

ZONING ORDINANCE
TOWN OF COWPENS, SOUTH CAROLINA

ARTICLE I. PURPOSE AUTHORITY AND ENACTMENT CLAUSE

SEC. 1. Purpose

The town council expressly finds and determines that this Comprehensive Zoning Ordinance is adopted and enacted for the purpose of promoting the health, safety, morals convenience, order, prosperity, and general welfare of Cowpens, South Carolina, its citizens, inhabitants, and occupants, and is adopted and enacted in accordance with a comprehensive plan, and it is the intent, purpose and design of the town council by the adoption hereof to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and this ordinance and its provisions are adopted after careful and reasonable consideration of the character of each district and its peculiar suitability for particular uses, and with a view to promoting desirable living conditions and sustained stability of neighborhoods. Protection of property against blight and depreciation, securing economy in governmental expenditures, conserving the value of buildings and encouraging the most appropriate use of land and other buildings and structures throughout, Cowpens, South Carolina.

SEC. 2. Authority and Enactment Clause

In pursuance of authority granted by the Code of Laws of South Carolina, Title VI, Ch. 29, Secs. 710-960, et. Seq. and in accordance with the Comprehensive Plan, the town council of Cowpens, South Carolina does ordain and enact into law the Articles and Sections contained in this Ordinance.

ARTICLE II. SHORT TITLE

This Ordinance shall be known and cited as “The Zoning Ordinance of Cowpens, South Carolina.”

ARTICLE III. DEFINITION OF TERMS

SEC. 1. Interpretation of Terms or Words

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

FAMILY: One or more persons related by blood, marriage or adoption, and in addition, any domestic servants or gratuitous guests thereof, or a group of not more than five persons who need not be so related, and in addition domestic servants or gratuitous guests thereof, who are living together in a single dwelling unit and maintaining a common household. A roomer, boarder or lodger shall not be considered a member of a family.

FEE SIMPLE: A fee without limitation to any class or heirs or restrictions on transfer of ownership.

FLAG: A piece of durable fabric of distinctive design that is used as a symbol or decorative feature. (***)

FLOODPLAIN: The flood areas designated as all land inundated by the “100 Year Flood” as designated in the Flood Insurance Study, City of Spartanburg, South Carolina, prepared by the Corps of Engineers, U.S. Army, for the Federal Insurance Administration, Department of Housing and Urban Development, dated June 1, 1978. (*)

FRONT BUILDING LINE: A line established by yard requirements measured from right-of-way or setback line, whichever is greater.

FRONT LOT LINE: The line along the street right-of-way. The street right-of-way and the front lot line are the same. (See Illustration, Yard Location A.) In cases where no recorded right-of-way exists or where right-of-way is less than fifty (50) feet, the front line will be a line parallel to the center of the road and not less than twenty-five (25) feet therefrom. Diagram in Appendix.

GARAGE, PRIVATE: A building or space used as an accessory to or a part of a main building permitted in any residence district, and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way connected.

LOT: The word “lot” includes the words plat or parcel.

MAY: The word “may” is a permissive requirement.

PERSON: includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

SHALL: The word “shall” is a mandatory requirement.

SHOULD: The word “should” is a preferred requirement.

USED OR OCCUPIED: The words “used” or “occupied” include the words intended, designed, or arranged to be used or occupied.

SEC. 2. Definitions

The following definitions shall apply to all parts of this Ordinance.

A:

ABANDONED: A non-conforming use shall be considered abandoned when the intent of the owner to discontinue the use is apparent or when the characteristic equipment and the furnishings of the non-conforming use have been removed or replaced by similar equipment within 180 days and when all utilities in the structure have been turned off for a period of at least 180 days.

ACCESSORY USE, BUILDING OR STRUCTURE: A use of structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

AGRICULTURE: The use of land for gardening or orchards and the necessary accessory uses for packing, treating, or storing the product provided that the operation of any such accessory use shall be secondary to any residential use. Agriculture shall not be construed to include the commercial and non-commercial raising of livestock and poultry and the commercial feeding or garbage or offal to swine or other animals.

AGRICULTURE BUILDING: A building located on agricultural property and used to shelter farm implements, hay, grain, or other farming products in which there is no human habitation and which is not used by the public.

ALLEY: A public or private thoroughfare which affords only a secondary means of access to abutting property.

ANIMAL KENNEL: A fully enclosed building with soundproofed exterior walls in accordance with the Building Code for the temporary lodging and boarding of domestic house pets. Outdoor kennels and cages are permitted. Medical treatment, clipping, and grooming are permitted, as is retail sale of pet products and accessories. (See Veterinary Clinic and Veterinary Hospital)

ANTENNA: A device, dish, or array used to transmit or receive telecommunication signals.

AUTOMATIC CAR WASH: A structure containing full service conveyor type washing facilities, including the automatic application of cleaner, rinse water, and wind blown water removal, where the customer gets out of the automobile as the automobile is mechanically driven through the wash conveyor system. Automatic car washes are only open during daylight hours.

AVERAGE HEIGHT OF A BUILDING: From original text.

B:

BANNER. A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentation applied to plastics or fabric or any kind, excluding flags and emblems of political, professional, religious, education, or corporation organizations.

BASEMENT: That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling, provided, however, that the distance from grade to ceiling shall be at least four (4) feet six (6) inches.

BUILDING: Any structure, except a mobile home, that is completely enclosed by load bearing exterior walls and which is designed for shelter support of enclosure of persons, animals or property of any kind. The structure shall be permanently affixed to a lot or lots.

BUILDING, PRINCIPAL: A building in which is conducted the main use of the lot on which it is located.

C:

CLUB, LODGE, CIVIC OR FRATERNAL ORGANIZATIONS: An incorporated or unincorporated association for civic, cultural, religious, literacy, political, recreational, or like activities.

COMMUNICATION TOWER: A tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free standing, guyed, or on a building.

CONDOMINIUM: Shall mean a unit and/or the regime submitted to ownership pursuant to the Horizontal Property Regime Act of the State of South Carolina as such Act exists or may hereinafter be amended. Condominium shall also mean a multi-family association having a least five (5) residential units with ownership similar to condominium form of ownership with individual ownership of the underlying real estate and air rights sometimes referred to as “townhouses.”

CONSTRUCTION ON SUBSTANDARD LOTS: This Ordinance shall not be construed as prohibiting the erection of a single family dwelling unit in districts in which residential uses are permitted on any lot which was a lot of record on the 6th day of August, 1973, and which lot does not meet the dimensional requirements of this Ordinance, provided that:

- (a) all front and rear yard requirements and setback lines of the applicable district are met;
- (b) such lot does not abut upon one or more vacant lots in the same ownership, in which case it shall be combined with such lot(s) so that it will meet, or more nearly meet, the

dimensional requirements of this Ordinance, then such land may be re-subdivided into two or more standard lots; and,

(c) in LOD Districts, where a lot has an area or width of less than the required area or width and was a lot of record on the 6th day of August, 1973, said lot may be occupied by any permitted use; provided, all other requirements of the district are met.

CONSTRUCTION SIGN. A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

CONVENIENCE STORE: An establishment which is open for extended hours which sells packaged and/or prepared foods and other convenience items (which may include gasoline) primarily for consumption and use off premises. Sales of items are highly dependent upon convenience of location, speed or service and highway accessibility and are less dependent on comparison shopping.

COURT: An open unoccupied space, other than a yard, on the same lot with a building and bounded on one or more sides by such building or buildings.

CUSTOMARY HOME OCCUPATION: Any use of a commercial service customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use; where no power other than that used in the home is used; where no signs other than one unlighted sign not in excess of two (2) square feet is displayed; where no merchandise or other articles are stored in the open or in accessory resident buildings or are displayed for advertising purposes; where no assistance other than family members are employed and an area equivalent of not more than fifty (50) percent of the principal building is so used.

D:

DECIBEL: Units of measure of intensity of sound (the sound pressure level).

DENSITY: The number of dwelling units located on an acre of land, which land are excludes all but the land devoted to living facilities, the accessory uses thereon, and the required open space thereon.

DENSITY, NET: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential use.

DEPARTMENT STORE: A store in which a variety of merchandise is arranged in or offered for sale from several departments or sections inclusive of the sale of automobile parts and accessories and minor repair of automobiles inside the building. No painting, body work, major overhaul, dismantling for recovery of parts and no sale or storage of automobiles shall be associated with a department store.

DIRECTIONAL OR INSTRUCTIONAL SIGN. A sign designed to guide vehicular and/or pedestrian traffic by using such words as “Entrance”, “Exit”, “Parking”, “One-Way” or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may not be included on the sign.

DISTRICT: A section or sections of the Town of Cowpens for which the regulations govern the use of buildings, their premises, the size of the yards, and the area of the lots.

DRIVEWAY AND ACCESS DRIVE: A prepared or surfaced area providing ingress and egress for vehicles from private property and public right-of-ways.

DWELLING: A building containing one or more dwelling units, but in the case of a building having two or more portions divided by one or more party walls forming complete separation, each such portion shall be considered to be a separate dwelling.

DWELLING, CONDOMINIUM: A building or group of buildings which dwelling units, offices or floor area are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional basis, commonly known as a horizontal property regime.

DWELLING, PATIO HOME: A one family dwelling on a separate lot containing minimal yards.

DWELLING, SINGLE FAMILY: A dwelling having only one dwelling unit from the ground to roof and having independent outside access.

DWELLING, TWO FAMILY: An attached or semi-detached building designed exclusively for occupancy by two families living independently of each other under one roof.

DWELLING, MULTI-FAMILY: A building or portion thereof designed for occupancy by three or more families living independently of each other under one roof.

DWELLING UNIT: Any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.

E:

EASEMENT: A right of the owner of one parcel of land by reason of such ownership to use the land of another for a special purpose not inconsistent with the general property of the owner—a liberty, a privilege.

EASEMENT, UTILITY: A right of the owner of one parcel of land by reason of such ownership to use the land of another for a utility not inconsistent with general property of

the owner—a liberty, a privilege. No part of a structure shall be constructed with the boundaries of any utility easement.

EFFICIENCY UNIT: A dwelling unit having only one bed/living room. In addition, a bathroom, water closet compartment, kitchen, laundry, pantry, foyer, communicating corridor, closets or any dining alcove as required in any arrangement not exceeding 600 square feet of floor space overall.

In the case of an existing residential structure under conversion, an existing bedroom and separate living room, plus a bathroom, water closet compartment, kitchen, laundry, pantry, communicating corridor, foyer, closets or any dining alcove as required in any arrangement not exceeding 1,000 square feet of floor space overall shall be permitted.

ELDERLY HOUSING UNIT: A dwelling unit specifically designed for the needs of an elderly person or persons, and conforming to be requirements of State and/or Federal programs providing for housing for the elderly.

F:

FAMILY: One or more persons related by blood, marriage or adoption, and in addition, any domestic servants or gratuitous guests thereof, or a group of not more than five persons who need not be so related, and in addition domestic servants or gratuitous guests thereof, who are living together in a single dwelling unit and maintaining a common household. A roomer, boarder or lodger shall not be considered a member of a family.

FEE SIMPLE: A fee without limitation to any class or heirs or restrictions on transfer of ownership.

FENCE: An enclosing barrier designed to prevent intrusion from without or staying from within a certain area.

FLAG. A piece of durable fabric of distinctive design that is used as a symbol or decorative feature.

FLOODPLAIN: The flood areas designated as all land inundated by the “100 Year Flood” as designated in the Flood Insurance Study, City of Spartanburg, South Carolina, prepared by the Corps of Engineers, U.S. Army, for the Federal Insurance Administration, Department of Housing and Urban Development, dated June 1, 1978.

FLOOR AREA: The gross horizontal areas of the floors of a dwelling unit (exclusive of carport, garages, basement, storage areas with only outside access and open porches) measures from the exterior faces of the exterior walls of a dwelling.

FRONT BUILDING LINE: A line established by yard requirements measured from right-of-way or setback line, whichever is greater.

FRONT LOT LINE: The line along the street right-of-way. The street right-of-way and the front lot line are the same. (See Illustration, Yard Location A.) In cases where no recorded right-of-way exists or where right-of-way is less than fifty (50) feet, the front line will be a line parallel to the center of the road and not less than twenty-five (25) feet therefrom. Diagram in Appendix.

G:

GARAGE, PRIVATE: A building or space used as an accessory to or a part of a main building permitted in any residence district, and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way connected.

GARDEN APARTMENT BUILDING: A building, formed by two or more attached and/or semi-detached dwellings and having a total of three or more dwelling units which has no main central hallway and no more than three (3) stories.

GASOLINE SERVICE OR FILLING STATION: Any area of land, including structures there on, that is used for the retail sale of gasoline or oil fuels, but not butane or propane fuels, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles but no including painting, body work, major repair, or dismantling for recovery of parts and “dead storage.”

GROSS FLOOR AREA (GFA): The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls (and from the center lines of party walls if the portions of the building separated by such party walls are to be treated separately), including: (a) basement space where more than one-half the basement height is above the finished lot grade averaged along the exterior walls of the building; (b) elevators and stairwells at each floor; (c) enclosed porches, interior balconies and mezzanines and penthouses; and excluding (a) floor space permanently devoted to mechanical equipment used in the operation and maintenance of the building, and (b) floor space permanently devoted to a parking space or parking spaces.

GROSS LEASABLE AREA (GLA): The total floor for which tenants pay rent and that is designed for tenant’s occupancy and exclusive use.

H:

HEIGHT, BUILDING: The vertical distance measured from the mean finished grade level to the highest point of the roof.

HIGH RISE APARTMENT: A multiple family dwelling with not less than four (4) stories above ground level of the principal entrance of the structure.

HOLDING AREA, AUTOMOBILE: An area used by a wrecker service approved by the Spartanburg Police Department for the storage of wrecked and disabled vehicles for a period not to exceed twenty (20) days from the date the vehicle was towed to the area by the wrecker service.

HOME OCCUPATION: A home occupation is any business or commercial activity undertaken within a residential structure that is incidental and secondary to the primary use of the structure as a dwelling unit. See Section 302.6.

HORTICULTURE: The science and art of growing fruits, vegetables, flowers, and ornamental plants.

J:

JUNK YARD: The use of property for outdoor storage, keeping abandonment, sale, or resale of junk including scrap metal, rags, paper, or other scrap materials, used lumber, salvaged house wrecking and structural steel materials, and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

K:

KENNEL OR CATTERY: Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

L:

LODGING HOUSE: A building other than a motel, hotel, or nursing home where lodging is provided for three or more persons for compensation pursuant to previous arrangement.

LOT: Land occupied or to be occupied by a use, building or structure and permitted accessory building together with such open spaces, lot width and lot area as are required by these regulations and having its principal frontage upon a public street or upon a private way used for street purposes.

LOT, CORNER: A lot with frontage on two or more streets at their intersection.

LOT, DEPTH: This mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE: A lot having frontage on two non-intersection streets.

LOT, INTERIOR: A lot other than a corner lot.

LOT THROUGH: A lot that abuts upon a street at each end.

LOT, WIDTH: The horizontal distance between side lot lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required width per zoning district. Therefore the front lot width and rear lot width on non-cul-de-sac streets shall be identical as set forth for the particular zoning ordinance (with the exception of pipe stem or flag lots as defined in the City of Spartanburg Land Development Regulations).

LOT OF RECORD: A lot which is part of a subdivision, a plat of which had been recorded in the Office of the RMC (Register of Mesne Conveyance) of Spartanburg County as of the 6th day of August, 1973, or a lot described by metes and bounds, the description of which had been recorded in the Office of the RMC of Spartanburg County as of the 6th Day of August, 1973.

M:

MANUFACTURED HOME: A mobile home or a prefabricated house, assembled in modular sections.

MEZZANINE: An intermediate story between two (2) main stories of building. (See Illustration B in Appendix.)

MOBILE HOME: (For purposes of this Ordinance, the term mobile home shall be synonymous with house trailer, trailer coach and trailer home.) Any vehicle used, or so constructed as to permit its use, as a conveyance upon the public streets or highways which shall include self-propelled and non-self-propelled vehicles, and so designed, constructed, reconstructed or added to by means of an enclosed addition or room, in such manner as will permit the occupancy thereof as a dwelling unit, and having no foundation other than wheels, jacks or skirtings. (See Section V, 508.)

MOBILE HOME PARKS: Any premises where mobile homes are parked for living and sleeping purposes, or any premises used or set apart for the purpose of supplying to the public parking space for mobile homes for living and sleeping purposes, and which include any buildings, structures, vehicles or enclosure used or intended for use as part of such mobile home park.

MONUMENT SIGN. A monolithic sign indicating an historical event or achievement in which the bottom of the sign is flush with the ground and the vertical dimension of the sign is greater than the horizontal dimension.

N:

NONCONFORMING BUILDING OR STRUCTURE: A building or structure lawfully constructed prior to the passage of this Ordinance or an amendment thereto, which was manifestly designed and/or constructed to accommodate a nonconforming use. (See Section V, 502, for Nonconforming Use Regulations.)

NON-CONFORMING LOT: A lot of record at the time of this Ordinance which does not meet the requirements for area and/or width generally applicable in the district in which it is located.

NONCONFORMING USE: A lawful use of land, building, or structure existing at the time of the passage of this Ordinance, or an amendment thereto, which does not conform to the use regulations for the district in which it is located. (See Section V, 502, for Nonconforming Use Regulations.)

P:

PARKING LOT: A parcel of land devoted to unenclosed parking spaces.

PARKING SPACE: The standing storage space for one automobile plus the necessary driveway access space. The standing storage space shall not be less than nine (9) feet by eighteen (18) feet unless the parking is done by employee attendants. (See Section V, 504, for additional parking standards.)

PLANNED DEVELOPMENT SIGN. Signs indicating the name of an apartment, industrial, or mixed-use development. No advertising material, except the name of the development shall be indicated on the sign.

PROJECTION SIGN. A sign which projects more than twenty-four (24) inches includes including the total width of the sign and mounting bracket(s) and is affixed to the exterior wall or other exterior surface of a building or canopy or awning. Signs extending beyond the highest elevation of an exterior wall, canopy or awning are considered projecting signs.

R:

RIGHT-OF-WAY: The right of passage through the estate of another.

ROOF SIGN. A sign mounted on the main roof portion of a building or on the top most edge of a parapet of a building and which is wholly or partially supported by such building.

S:

SECTIONAL HOME: A sectional home consists of two or more units factory fabricated and transported to the home site where they are put on a permanent foundation and joined to make a permanent single-family house. Sectional homes are built in full compliance with the Southern Standard Building Code.

SETBACK LINE: A line beyond which no foundation wall, eave, and other part of any building shall project.

SHOPPING CENTER: A shopping center is a group of commercial establishments planned and developed as a single entity having at least 60,000 square feet of gross floor area with off-street parking provided on site.

SIGNS: Any structure, part thereof, or device or inscription attached thereto or painted or representation thereon, which is located upon any land, on any building, or on the outside or inside of a window, and which displays or includes any numeral, letter, word, model banner, emblem, insignia, device, trademark, or other representation used as, or in the nature of an announcement, advertisement, direction warning, or designation of any person, firm, group organization, place commodity, product, service, business, profession, enterprise, or industry.

But this definition shall not include the flag, emblem, insignia, poster, or other display of any nation or political subdivision including traffic or similar regulatory devices, or legal notices, warnings at railroad crossing, signs or tablets which are primarily memorials, or emblems of religious institutions that are attached to buildings. (See Section V, 503, for Sign Regulations.)

SIGN, ADVERTISING: A sign which directs attention to a business, commodity, industry or other activity which is sold, offered or conducted elsewhere than on the premises upon which such sign is located, or to which it is affixed, and which is sold, offered or conducted on such premises only incidentally, if at all.

SIGN, AREA OF: The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the supports or uprights on which such sign is placed. Where a sign has two or more faces, the area of all such sign is placed. Where a sign has two or more faces, the area of all such faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of the larger of the two faces.

SIGN, BUSINESS: A sign which directs attention to a business, commodity, service industry or other activity which is sold, offered, or conducted on the premises upon which such sign is located, or to which it is affixed.

SIGN, CHANGEABLE COPY: A sign which is characterized by changeable copy regardless of the method of attachment and which identifies services or products provided on the lot. A changeable copy sign by either by permanent or portable sign.

SIGN, DIRECTLY ILLUMINATED: A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including but not limited to neon and exposed lamp signs.

SIGN, ELECTRICALLY ANIMATED: A sign or display manifesting either kinetic or illusionary motion occasioned by electrical means. Electrically animated signs include the following types:

SIGN, COMPUTER CONTROLLED VARIABLE MESSAGE ELECTRONIC: Signs whose informational content can be changed or altered by means of computer driven electronic impulses.

SIGN, FIXED MESSAGE ELECTRONIC: Signs whose basic informational content has been pre-programmed to include only certain types of information projection, such as time, temperature, stock market quotations, predictable traffic conditions, or other events subject to prior programming.

SIGN, FLASHING: Electrically illuminated signs exhibiting a pre-programmed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) is either the same as or less than the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to 100 percent (on) during the programmed cycle.

SIGN, ILLUSIONARY MOVEMENT: Electrically illuminated signs exhibiting the illusion of movement by means of a pre-programmed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristics of chasing, running, blinking, oscillating, twinkling, expanding, or contracting light patterns.

SIGN, GROUND: A free-standing sign resting upon the ground or attached to it by means of two or more poles or standards.

SIGN, INDIRECTLY ILLUMINATED: A sign illuminated with a light so shielded that no direct rays are visible elsewhere than on the lot where said illumination occurs. If such shielding device is defective, such sign shall be deemed to be a directly illuminated sign.

SIGN, NON-ILLUMINATED: A sign which is not illuminated, either directly or indirectly.

SIGN, POLE: A business sign that is affixed to the ground in a perpendicular fashion with one or more support beams.

SIGN, PORTABLE: A free standing sign not permanently affixed, anchored, or secured to either the ground or a structure on the premise. Portable signs include A-frame signs and changeable copy signs that are not permanent.

SIGN, PRINCIPAL: The chief or main pole sign to identify the business on a piece of property.

SIGN, SHOPPING CENTER: A ground sign which gives direction and identification to a group of contiguous stores under single management identifying the name of the shopping center and all tenants therein.

SIGN, WALL: A business sign placed or painted flat against a building and attached to the exterior front, rear or side of a building. A wall sign has characters, letters, figures, logos, or designs which may be illuminated by a source of energy directly or through any transparent or translucent material in order to make the message readable. (*)

SOUND LEVEL: The “sound level” of an operation or use is the intensity of sound, measured in decibels, produced by such operation or use.

SOUND LEVEL METER: An instrument, standardized by the American Standards Association, used for measurement of the intensity of sound, calibrated in decibels.

STORY: That portion of building included between the surface of any and the surface of the floor next above it, or, if there be no floor above it, then the space between such floor and the ceiling next above it.

STREET: A public thoroughfare which affords the principal means of access abutting property.

STREET LINE: The line separating private property from a street or alley existing or dedicated in public ownership.

STRIP CENTER: A group of commercial establishments planned and developed as a single entity having 59,999 square feet or less of gross floor area with off street parking provided on site.

STRUCTURE: Anything constructed or erected, including a building, which has permanent location on the ground, or anything attached to something having a permanent location on the ground.

SUBSTANDARD LOTS: Those lots having dimensions or areas less than the minimum required for building a structure. See construction on substandard lots.

SUPER STORE: A single commercial establishment having 100,000 square feet of gross floor area with off-street parking provided on site.

T:

TELECOMMUNICATIONS: As defined in the federal Telecommunications Act of 1996, telecommunications means the transmission, between or among points specified by the user, or information of the user’s choosing, without change in the form or content of the information as sent and received.

THROUGH LOT: A lot fronting on two (2) streets that is parallel or substantially parallel.

TRAVEL TRAILER: Any vehicle mounted on wheels and not more than twenty-six (26) feet in length, designed and intended to serve primarily as long-term shelter.

U:

USE: Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

USE, ACCESSORY: A use located on the same lot with a principal use, and clearly incidental or subordinate to and customary in connection with the principal use.

USE, PRINCIPAL: The main use on a lot.

V:

VETERINARY CLINIC: (A fully enclosed building) used for the medical treatment of domestic house pets and allowing for their overnight treatment and/or observation until the veterinary doctor releases the same. Outdoor kennels and cages are not permitted. The overnight lodging of pets, if not medically necessary, is prohibited, as are clipping (except when medically necessary), grooming and retail sale of pet products and accessories (See Animal Kennel above).

VETERINARY HOSPITAL: The same as Veterinary Clinic above, except that both indoor and outdoor lodging of animals, as well as exterior kennels are permitted.

VIDEO CASINO: A business establishment that has two or more single places or premises within the same structure that are utilized for occupants to play video poker as its principal use. A single place or premise is defined as a place or premise that has five video poker machines in it totally separated by party walls.” (***)

Y:

YARD: An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

YARD, FRONT: A front yard is a required yard extending along the full width of a lot measured from the street setback line inward towards the interior of the lot. (*)

YARD, JUNK: A place where worn out and discarded materials which have outlived their usefulness in their original form, and are commonly gathered up and sold to be converted into another product, either of the same or of a different kind.

YARD, REAR: A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

YARD, SIDE: A yard between a principal building and a side lot line extending from the front yard to the rear yard.

YARD, STORAGE: A business or area where automobiles and other motor vehicles are impounded for law enforcement purposes and insurance settlement purposes wherein the sale of parts or dismantling of parts is prohibited. (**)

Z:

ZONING ADMINISTRATOR: The Director of Inspection or his Agent.

ZONING LOT: Is a single tract of land located within a single block which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a “zoning lot or lots” may or may not coincide with a lot of record.

ARTICLE IV. ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP

SEC. 1. Establishments of Districts

- R-1 Single-Family Residential District
- RC Residential Cluster Development District
- R-2 Single and Two-Family Residential District
- R-3 Multi-Family Residential District
- R-3A Mobile Home Park District
- R-4 Mobile Home Subdivision
- C-1 Transitional Commercial District
- C-2 Planned Neighborhood Commercial District
- C-3 Central Business District
- I-1 Light Industrial District
- I-2 Medium and Heavy Industrial District
- FH Flood Hazard District

SEC. 2. Zoning Map

The boundaries of the above zoning districts are hereby established as shown on the Official Zoning Map of Cowpens, South Carolina, which is hereby adopted and declared to be a part of this Ordinance. Any unauthorized change of whatever kind, by any person or persons, shall be considered a violation of this Ordinance punishable as provided by law. A current and up-to-date copy of the Official Zoning Map shall be kept on file in the Office of the Town Clerk and copies shall be available at all times for inspection by the public.

SEC. 3. Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- a. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be constructed to follow such center lines.

- b. Boundaries indicated as approximately following platted lot lines shall be constructed as following such lot lines.
- c. Boundaries indicated as approximately following city limits shall be constructed as following city limits.
- d. Boundaries indicated as following railroad lines shall be constructed to be midway between the main tracks.
- e. Boundaries indicated as following shore lines shall be constructed to follow such shore lines, and in the event of change in the shore line, shall be constructed as moving with the actual line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be constructed to follow such center lines.
- f. Boundaries indicated as parallel to or extensions of features indicated in Section 3 (a), (b), (c), (d) and (e) above shall be construed as district boundaries. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- g. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in the other circumstances not covered by Section 3 (a), (b), (c), (d), (e) and (f) above, the Board of Zoning Appeals shall interpret the district boundaries.

SEC. 4. Prohibited Uses

Only those uses listed under “Permitted Uses” for each of the zoning districts found in Article V of this Ordinance shall be permitted. All uses not specifically listed as a “Permitted Use” shall be prohibited.

SEC. 5. Annexed Areas

Areas annexed to the Town of Cowpens subsequent to the adoption of this Ordinance shall be automatically assigned R-1 Zoning and shall retain such zoning until a zoning change is executed in accordance with the provisions of this Ordinance for Zoning Amendments. Areas may also be simultaneously annexed and rezoned to a zone other than R-1 when executed in accordance with the provisions of this Ordinance for Zoning Amendments.

SEC. 6. Zoning to Apply When Lot is divided by District Boundary Line

In the event that a district boundary line on the zoning map divides a lot of record held in one ownership on the date of passage of this Ordinance, each part of the lot so divided shall be used in conformity with the regulations established by this Ordinance, for the district in which each such parcel is located; except, however, that if the property owner of such a lot, other than a through lot, so desires, he may extend a use allowed on the greater portion of said lot fifty (50) feet beyond the district boundary line in accordance with setbacks and yard requirements of the district into which he is encroaching.

ARTICLE V. ZONING USE REGULATIONS

SEC. 1. R-1 Single-Family Residential District

The purpose of single-family zoning is to provide a homogenous and aesthetically harmonious environment of low density single-family dwelling units.

PERMITTED USES:

- a. Single-family dwellings, including sectional homes but excluding mobile homes and travel trailers.
- b. Churches, synagogues, and other places of worship including convents, seminaries, parish houses, and Sunday school structures.
- c. Community recreation facilities including, but not limited to golf courses, parks, playgrounds, country clubs, wildlife reservations, but not including commercial public amusement facilities.
- d. Public and private schools, including nursery schools, kindergartens and day care centers.
- e. Public buildings, structures or land uses (excluding public housing units).
- f. Customary Home Occupations.
- g. Signs in accordance with ARTICLE VII of this Ordinance.
- h. Accessory buildings customarily incidental to any of the permitted uses, when located on the same lot and not involving any separate business, profession, trade or occupation.

CONDITIONAL USES:

- a. Hospitals, clinics, sanitariums, nursing homes, rest homes, assisted living homes, residences for aged persons and orphanages subject to the following requirements:
 1. Buildings which exceed forty (40) feet in height shall provide an additional one (1) foot of setback from that required in ARTICLE VI for each one (1) additional foot in height over forty (40) feet.
 2. The proposed site shall front upon a street of not less than fifty (50) feet right-of-way and provide direct access to all parking and loading areas directly from said street. The site shall also be in accordance with and conform to all relevant provisions in ARTICLE VI.
 3. All buildings and structures shall be screened from bordering streets and residential properties. A buffer strip, in compliance with Section 10 of this Ordinance shall also be maintained adjacent to surrounding residential lots.

- b. Bed and Breakfast Inns are permitted, subject to the following conditions:
1. The inn must be operated by members of the household presiding on the premises as their primary residence;
 2. The inn shall have not more than five (5) guest rooms available for rent;
 3. The appearance and character in the inn must be compatible with a quiet residential environment;
 4. Operation of the inn must not involve the exterior storage of materials or supplies;
 5. The inn shall have no exterior displays or signs, except that one sign, with a maximum area of four (4) square feet, shall be permitted;
 6. The inn must provide at least one (1) off-street parking space for each guest room. Parking areas shall be located behind the front line of the principal structure of the property;
 7. The inn shall not create or produce any activity, noise, lighting, or unsightly conditions that would be incompatible with a quiet residential environment;
 8. The resident owner of the inn shall comply with all licensing requirements of the State of South Carolina, Spartanburg County, and the Town of Cowpens;
 9. The inn shall serve meals only to household residents and registered guests of the inn;
 10. The resident owner shall maintain a current guest register including names, addresses, and dates of occupancy of all guests;
 11. No guest shall occupy the inn for more than seven (7) consecutive nights;
 12. A Home Occupancy Permit, issued by the Town of Cowpens, shall be required for the operation of a Bed and Breakfast Inn.
- c. Temporary buildings and mobile structures for non-residential use incidental to construction work being conducted at site for a period not to exceed one (1) year.

SEC. 2. RC Residential Cluster Development District

The purpose of this residential district is to provide a homogenous and aesthetically pleasing environment for low and medium density cluster development, as well as to discourage the encroachment of non-residential uses into areas where residences are permitted.

PERMITTED USES:

- a. All uses permitted in the R-1 district.
- b. Zero lot line detached developments.
- c. Townhouse units on lots in fee simple ownership.
- d. Condominium developments.
- e. Cluster home developments.

CONDITIONAL USES:

1. All conditional uses allowed in the R-1 district.

SEC. 3. R-2 Single-Family and Two-Family Residential District

The purpose of this residential district is to discourage the encroachment of non-residential uses into areas where single and two-family residences are permitted.

PERMITTED USES:

- a. All uses permitted in the R-1 district.
- b. Two (2) family structures.
- c. Lodging and boarding houses.
- d. Professional offices.

CONDITIONAL USES:

- a. All conditional uses allowed in the R-1 district.
- b. CEMETERIES, provided that: (1) the site be not less than five (5) acres, (2) a buffer strip of one hundred (100) feet abut all surrounding residential property, and (3) no dwelling units other than that for the caretaker be developed on the site.

SEC. 4. R-3 Multi Family Residential District

The purpose of this district is to provide the mixing of single, two-and multi-family units into a compatible, high density neighborhood.

PERMITTED USES:

- a. All uses permitted in the R-1 and R-2 districts.
- b. Multi-family dwelling units.

CONDITIONAL USES:

1. All conditional uses allowed in the R-1 district.

SEC. 5. R-3A Mobile Home Park District

The purpose of this district is to insure that mobile home parks are developed in such a manner so as to provide benefit to their residents and to the entire community.

PERMITTED USES:

- a. Accessory buildings or uses that are customarily incidental to the permitted use when located on the same premises.
- b. Customary home occupations.
- c. Mobile home parks subject to the following requirements:
 1. MOBILE HOME PARKS: GENERAL REQUIREMENTS:
Any mobile home park located within the Town of Cowpens shall meet the following requirements:
 - (a) Establishment of New Mobile Home Parks

- (1) From and after the adoption of this Ordinance, each subsequent new mobile home park development shall conform to the minimum design and improvement standards required herein.
- (2) No private construction or public improvements shall commence on any land to be used as a mobile home park prior to the approval and certification of its plan.
- (3) A person, firm, or corporation desiring to develop a mobile home park within the corporate limits of Cowpens shall provide four (4) copies of a sketch plan of a proposed layout which shall conform to the minimum requirements stated herein and shall file said four (4) copies of said sketch plan with the Planning Commission for review prior to the issuance of an occupancy permit for a mobile home park.
- (4) In the event a mobile home is placed in a mobile home park, it shall conform to the site arrangements for its site with respect to location, utilities, and registration. It shall be the responsibility of the park operator to maintain a dated log book indicating for each mobile home within the park the name of the mobile home owner, the name of its occupants and its license, if so equipped. Such records shall be available to the Zoning Administrator or other personnel under his supervision engaged in such inspection and to other officials of the Town of Cowpens as required.

(b) Expansion of Existing Mobile Home Parks

A person, firm or corporation desiring to expand an existing mobile home park subsequent to the adoption of this Ordinance to include more mobile home sites than are accommodated within such a park at the time of this Ordinance is adopted shall submit plans and specification for such improvements to the Planning Commission for approval prior to initiating construction and improvements.

(c) Non-Conforming Mobile Home Parks

Mobile home parks containing less than two (2) acres of land at the time of the adoption of this Ordinance are hereby declared to be non-conforming mobile home parks. If, subsequent to the adoption of this code, any mobile home stands or spaces within any such non-conforming mobile home park are vacated for a continuous period of six (6) months, said stands or spaces are declared abandoned and thereafter shall not be leased, rented, or occupied by any use other than a conforming use

(d) Design

The design of a mobile home park shall conform to the following design requirements:

(1) Setback

The mobile home park shall be so designed that mobile homes (and travel trailers, if permitted) and their accessory structures shall be required that side and rear yards may not be utilized for the minimum parking.

(2) Access

The mobile home park shall front upon at least one publicly dedicated collector street. Each mobile home site and its parking area shall have direct access to the internal street system of the park.

(3) Streets

In general, streets within a mobile home park shall be privately owned, constructed, and maintained. Such private streets shall be well drained and provided with a hard surface treatment with a minimum paved surface of twenty (20) feet.

(4) Parking

Each mobile home stand shall be provided with a minimum of two off-street parking spaces. Parking of the interior streets within a park is hereby prohibited. The required front yard may be used for a minimum parking; however, required side and rear yards may not be utilized for the minimum parking.

(5) Minimum Area of Tract

A mobile home park shall have a minimum size of two (2) acres.

(6) Minimum Number of Spaces

A mobile home park shall have a minimum of ten (10) spaces prepared with all utilities in place prior to its approval for occupancy.

(7) Density

A maximum of ten (10) mobile home stands per acre or ten (10) travel trailers stands per acre is allowed provided that all other requirements of this Ordinance are complied with.

(8) Length of Residential Occupancy

All mobile home spaces, except as provided below, shall be rented for periods of not less than thirty (30) days.

(9) Temporary Travel Trailer Occupancy
If a portion of a mobile home park is used to lease space for travel trailer occupancy, then an area containing a minimum of five (5) spaces shall be improved and maintained for such temporary use in an area separated and screened from the view of spaces leased for permanent occupancy.

(10) Recreation
A minimum of five percent (5%) of the gross site area of a mobile home park shall be devoted to recreational facilities for use by residents of said mobile home park. These recreational facilities, as approved by the Planning Commission, shall be provided and maintained by the mobile home park owner.

(11) Mobile Home Inspections
It shall be the initial responsibility of each mobile home or trailer park owner to notify the Zoning Administrator to inspect mobile homes being placed within the confines of any park under his jurisdiction, control or supervision, for compliance with the provisions of this and within such park and to the connection of utility services to and occupant of the mobile home.

(12) Issuance of Permit
At least once each year the Zoning Administrator at his convenience shall inspect each mobile home park and the mobile home units within said parks to determine that they are in full compliance with the Zoning Ordinance. He shall issue a permit for each mobile home park and each mobile home unit which in the course of each such inspection he finds to be in full compliance with the requirements of this Ordinance, and such permit shall be valid for a period of one year from the date of its issue.

2. MOBILE HOME PARKS: IMPROVEMENTS:

Mobile home parks constructed or reconstructed within the Town of Cowpens shall be provided with the following minimum improvements:

(a) Sewerage

The mobile home park shall be provided with a sewerage collection system, designed to comply with all local and state requirements, so that each mobile home stand and commercial structure can be serviced.

- (b) **Water**

A potable water supply meeting all local and state requirements shall be provided by the park operator. If a public water system is available at the park site, water service shall be connected to the system and the fire hydrants shall be placed within five hundred (500) feet of each mobile home stand. If a public water system is located within one thousand (1,000) feet of the mobile home park, the owner or developer shall promptly enter into negotiations to receive service and shall take all steps necessary to promptly obtain same.
- (c) **Easements**

Publicly dedicated easements of proper size for their respective intended purposes shall be provided within the park if individual mobile home stands and accessory park uses are to be serviced by a public system.
- (d) **Utility Placement**

All water, sewer, or gas lines shall be buried a minimum of eighteen (18) inches below the finished ground surface of the park and shall be provided with adequate valve systems to allow the cutoff of utility service to a mobile home stand and at the entrance of the utility service from the stand to the trunk line of the utility system. If overhead service lines are provided within the park, such lines shall be a minimum of twenty-five (25) feet above the grade of interior streets and so placed that no wires extend over a mobile home.
- (e) **Lighting**

All recreation areas, commercial buildings, and park entrances, park streets, and pedestrian easements shall be illuminated to provide at least three tenths (0.3) foot candles of lighting.
- (f) **Garbage and Refuse**

Garbage and refuse service shall conform with all local ordinances. Refuse collection shall also be provided on a weekly basis or greater to remove debris from the park and recreation areas. Refuse on occupied mobile home stands shall be the responsibility of its occupant and shall be removed to designated spaces.
- (g) **Walks**
 - (1) **General Requirements:**

All mobile home developments shall be provided with safe and convenient, pedestrian accesses of adequate width for their intended use and same shall be durable and convenient to maintain. Sudden changes in alignment and gradient of same shall be avoided.

(2) Common Walk System:

A common walk system, approved by the Planning Commission, shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3-1/2) feet.

(3) Individual Walks:

All mobile home stands shall be connected to common walks, streets, driveways or parking spaces. Such individual walks shall have an unpaved surface and have a minimum width of two (2) feet.

(g) Mobile Home Stand

Each mobile home stand shall be required to be provided to following accommodations:

(1) Interior Street Access:

Each stand shall be provided with access frontage of at least twenty (20) feet.

(2) Electric Power Supply:

Each stand shall be provided with a properly grounded, water-proofed electrical receptacle with a minimum rated capacity of one hundred (100) amperes. A properly sized over-current device shall be installed as a part of each power outlet. Said fixtures shall meet the standards established by applicable local codes.

(3) Stand Identification:

A property and street number designation system properly identifying each mobile home stand shall be provided by the mobile home park operator.

3. MOBILE HOME PARKS: ACCESSORY USES PERMITTED:

The following establishments of a commercial nature may be permitted as a customary accessory uses in a mobile home park, provided such uses do not occupy more than ten percent (10%) of the area of the park, are located a minimum distance of one hundred (100) feet from any adjoining property line or street or highway right-of-way, and are primarily intended for the convenience of and service in the occupants of the park:

- (1) Coin-operated laundry and vending machines allowed under applicable Codes of the Town of Cowpens, provided such are located within a building and are not visible from the street or from adjoining property lines.
- (2) One or more signs identifying the name of the park and the services provided therein; signs regulating traffic or provided for the convenience and welfare of park residents. All signs shall conform to Article VII of this Ordinance.

SEC. 6. R-4 Mobile Home Subdivision District

The purpose of this district is to provide an area where subdivisions of mobile homes can be placed within the Town of Cowpens. Unlike in mobile home parks, each mobile home shall be situated on an individually recorded lot and only one (1) mobile home shall be permitted on a lot.

PERMITTED USES:

- a. Single-Family homes (not including mobile homes).
- b. Mobile home subdivisions subject to the following requirements:
 1. No mobile home subdivision shall be developed on a tract of less than five (acres).
 2. The maximum density shall be five (5) units per acre. The minimum density shall be one (1) unit per acre.
 3. Minimum lot size, with public water and sewer, shall be eight thousand (8,000) square feet. Minimum lot width shall be fifty-five (55) feet at the front setback line.
 4. The front yard shall be at least fifteen (15) feet deep. Minimum side yards shall be at least five (5) feet wide with a combination of twenty (20) feet and a minimum rear yard of ten (10) feet. Where public water and sewer is not available, there shall be sixty (60) feet between side lots lines measured at the front setback line.
 5. Each lot in the mobile home subdivision is required to have an improved driveway connected to the street sufficient in length and width to serve as two (2) off-street parking spaces.
 6. The mobile home subdivision shall be located on a well-drained site that is properly graded to insure rapid drainage and freedom of stagnant pools of water. No part of any mobile home subdivision shall be located within a flood plain.
 7. All mobile homes must be at least twelve (12) feet in width.
 8. All mobile homes must be skirted, underpinned and placed upon a permanent foundation and front upon a public street.
 9. All mobile homes shall meet all Department of Housing and Urban Development (HUD) specifications for mobile homes and have a medallion on the mobile home stating this conformance.
- c. Public buildings, structures and land uses (excluding public housing).
- d. Home occupations.
- e. Churches, synagogues and other places of worship.
- f. Accessory buildings or uses customarily incidental to any of the permitted uses, when located on the lot and not involving any separate businesses, profession, trade or occupation.
- g. Signs in accordance with Article VII of this Ordinance.

SEC. 7. C-1 Transitional Commercial District

The transitional commercial district is intended to permit both residential and office and business uses which provide opportunities for employment close to residential areas, thus reducing travel to and from work; and, which provide, mixed with residential areas, uses which do not generate a large volume of traffic.

PERMITTED USES:

- a. Single and Two-Family Dwellings
- b. Home Occupations
- c. Professional Offices
- d. Out-Patient Medical and Dental Centers, excluding animal facilities with outdoor kennels.
- e. Beauty and/or Barber Shops
- f. Mortuary and Funeral Establishments, Convalescent Homes, Rest Homes and Homes for the Elderly
- g. Hospitals and Medical Clinics
- h. Public and Private Schools and Day Care Centers
- i. Commercial Off-Street Parking Lots and Garages
- j. Churches, Synagogues, and Other Places of Worship
- k. Financial Institutions
- l. Dry Cleaning Stores
- m. Food and/or Liquor Stores
- n. Clothing Stores
- o. Hardware Stores
- p. Gift and Hobby Shops
- q. Florist and Variety Stores
- r. Jewelry Shop
- s. Book Stores
- t. Music and Record Shop
- u. Restaurants
- v. Public Buildings, Structures and Land Uses (excluding public housing)
- w. Fraternal Lodges
- x. Signs in Accordance with Article VII of this Ordinance

SEC. 8. C-2 Planned Neighborhood Commercial District

The purpose of this district is to provide convenient shopping facilities for local neighborhoods. Due to the concentration of services and generation of high traffic volumes, this commercial zone shall be located on principal thoroughfares. Properties three (3) acres in area and larger will be considered for rezoning to this district in order to limit the possibility of spot commercial zones.

PERMITTED USES:

- a. Financial institutions
- b. Retail and service establishments including drug stores, bake shops, barber shops, beauty salons, tailor and dry cleaning establishments, food stores, clothing stores, hardware stores, gift and hobby shops, florists and variety stores, jewelry stores, book stores and music and record shops
- c. Professional Offices
- d. Restaurants
- e. Public buildings, structures and land uses (excluding public housing)
- f. Signs in accordance with Article VII of this Ordinance

USES BY SPECIAL EXCEPTION:

- 1. Communication towers and antennas, in accordance with Article VIII, Section 13 of this Ordinance.

SEC. 9. C-3 Central Business District

The purpose of this district is to permit concentrated development and redevelopment of businesses in the central business district.

PERMITTED USES:

- a. Those uses permitted in the C-2 Planned Neighborhood District of this Ordinance
- b. All other retail businesses or services including manufacturing in connection with a retail store or shop provided that such manufacturing is incidental to the retail use and all goods manufactured are sold on the premises
- c. Fraternal organizations and clubs
- d. Indoor theaters and amusement centers
- e. Hotels and motels
- f. Libraries, museums, and similar facilities
- g. Mortuary and funeral establishments
- h. Newspaper offices and printing plants
- i. Churches, synagogues, and other places of worship
- j. Commercial off-street parking lots and garages
- k. Bus and rail depots

USES BY SPECIAL EXCEPTION:

- a. Communication towers and antennas, in accordance with Article VIII, Section 13 of this Ordinance.

SEC. 10. I-1 Light Industrial District

The purpose of this district is to provide an area for industrial and wholesale operations and their related services. These uses require a large area with low density use of land. These uses shall not be of such nature so as to generate excessive noise, odor or smoke, or possess any characteristics that would have an undue detrimental effect on surrounding properties.

PERMITTED USES:

- a. Agricultural equipment sale and services
- b. Automobile painting, upholstering, repairs, reconditioning, and body and repairing when done within the confines of a structure
- c. Commercial bakeries
- d. Bedspring and mattress manufacturing
- e. Bottling or packaging of cleaning compounds, polishes, seeds, etc.
- f. Building equipment, building materials, lumber, sand, gravel yards, and yards for contracting equipment, maintenance or operating equipment of public agencies, or public utilities
- g. Carpet manufacturing
- h. Carpenter and cabinet making shop
- i. Car washes and similar structures
- j. Cement block manufacture
- k. Cold storage plants
- l. Confection manufacturing
- m. Creameries
- n. Dental, surgical and optical goods manufacturing
- o. Drive-in theaters conforming to the following conditions: No part of the theater screen, projection booth, or other building shall be located closer than four hundred (400) feet to any residential district nor closer than fifty (50) feet to any property line or public right-of-way; no parking space shall be located closer than one hundred (100) feet to any residential district; the theater screen shall not face a street or highway
- p. Electrical and gas service buildings
- q. Electrical motors and generators manufacture and repair
- r. Jewelry manufacturing
- s. Research and testing laboratories
- t. Laundries
- u. Pattern making shops
- v. Pharmaceutical products manufacturing
- w. Printing, engraving, and bookbinding shops
- x. Soda water and soft drink bottling establishments
- y. Toiletries and cosmetic manufacturing
- z. Tool, die, gauge, and machine shops and small part manufacturing shops
- aa. Small machine assembly plants
- bb. Processed agricultural products other than meal, poultry, or animal products
- cc. Textiles and wearing apparel manufacturing
- dd. Warehouse, storage and transfer and electric and gas service buildings and yards and public utility buildings; telephone exchange buildings and substations; gas regulator stations; railroad transfer and storage tracks; railroad right-of-way
- ee. Open air business uses, provided that there shall be provided around all sides of the site, except at entrances, exits, and along sides of premises enclosed by buildings, a fence or all five (5) feet in height in order to intercept windblown trash and other debris. Where the side abuts a R-1, R-2, R-3, R-3A, or R-4

- district, the requirements for protective screening shall be specified in Article X, Section 10
- ff. Moving or storage offices and warehouses
 - gg. Automobile service stations
 - hh. Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilation contractors' establishments, including outside storage yards
 - ii. Outside sales space for the sale of new and used automobiles, house trailers or boats
 - jj. Wholesaling warehouses and supply facilities
 - kk. Communication towers and antennas, in accordance with Article VIII, Section 13 or this Ordinance.
 - ll. Public buildings, structures or land uses (except public housing)
 - mm. Signs in accordance with Article VII of this Ordinance.

SEC. 11. I-2 Heavy Industrial District

The purpose of the Heavy Industrial District is to provide space for the orderly and planned development of industries which normally are not compatible with most other land uses.

PERMITTED USES:

- a. All uses permitted in the I-1 Light Industrial District
- b. Chemical manufacturing plants, refineries and storage areas
- c. Manufacturing of cement, lime, gypsum, or Plaster of Paris and corrosive acid or alkali manufacture
- d. Explosive manufacturing and storage
- e. Slaughter yards and abattoirs
- f. Mineral processing plants
- g. Stock yards
- h. Dye stuff manufacturing
- i. Paper, rags, cloth, or fiber reclamation and recycling if operation is within an enclosed building
- j. Sewage disposal plants
- k. Tar distillation or manufacture
- l. Automobile junkyard provided no wrecks, materials or other supplies shall be store or permitted to remain on the premises outside a permanent structure unless such storage is screened from view from all property lines by chain link fencing with filler strips or other appropriate screening, in addition to screening requirements stated in Article X, Section 10 of this Ordinance.
- m. Machine assembly
- n. Brewing or distillation of beverages or liquors
- o. Metal smelting plants
- p. Public buildings, structures or land uses
- q. Signs in accordance with Article VII of this Ordinance

SEC. 12. FH Flood Hazard District

The purpose of the FH District is to ensure that adequate openings will be maintained for the passage of flood water and to prevent, in areas subject to flood, encroachments that will restrict flood channels and increase flood heights. This measure will help to reduce property damage and loss of life.

PERMITTED USES:

1. Public recreation and open space facilities
2. Agriculture, excluding the raising of livestock and poultry (both commercial and non-commercial)

ARTICLE VI. DIMENSIONAL REQUIREMENTS

	Area (Sq. Ft.)	Minimum Lot Width at Front Property Line	Maximum Lot Coverage	Yard Requirements		
				Front (a)	Side	Rear
R-1	12,000	100 ft.	30%	30	15	30
RC	j	j	j	j	j	j
R-2	8,000	60	30	25	10	25
R-3	b	50	30	25	10	25
R-3A	c	c	c	c	c	c
R-4	8,000	55	30	15	5d	10
C-1	8,000	50e	30e	25f	10	25f
C-2	None	None	None	20	10g	10g
C-3	None	None	None	None	None g	None
I-1	None	75	None	60	30h	60
I-2	None	100	None	100	50i	100
FH	None	None	None	None	None	None

NOTES

- a. As measured from the street right-of-way lines
- b. All single-family dwelling units and two-family dwelling units must have minimum lot areas of 8,000 square feet; minimum lot areas of multi-family units are 10,000 square feet for the first dwelling unit plus the additional lot areas indicated below for each additional unit.

<u>Type of Dwelling Unit</u>	<u>Minimum Additional Lot Area in Sq. Ft.</u>
Efficiency	800
One-Bedroom Unit	1,000
Two-Bedroom Unit	1,500
Three-Bedroom Unit	2,000

- c. Refer to Article V, Section 4 for dimensional requirements for mobile home parks.
- d. Minimum side yard shall be five (5) feet with a minimum combination of side yards of twenty (20) feet. Where public water and sewer is not available, there shall be sixty (60) feet between side lot lines measured at the front setback line.
- e. Applies only for lots proposed for residential development.
- f. A twenty (20) foot front and rear yard is required for lots proposed for commercial development.
- g. A yard of twenty-five (25) feet is required where the lot abuts an R-1, R-2, R-3, R-3A, or R-4 zone.
- h. A sixty (60) foot side yard is required where the lot abuts an R-1, R-2, R-3, R-3A, or R-4 zone.
- i. A one hundred (100) foot side yard is required when the lot abuts an R-1, R-2, and R-3, R-3A, or R-4 zone.
- j. Dimensional Requirements for Developments in the RC District.
 - (1) Lot Area (S.F.)

<u>Development Type</u>	<u>Development</u>	<u>Lot</u>
Detached Single Family Residence	N/A	12,000
Zero Lot Line Detached Single Family Residence	200	4,000
Fee Simple Townhouse Development	200	2,500
Condominium Development	200	N/A
Cluster Home Development	200	2,500

(2) Minimum Lot Width at Front Property Line (Feet)

<u>Development Type</u>	<u>Development</u>	<u>Lot</u>
Detached Single Family Residence	N/A	100
Zero Lot Line Detached Single Family Residence	200	25
Fee Simple Townhouse Development	200	25
Condominium Development	200	N/A
Cluster Home Development	200	25

(3) Maximum Lot Coverage (Pct.)

<u>Development Type</u>	<u>Development</u>	<u>Lot</u>
Detached Single Family Residence	N/A	30
Zero Lot Line Detached Single Family Residence	N/A	65
Fee Simple Townhouse Development	N/A	65
Condominium Development	N/A	N/A
Cluster Home Development	N/A	65

(4) Yard Requirements (Feet)

<u>Development Type</u>	<u>Development</u>			<u>Lot</u>		
	F	S	R	F	S	R
Detached Single Family Residence	N/A	N/A	N/A	20	10	25
Zero Lot Line Detached Single Family Residence	25	30	30	20	0-10'	15
Fee Simple Townhouse Development	25	30	40	20	0-15 ²	15
Condominium Development	25	30	40	N/A	N/A	N/A
Cluster Home Development	25	30	30	20	0-15 ²	15

1. The setback on one (1) side must be at least ten (10) feet from the property line. The setback on the other side shall be zero (0) feet.
2. Either side setback may be zero (0) feet if two (2) units are attached to each other. However, the setback for end units must be at least fifteen (15) feet from the property line.

Amenity Area Requirements:

The area listed must be preserved through deed conveyance to an established neighborhood association, the Town of Cowpens (if accepted by the Town), or Spartanburg County (if accepted by the County). Portions of the area may be reserved as open space, developed as a park or playground, or developed as a recreation center for use by residents of the development.

<u>Development Type</u>	<u>Development</u>
Detached Single Family Residence	N/A
Zero Lot Line Detached Single Family Residence	3,800 s.f. per unit, with a Minimum of 21,780 s.f.
Fee Simple Townhouse Development	3,000 s.f. per unit, with a Minimum of 21,780 s.f.
Condominium Development	3,000 s.f. per unit, with a Minimum of 21,780 s.f.
Cluster Home Development	3,000 s.f. per unit, with a Minimum of 21,780 s.f.

Any clubhouses, recreation centers, tennis courts, swimming pools, or similar amenity facilities shall be set back at least thirty (30) feet from any street or driveway. Such facilities shall be set back at least thirty (30) feet from any residential lot and at least fifty

(50) feet from any residential dwelling (or proposed residential dwelling within the development).

ARTICLE VII. SIGN REGULATIONS

The purpose of these regulations is multi-faceted, benefiting property owners by preserving property values, the community by promoting an aesthetically harmonious environment in all areas, and business interests by preventing signs from being excessive in size or number.

SEC. 1. General Regulations

No sign erected before the effective date of this Ordinance shall be enlarged or moved unless it has been brought into compliance with the requirements herein. This section shall not prevent repairing or restoring to a safe condition any part of the structural supports of any signs or maintenance operations performed thereon. Any sign or any substantial part now existing which is blown down, destroyed, dismantled, or removed shall be made to comply with this Ordinance.

SEC. 2. Permitted Signs

- a. R-1, R-2, R-3, R-3A and R-4 Districts
 1. For each dwelling unit, one lighted name plate, pole or mounted wall sign, not to exceed one and one half (1-1/2) square feet, either single or double faced, and may indicate only the name and address of the occupant.
 2. Name plates on doors or windows giving the names and profession or business (where permitted) of the occupants of the building, provided the combined name plates do not exceed four (4) square feet per sign.
 3. Churches may have a permanent bulletin board or sign, not to exceed twenty-four (24) square feet.
 4. Directional signs for entrances and exits and for parking areas, provided each sign does not exceed one and one-half (1-1/2) square feet of surface,
- b. C-1, C-2, C-3, I-1, and I-2 Districts
 1. No sign shall be erected to a height greater than the height of the building to which it is accessory.
 2. No sign shall project into the street right-of-way.
 3. Illuminated signs are permitted.
 4. All signs permitted in the R-1, R-2, R-3, R-3A and R-4 Districts are permitted.
- c. State and Federal Highways:
 1. Signs on State and Federal Highways and on lots which front upon State and Federal Highways must meet State and Federal regulations in addition to the provisions of this Ordinance.

SEC. 3. Prohibited Signs

- a. No sign shall use words such as “stop”, “danger”, or a similar word or phrase, symbol or character in a manner that might mislead or confuse an automobile or other vehicular driver are permitted.
- b. Except as stated herein, no signs except traffic signs and signals and information signs erected by a public agency are permitted within any street or highway right-of-way.
- c. Permanent signs painted or attached to trees, fence posts, and telephone or other utility poles are prohibited. Also, signs painted on, or attached to rocks or other natural features, or painted on the roofs of buildings are prohibited.
- d. Signs constructed of muslin or similar fabric, either tacked completely to a surface or used as a banner or similar devices, are prohibited except signs of this nature which are put up by any local public agency.
- e. No sign shall be erected in such a manner as to obstruct the line of sight of traffic or traffic lights at an intersection.
- f. Signs employing flashing lights are prohibited.

ARTICLE VIII. GENERAL PROVISIONS

SEC. 1. Conflicting Regulations

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

SEC. 2. Scope

Upon its adoption by Town Council, this Ordinance shall be in full force and effect throughout the municipal limits of the Town of Cowpens. No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed, or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

SEC. 3. Zoning Lot

Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and shall be erected or altered only in a manner that is in full compliance with the requirements of this Ordinance.

SEC. 4. Non-Residential Building and Screening Requirements Near Public Streets

In any case where a building or accessory building in a C-1, C-2, C-3, I-1, or I-2 district is erected or placed within two hundred (200) feet of the front lot line or any parcel of land fronting upon any public street, the occupant of such premises shall not be permitted to place open stock, scrap, or junk piles within said two hundred (200) feet unless the same shall be obscured from view from the street by the existence of a building or solid wall of approved ornamental material sufficient to properly obscure the same from view of the street.

SEC. 5. Visibility

No structure, wall, fence, shrubbery or trees shall be erected, maintained, or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection.

SEC. 6. Accessory Buildings

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- a. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main or principal buildings.
- b. Accessory buildings shall not be erected in any required yard except a rear yard, providing further that in no instance shall such a building be nearer than five (5) feet to any adjoining side lot or rear lot line.
- c. The accessory building shall not exceed the ground floor area of the principal building.
- d. In the case of double front lots, accessory buildings shall observe front yard requirements on both street frontages whenever there are any principal buildings fronting on said streets in the same block or adjacent blocks.
- e. Attached garages or carports may be erected to extend beyond the front line of the house except that such garages shall not encroach in or upon the minimum front yard area as required by this Ordinance.

SEC. 7. Restoring Unsafe Buildings

Nothing in these regulations shall prevent the strengthening or restoring to a safe condition of any part of any buildings or structure declared unsafe by the Zoning Administrator or the required compliance with his lawful order, except the repair or restoration of buildings or structures that are classified as Non-Conforming Uses, in accordance with Article IX of this Ordinance, shall be undertaken in compliance with the requirements of that section.

SEC. 8. Construction Begun Prior to Adoption of Ordinance

Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designed use of any buildings upon which a building permit was issued and actual construction was lawfully begun prior to the adoption of this Ordinance, and upon which building actual construction has been diligently carried on, and provided further, than such building may be completed within one (1) year from the date of the passage of this Ordinance.

SEC. 9. Voting Place

The provisions of this Ordinance shall not be so constructed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

SEC. 10. Buffer Requirements

The regulations included herein shall be required any time a commercial, industrial, multi-family residential, or mobile home park development is constructed adjacent to residentially zoned property. Any required buffer yard is in addition to any required setback specified in other provisions of this Ordinance.

- a. **Commercial or Industrial Properties Adjacent to Residential Property**
Where property is proposed to be developed for commercial or industrial purposes (except for junkyards, salvage yards, etc.) in an area which lies in a Commercial (C) or Industrial (I) zone, and said property abuts directly upon a Residential (R) zone, a landscaped buffer yard, not less than twenty (20) feet wide, shall be provided and maintained along its entire length by the users of the commercial or industrial zoned property. In addition, the commercial or industrial property shall be screened from such contiguous residentially zoned property by either a fence or wall of at least six (6) feet in height forming a solid visual barrier between the commercial or industrial use in said commercial or industrial district. All landscaping shall be maintained in a healthy growing condition and be neat and orderly in appearance.
- b. **Junk and/or Used Auto Parts Yards, Salvage or Coal Yards**
A continuous and solid fence or wall with a minimum height of eight (8) feet shall be erected and properly maintained around the entire area on which such business is conducted in order to completely block the view of the premises from the outside. It shall be unlawful to display any junk and/or used tires, fenders or other auto parts or materials on or in front of such fence.
- c. **Multi-Family Residential or Mobile Home Park Developments Adjacent to Residential Property**
When property is proposed for multi-family residential development or mobile home park development in an area which lies in a Multi-Family (R-3) or Mobile Home Park (R-3A) zone, and said property abuts directly upon a Residential (R) zone, a landscaped buffer yard, not less than fifteen (15) feet wide, shall be provided and maintained along its entire length by the owners or users of the

multi-family or mobile home park development. In addition, the multi-family residential or mobile home park development will be screened from such contiguous residentially zoned property by either a fence or wall of at least six (6) feet in height.

- d. Standards for Fences or Walls Forming a Component of a Required Buffer
The fence or wall shall be continuous along any adjoining property zoned for Residential use, and shall be solid. The fence or wall shall be constructed of either: treated wood, brick, ornamental masonry units, or chain link fencing with slats. The fence or wall shall not be composed of untreated wood or masonry material.
- e. Standards for Landscaping Forming a Component of a Required Buffer
For each side or rear portion of the lot line for which a buffer is required, the following amount of planting material shall be required:

Material 100 ft.	Length of Buffer Less than 10 ft.	10 ft. to 100 ft.	Over
Canopy tree	0	1	2*
Understory tree	0	2	2*
Evergreen/Conifers	0	1	2*
Shrubs	1	2	2*

* = plus one additional tree for each additional length of fifty (50) linear feet, above one hundred fifty (150) linear feet.

At the time of planting, plant material shall meet or exceed the minimum requirements listed in the table below.

Material	Minimum Size	
Canopy tree- single stem	6 ft. height	1.5” caliper width
Canopy tree-multi-stem clump	6 ft. height	1.5” caliper width
Understory tree	4 ft. height	
Evergreen/Conifer	3 ft. height	
Shrub-deciduous	15” height	
Shrub-evergreen	12” height	

SEC. 11. Mobile Homes

Mobile homes located within the Town of Cowpens shall conform to the following general regulations (in addition to any other regulations contained in this Ordinance):

- a. Subsequent to the adoption of this ordinance, no mobile home may be established for use or occupancy in the Town, or may be re-located for use or occupancy in the Town, except within the R-3A Mobile Home Park District or the R-4 Mobile Home Subdivision District.
- b. No mobile home may be established for use or occupancy in the Town, or may be re-located for use or occupancy within the Town that is more than ten (10) years old at the time that it is established or re-located in the town, and must be built in compliance with the National Manufactured Home Construction and Safety Standards Act.

SEC. 12. Day Care Facilities

Day care facilities, when located in a district as a permitted use, shall comply with the following regulations:

- a. The outdoor play area shall be enclosed by a fence not less than five (5) feet in height.
- b. All other requirements shall meet specifications set forth by the State of South Carolina.

SEC. 13. Communication Towers and Antennas

Communication towers and antennas shall comply with the following regulations:

- a. Permitted Height:
 - (1) Free Standing or Guyed Tower
A free standing or guyed tower with a height now exceeding three hundred sixty (36) feet is permitted.
 - (2) Structure Mounted Tower or Antenna
A tower or antenna mounted on a building, water tank, or structure other than a free standing or guyed communication tower must not extend more than thirty (30) feet above the highest point of the structure.
- b. Setbacks:
Any free standing or guyed communication tower or antenna must be set back at least a distance equal to its vertical height from any parcel line.
- c. Landscaping Requirements for Free Standing or Guyed Towers or Antennas:
 - (1) Around the base of any free standing or guyed tower, outside the security fence, at least one row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height shall be provided, with individual plantings spaced not more than five (5) feet apart. In addition, at least one (1) row of evergreen trees with a minimum caliper of one and three quarters (1.75) inch at the time of planting and spaced not more than twenty five (25) feet apart shall be provided within fifty (50) feet of the perimeter of the security fence.
 - (2) The landscaping requirements must be met at the time of installation of the tower unless an acceptable form of surety is secured ensuring that planting will occur at the beginning of this first planting season subsequent to the installation of the tower. Should planting not occur at that time, the Town

shall have the authority to submit the surety instrument for funds, which are to be used to install the landscaping material.

(3) The owner of the site upon which the tower is located shall be responsible for providing, protecting, and maintaining all landscaping material in a healthy growing condition.

(4) A fence with a minimum height of eight (8) feet shall completely surround the tower.

d. Illumination:

Communication towers and antennas shall be illuminated only as required by the Federal Communications Commission and the Federal Aviation Administrations.

e. Signage:

A single sign for the purposes of emergency identification shall be permitted. The permitted sign shall not exceed two (2) square feet in area and shall be attached to the fence surrounding the tower. Under no circumstances shall any sign for purposes of commercial advertisement be permitted.

f. Access to Site:

Each parcel on which a communication tower is located must have access to a public road twenty (20) feet in width.

g. General Requirements:

(1) A statement shall be submitted from a registered engineer that the NIER (non-ionizing electromagnetic radiation) emitted from the tower does not result in a ground level exposure at any point outside the facility that exceeds the lowest applicable exposure standards established by any agency of the United States government, State of South Carolina, or the American National Standards Institute. For roof mounted towers, the statement shall address spaces that are capable of being occupied within the structure upon which the tower is mounted.

(2) Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, communication towers and antennas shall be light grey in color.

(3) A communication tower or antenna must be removed within ninety (90) days of the date such tower ceases to be used for communication purposes.

h. Requirements for the Use of a Communication Tower or Antenna by Special Exception Within the C-2 and C-3 Zoning Districts:

(1) Findings:

The Board of Zoning Appeals may authorize the use of a communication tower or antenna in a C-2 or C-3 zoning district, only if the Board finds that all of the following conditions are met:

(a) the proposed structure will not endanger the health or safety of residents, employees, or travelers, including, but not limited to, the likelihood of the failure of the structure;

(b) the proposed structure will not impair the use of or prove detrimental to neighboring properties;

(c) the proposed structure is necessary to provide a service that is beneficial to the community;

- (d) the permitted use meets the setbacks of the zoning district, as well as the setbacks required in Article VIII, Section 13 of the zoning ordinance.
 - (e) the proposed tower is in a location where it does not substantially take away from the aesthetics of any residential area.
 - (f) the proposed tower will not be located within one thousand (1,000) feet of any existing communication tower or antenna, unless the antenna is to be co-located with an existing structure.
 - (g) no alternative towers, buildings, or other structures exist 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 providing a location free of interference from AM towers.
- (2) Application Requirements for a Special Exception to Allow the Use of a Communication Tower or Antenna in a C-2 or C-3 Zoning District: Each application for a special exception for a communication tower or antenna shall be submitted in a form provided by the Town and shall include a site plan providing the following information:
- (a) the location of the tower and guy anchors;
 - (b) all structures that will be located on the parcel, including any transmission buildings or other uses;
 - (c) parking areas;
 - (d) access drives;
 - (e) landscape areas;
 - (f) fences;
 - (g) adjacent land uses;
 - (h) attached photographs of the site and adjacent parcels;
 - (i) attachments of any other information that would assist the Board of Zoning Appeals in determining the criteria included in Article VIII, Section 13.h.(1), above, are met.

ARTICLE IX. NON-CONFORMING LOTS, USES AND STRUCTURES

SEC. 1. Intent

Any lawful use of the land or buildings existing at the date of passage of this Ordinance and located in a district in which it would not be permitted as a new use under the regulations of this Ordinance is hereby declared to be a "non-conforming" use and not in violation of this Ordinance at the date of adoption of the Ordinance; provided, however, that a non-conforming use shall be subject to, and the owner comply with, the regulations stated herein.

SEC.2. Non-Conforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with another lot in the same ownership. This shall apply even though such lot fails to meet the requirements for areas or width, or both, that are generally applicable on the district, provided that maximum lot coverage and front, side and rear yard requirements are otherwise met.

If two or more lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if these lots, in combination, meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, said parcel shall be used or sold in a manner in which is in compliance with lot widths and area requirements established by this Ordinance.

SEC. 3. Non-Conforming Uses of Land

Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued as long as it remains otherwise lawful, provided:

- a. No such non-conforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- b. If said land use is destroyed or abandoned for six (6) months, the land use shall be considered discontinued and shall not be re-established unless in conformance with the regulations of the district in which it is located. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at the time of destruction.

SEC. 4. Non-Conforming Structures (Excluding Mobile Homes)

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. A non-conforming structure may not, under any circumstances, be enlarged or altered in a way which increases its non-conformity.
- b. If a non-conforming structure or non-conforming portion of structure (except those non-mobile home structures intended for residential use) is destroyed to an extent of more than fifty (50) percent of its replacement cost at the time of the destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. A non-mobile home residential structure which is destroyed can be replaced if said replacement is in compliance with all other applicable provisions of this Ordinance including parking, maximum lot coverage and front, side and rear yard requirements.

- c. A non-conforming structure (excluding non-mobile home structures intended for residential use) which is abandoned for at least six (6) consecutive months shall be considered discontinued and shall not be allowed occupancy unless in conformance with the district in which it is located.
- d. Should such non-conforming structure be moved for any distance on the lot of record, it shall conform to all other applicable provisions of this Ordinance including parking, maximum lot coverage and front, side and rear yard requirements. Said non-conforming structure can be moved to another lot, so long as the lot is located in a district where the structure is permitted and so long as other applicable provisions of this Ordinance are met.

SEC. 5. Non-Conforming Mobile Homes

Where a mobile home exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance, such mobile home may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. A non-conforming mobile home may not, under any circumstances, be enlarged or altered in a way which increases its non-conformity.
- b. An occupied non-conforming mobile home may be replaced by another home either by choice or by the owner or if the existing mobile home is destroyed or substantially damaged at the time of occupancy. Such mobile home may be replaced so long as the replacement mobile home is of more recent manufacture than the existing mobile home. Said replacement mobile home shall bear a seal or label showing certification by the Department of Housing and Urban Development of compliance with the National Manufactured Housing Construction and Safety Standards Act/
- c. If a non-conforming mobile home is abandoned for a period of at least six (6) consecutive months, it shall be considered vacant and shall not be allowed occupancy nor shall it be allowed to be replaced by another mobile home.
- d. Should a non-conforming mobile home be moved for any distance on a lot of record, it shall conform to all other applicable provisions of this Ordinance including parking, maximum lot coverage and front side, side and rear yard requirements. Said non-conforming mobile home may be moved to another lot so long as the lot is located in a district where the structure is permitted and so long as other applicable provisions of this Ordinance are met.

SEC. 6. Non-Conforming Uses of Structures and Premises in Combination

If a lawful use involving an individual structure(s) exists at the effective date of adoption or amendment of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

- a. No otherwise lawful existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged or altered so as to increase the non-conformity of the use. Said structure and its accompanying use may be moved to another location on the lot of record so long as the structure

meets all applicable requirements of the District. Said structure and its accompanying use may be moved to a different lot, so long as the lot is located in a district which permits said structure and use and so long as other applicable requirements, including parking, maximum lot coverage and front, side and rear yard requirements are met.

- b. If the structure housing a non-conforming use is destroyed to an extent of more than fifty (50) percent of its replacement cost, said structure may only be built in accordance with the provisions of the district in which it is located and shall only be occupied by a use permitted in that district.
- c. If a non-conforming use is vacated or abandoned for a period of at least six (6) consecutive months, it shall only be able to be replaced by a conforming use and the non-conforming use may not thereafter be resumed.

SEC. 7. Alterations

If a non-conforming building or a building which houses a non-conforming use has been damaged to an extent that its repair cost would be less than fifty (50) percent of its pre-damaged value, then such structure may be restored to the same degree of non-conformity as existed before such damage.

SEC. 8. Change of Tenancy or Ownership

There may be a change in tenancy, ownership or management in an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.

ARTICLE X. BOARD OF ZONING APPEALS

SEC. 1. Membership and Appointments

The Town of Cowpens Board of Zoning Appeal (BZA) shall consist of five (5) members, residents of the Town, appointed by the Town Council. None of the BZA members shall hold any other public office. BZA members shall be removable for cause by the Town Council upon written charged and after public hearing. Any BZA members shall be disqualified to act upon a matter before the BZA with respect to property in which the member has an interest.

SEC. 2. Term of Office

The term of office for each member of the BZA shall be for three (3) years; however, in the appointment of the first BZA, members shall be appointed as follows; two (2) members shall be appointed for three (3) years and two (2) members for two (2) years, and one (1) member for one (1) year. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointments.

SEC. 3. Compensation

The BZA members shall receive such compensation for their service as may be determined by the Town Council.

SEC. 4. Rules and Procedures

The BZA shall elect one of its members as Chairman, who shall serve for one year or until he is re-elected or his successor is elected. The BZA shall appoint a secretary and shall have the authority to adopt rules of procedure. Meetings of the BZA shall be held at the call of the Chairman, or in his absence, the Acting Chairman. The Chairman, or the Acting Chairman, may administer oaths and compel the attendance of witnesses by subpoena. The BZA 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 record of its examinations and other official actions, all of which shall be immediately filed in the Town Clerk's Office and shall be a public record. The decisions of the BZA shall be by resolution, which shall include a statement of the grounds of its decision or action. The full text of the resolution shall be sent to the appellant.

SEC. 5. Administrative Assistance

The Zoning Administrator shall provide such technical administrative and clerical assistance and office space as is required by the BZA to carry out its function under the provisions of this Ordinance.

SEC. 6. Extent of Board of Zoning Appeals' Power

The BZA shall have the following powers:

- (1) to hear and decide appeals where it is alleged there is an error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Ordinance;
- (2) to consider and determine the appropriateness of uses classified as Special Exemptions within this Ordinance;
- (3) to hear and decide appeals for variances from the requirements of the Zoning Ordinance when strict application of the provisions of the Ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the BZA makes and explains in writing the following findings:
 - a. there are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - b. the conditions do not generally apply to other property in the vicinity;
 - c. because of the conditions, the strict application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

- d. the authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance.
- e. the variance will not effectively allow the establishment of a use that is not otherwise permitted in the zoning district or extend a non-conforming use of land, or change the zoning district boundaries shown on the Official Zoning Map.
- f. in addition, the fact that a property may be used more profitably, should a variance be granted, may not be considered grounds for a variance.

The BZA may authorize, upon appeal in specific cases, such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in a practical difficulty or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, however, that a variance shall not be granted for a use of land or building or structure that is prohibited by this Ordinance in the district in question. Such variance may be granted in an individual case upon a finding by the BZA that the following exists:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
- b. The application of this Ordinance to this particular piece of property would create a practical difficulty.
- c. Such conditions are peculiar to the particular piece of property involved.
- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance.
- e. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same district are allowed provided that the BZA may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood.
- f. If the terms, conditions or restrictions of any permit granted by the BZA, pursuant to this Ordinance, are not being met in full compliance, the BZA, shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

SEC. 7. Who May File for an Appeal

Any person who believes that he or she is aggrieved by a decision issued by the Zoning Administrator, if the appellant believes that the decision is not in conformance with this Ordinance.

SEC. 8. Who May File For a Special Exemption

Any property owner who desires to develop his property in a manner that requires a Special Exemption under the terms of this Ordinance.

SEC. 9. Who May Apply for a Variance

Any property owner, who seeks a variance, as defined herein from this Ordinance, may petition the BZA; provided, however, that no appeal requesting the same relief in regard to the same property shall be received or heard by the BZA for a period of twelve (12) months following the date of said resolution.

SEC. 10. Forms

Appeals shall be made on forms provided by the Zoning Administrator, and all information required on said forms shall be provided by the appellant. No form shall be accepted by the BZA unless it contains all pertinent information and is accompanied by a fee, established by the Town Council payable to the Town to defray expenses.

SEC. 11. Legal Proceedings Stayed

An appeal stays all legal proceedings in relation to the action appealed from. If, however, the Zoning Administrator certifies to the BZA that such stay would, in his opinion, cause imminent peril to life and property, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the BZA or by a court of record.

SEC. 12. Presentation of Evidence

The appellant and any public agency or private individual shall be entitled to present evidence on matters before the BZA, and the BZA may request technical service, advice, data or factual evidence from the Planning Commission and the governing authority for assistance.

SEC. 13. Notice of Hearing Shall be Given

Before making its decision on any matter within the BZA purview, BZA shall hold a public hearing thereon. At least fifteen (15) days notice of the time and place of such hearing shall be sent to the appellant or petitioner by U.S. Mail to his last known address and to the owners of all properties either adjoining the property with which the hearing is concerned or situated directly across a public right-of-way from said property. Such notices shall contain the name of the appellant or petitioner, the date, time, and place set for the hearing, and a brief statement of the nature of the hearing.

SEC. 14. Public Notice in Newspaper

The BZA shall give public notice of the time, place and nature of the hearing in the newspaper of general circulation in Cowpens at least fifteen (15) days prior to the date of the public hearing.

SEC. 15. Who May Appear

Any party may appear at the public hearing in person or by agent or attorney.

SEC. 16. Time Limit on Board's Decision

The BZA shall reach a decision following a public hearing within thirty (30) days. However, an extension shall be permitted, if mutually agreed to by the BZA, upon a majority vote of its members present, and the applicant.

ARTICLE XI. AMENDMENT AND CHANGE

SEC. 1. Initiation of Change in Ordinance

The Town Council may, from time to time, amend, supplement, or change the boundaries of the districts or the regulations herein established, in accordance with the procedures set forth in this article. Any such amendment, supplement or change may be initiated by the Town Council, by the Planning Commission, or by the petition of any person. Petitions for amendment, supplement, or change, shall be on application forms supplied by the Zoning Administrator's office. Any communication purporting to be an application for a change shall be regarded as mere notice to seek relief until it is made in the form required. Upon receipt of any communication, the interested party shall be supplied by the Zoning Administrator with the proper form for presenting his application.

SEC. 2. Report from Planning Commission

Before taking any action on any proposed amendment, supplement, or change, the Zoning Administrator shall submit the same to the Planning Commission and no action shall be taken by the Town Council unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review and recommendation.

SEC. 3. Notice and Hearings

The Planning Commission shall hold a public hearing on any proposed amendment, supplement or change for purposes of review and recommendation. The recommendation of the Planning Commission shall be received by the Town Council. Notice of public hearings before the Planning Commission and Town Council shall be given at least fifteen (15) days prior to the hearing by publishing the time, place, and nature of the hearing in a newspaper of general circulation in Cowpens. In addition, the Zoning Administrator shall cause the date, time, place, and nature of the Planning

Commission public hearing to be posted conspicuously on the property at least fifteen (15) days prior to the hearing. This information shall remain posted on the property so long as the request is pending before the Planning Commission. The Planning Commission shall have thirty (30) days from the date of this Public Hearing to submit its report to Town Council. If the Planning Commission fails to submit its report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment, supplement, or change. The Town Council may, at its discretion, hold a public hearing on any proposed change or amendment to this Ordinance.

SEC. 4. Fee

Before any action shall be taken as provided for in this article, the party or parties requesting a change or amendment shall deposit with the Zoning Administrator's Office such sum as prescribed by the Town Council from time to time for each application to help cover the cost of advertising public hearings and handling of zoning petitions. Neither the Town of Cowpens nor any official employee of the Town acting in his official capacity shall be required to pay a fee under this article.

SEC. 5. Reconsideration, One-Year Limitation

Whenever a petition requesting an amendment, supplement, or change has been denied by the Town Council, such petition, or one substantially similar, shall not be reconsidered sooner than one year after the previous denial.

ARTICLE XII. ZONING ADMINISTRATION

SEC. 1. Zoning Administrator

The provisions of this Ordinance shall be administered by the Zoning Administrator and any other municipal officials as designated by the mayor and/or Town Council.

SEC. 2. Zoning Inspection: Duties Specified

If the Zoning Administrator shall find that any of the provisions of the Ordinance are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and order that necessary actions be taken to correct the deficiency. He shall order discontinuances of illegal uses of land, buildings, or structures, removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done and shall take any other action authorized by this Ordinance to ensure its compliance.

SEC. 3. Zoning Permit

It shall be unlawful to commence the excavation or filling of any lot for the construction of a building, or to begin the construction of any building, moving or

alteration of any structure, or to begin the development of land, until the Zoning Administrator has issued a Zoning Permit for such work.

a. Application for Zoning Permit

Application for a zoning permit shall be made prior to construction, alteration, or moving of any structure or change of land use. The applicant shall submit the following information to the Zoning Administrator:

1. Two (2) copies of a scaled dimensional plan which shows: (a) the exact shape, size and location of the lot to be built upon, (b) the exact shape, size, use, and location of existing structures on the land, (c) the exact shape, size and location of the building(s) to be developed upon the lot, and (d) all setback lines on the lot once the proposed construction is completed.
2. If the proposed excavation, filling, or construction as set forth in the application is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a Zoning Permit and return one copy of the approved plan to the applicant. The Zoning Administrator shall mark the plan as approved and attest to the same by his signature. The second copy of the plan, similarly marked, and a copy of the Zoning permit shall be retained by the Zoning Administrator.

b. Expiration of Zoning Permit

Any zoning permit shall become invalid unless the work authorized by it shall have been substantially begun within a period of twelve (12) months of the date of issue of the permit. Once a zoning permit has expired, construction work on the lot(s) in question cannot proceed until a new zoning permit is issued. An unlimited number of subsequent zoning permits may be issued, upon receipt of an application, so long as the proposed development, construction, project, or activity remains in conformance with the Zoning Ordinance at the time the application for the new zoning permit is submitted.

c. Conditions for Approval

Zoning permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction that differs from that authorized shall be deemed a violation and is punishable as indicated under Article XII, Section 4 of this Ordinance.

d. Records

The Zoning Administrator shall maintain a record of all zoning permits on file at his office, and copies shall be made available upon request to interested parties.

e. Right of Appeal

If a request for a zoning permit is disapproved, the applicant may appeal the action of the Zoning Administrator to the Board of Zoning Appeals.

SEC. 4. Penalties for Violation

Any person, firm, or corporation who violates the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding two hundred dollars (\$200) or imprisoned not exceeding thirty (30) days or both. Each day that a violation continues to exist, it shall be considered a separate offense; provided, that the violation of this Ordinance be not corrected within a reasonable period of time, as established by the Zoning Administrator, after notice of said violation has been given.

SEC. 5. Remedies

In case 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 Ordinance, the City Attorney, in addition to other remedies, may institute appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy or such building, structure or land, or prevent any illegal act, conduct business or use in or about such premises. In addition, any party who would be damaged by such violation, in addition to other remedies, may institute an injunction or other appropriate action or proceedings to prevent the violation in the case of such building, structure, or land.

SEC. 6. Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the course and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action as provided by this Ordinance.

ARTICLE XIII. LEGAL STATUS PROVISIONS

SEC. 1. Conflict with Other Laws

All previous zoning ordinances of the Town of Cowpens are hereby repealed. All other ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in force and effect, but all such ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEC. 2. Separability

If any portion or provisions of this Ordinance are found unconstitutional, such invalidity shall not affect any other portion of this Ordinance.

SEC. 3. Effective Date

This Ordinance shall take effect and be enforce from and after its adoption and passage by the Town Commission. Done in Open Meeting under the Common Seal thereof this _____ day of _____, 2008.

Mayor, Town of Cowpens