1: Intent: For protection against traffic hazards, no impediment to visibility shall be placed, allowed to grow, erected or maintained within visibility triangles described as follows;

3.22.2: Size of Sight Triangle: A triangular-shaped portion of land 25 feet wide and 25 feet deep at the intersection.

3.22.3: No structure, sign, or landscaping material shall exceed 2½ feet in height within the sight triangle.

3.22.4: No parking is allowed within the sight triangle.



3.23: Parking, Storage or Use of Campers or Recreational Vehicles

No recreational vehicle or boat in excess of 17 feet shall be parked or stored in any required front or side yard setback area in a residential district; however, such use may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading, and recreational vehicles may be used for temporary lodging, up to seven (7) days.

3.24: Parking, Storage or Use of Non-recreational Vehicles and Equipment

1) No automobile, truck, or trailer of any kind or type, without current license plates, shall be parked, and construction equipment shall not be stored on any lot zoned for residential use, other than in completely enclosed buildings, or screened from vision from the public street serving the property.
2) Parking of vehicles, implements, and/or equipment used for commercial, industrial, farm or construction purposes in residential districts shall be limited to one vehicle per residence, with a capacity of no more than 2 tons.
3) Vehicles with a capacity in excess of 2 tons and used for commercial, industrial, farm, or construction purposes are prohibited from parking in residential districts, including the street/highway right-of-way in such districts, when not actively involved in commerce.

3.25: Yard and Setback Modifications

1) Setbacks on Corner Lots: Where a side yard abuts a street, the minimum side yard requirements along the street shall be not less than the minimum front yard requirements for the same lot.
2) Setbacks from Streets: The street setback requirements shall not apply on any lot where the average setback of existing buildings located wholly or in part within one hundred (100) feet on each side of such lot within the same block and fronting on the same side of the street is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback; but not less than the average of the setbacks of the aforementioned existing buildings.
3) Setbacks from Railroads: Structures within commercial and industrial districts which are adjacent to railroads may locate closer to the railroad right-of-way than the permitted side or rear yard setbacks of the respective zoning districts. However, the location must be in accordance with applicable railroad standards and conform to all other pertinent provisions of the zoning ordinance.

3.26: Accessory Buildings and Uses

1) The number of accessory buildings shall not exceed two in any zoning district.
2) Non-farm accessory buildings shall not exceed 50 percent of the Gross Floor Area (GFA) of the principal building or use.

Accessory buildings and uses may be located anywhere within the buildable area; and may be located in required yards and setback areas under the following conditions:

1) Accessory buildings and uses may be located in required yards and setback areas in the C-2, C-3, I-1 districts and in approved PDD's; provided such uses are located no closer than five (5) feet to any property line, are not located in any required buffer area, and otherwise comply with the regulations for principal uses in said districts.
2) Accessory buildings and uses in the R-1, R-2, R-3, RMH and O&P districts may be located in all required yards and setback areas; provided no such uses shall be located in any required buffer area, nor any closer than five (5) feet to a property line, and where indicated shall meet the following conditions.

Accessory Use

Off-street Parking: Not more than four off-street parking spaces shall be allowed in any required front yard.

Accessory Buildings, including garages, carports, domestic kennels, storage sheds, etc.: May be located in required rear and side yard only.

Swimming pools, tennis courts, recreational uses, satellite dishes, ham radio ground supported TV antennas: May be located in required side or rear yard only; provided said uses shall be no closer than 10 feet to the nearest residential property line, and shall have all lighting shielded or directed away from adjoining residences.