

ORDINANCE NO.

TO AMEND CHAPTER 32, ARTICLE III OF THE CODE OF LAWS OF THE TOWN OF SUMMERVILLE TO AMEND THE ZONING DISTRICTS FOR THE TOWN OF SUMMERVILLE

BE IT ORDAINED by the Mayor and Council members of the Town of Summerville, in Council assembled, that the Code of Ordinances of the Town of Summerville Chapter 32, Article III, Sections 32-130 through 32-131 and Section 32-137 be repealed and replaced in their entirety with the following:

Sec. 32-130. B-2 neighborhood business centers.

(a) *Purpose.* The purpose of this B-2 neighborhood business center district is to provide for limited shopping areas that contain convenience goods and personal and professional services located near or adjacent to residential areas. Because of the location of this B-2 district it is important that any adjacent residential property be protected.

(b) *Permitted uses.* A building or premises in the B-2 district may be used for the following purposes:

(1) Generally recognized retail businesses which supply products and or goods on the premises similar, but not limited to: groceries, meats, baked goods or other foods, drugs, dry goods, clothing, notions, hardware, stationery, books, periodicals and newspapers. Outdoor storage of items for sale on the premises such as vehicles is prohibited. Items incidental to the gross revenue of the business may be allowed such as outdoor displays of products sold within the building or seasonal goods.

(2) Generally recognized personal service establishments which perform services on the premises similar but not limited to: professional and administrative offices (doctors, attorneys, insurance, real estate, repair shops (watches, radio, television, personal appliances, shoes, etc., specifically excluding any type of large engine repair such as vehicles), tailor shops, beauty shops and barbershops, spas, laundries and dry cleaners, photographic studios and banks and financial institutions.

(3) Limited restaurants and food service preparation facilities based on the following conditions: drive thru service prohibited; beer and wine may be sold for onsite consumption so long as 50% or more in sales is from the preparation and service of food; and, the sale of liquor is prohibited.

(4) Day care centers and nursery schools.

(5) Commercial greenhouses and plant nurseries.

(6) Individual storage facilities and miniwarehouses.

(7) Any uses allowed in R-1, R-2, R-3 or B-1 within the requirements of each district.

(c) *Accessory uses.* Accessory uses in the B-2 district are as follows: Uses on the same lot and customarily incidental to the permitted uses including, but not limited to, garages or parking structures for commercial vehicles, off-street parking and loading zones and limited enclosed storage facilities.

(d) *Area and yard requirements.* Area and yard requirements in the B-2 district are as follows:

(1) Minimum lot size: Not applicable.

(2) Minimum lot frontage: 50 feet.

(3) Front yard setback: 30 feet. Exceptions may occur for situations as approved by the town's commercial design review board when reviewing for approval the siting of a proposed new building such as on those properties considered a part of the town's commercial business district or within a town center planned development. In these instances, the board may approve the structure to be sited closer to the property line than 30 feet.

(4) Side yard setback: Buffer requirements for protection of adjacent property.

(5) Back yard setback: Buffer requirements for protection of adjacent property.

(e) *Signs.* Sign regulations for the B-2 district are found in article VI of this chapter.

(f) *Parking requirements.* Parking requirements for the B-2 district are found in article VII of this chapter.

(g) *Building design and site plan review.* Building design and site plan review for the B-2 district are as follows:

(1) Maximum building height: 35 feet (15 feet for accessory buildings).

(2) Maximum impervious surface area: 65 percent.

(3) See article VIII of this chapter for site plan review requirements.

(Ord. No. 2001-0601, § 20-34, 6-1-2001)

Cross reference— Businesses, ch. 8.

Sec. 32-131. B-3 general business.

(a) *Purpose.* The purpose of this B-3 district is to provide for general business and commercial areas designed to encourage the continuance and formation of a compatible and economically healthy environment.

(b) *Permitted uses.* A building or premises in the B-3 district may be used for the following purposes:

(1) All types of business and commercial activity related to retail sales, business and professional offices, financial institutions, gasoline filling stations and repair garages, personal service shops and limited wholesale activity.

(2) Restaurants, bars, limited amusement centers, liquor stores and party shops.

(3) Private clubs, walk-in theaters, assembly and concert halls.

(4) Commercial kennels and veterinary clinics.

(5) Any residential uses and uses allowed in B-1 or B-2 within the requirements of each district.

(c) *Accessory uses.* Accessory uses in the B-3 district are as follows: Uses on the same lot and customarily incidental to the permitted uses including, but not limited to, private garages or parking structures for vehicles, off-street parking and loading zones and storage facilities.

(d) *Area and yard requirements.* Area and yard requirements in the B-3 district are as follows:

(1) Minimum lot size: Not applicable.

(2) Minimum lot frontage: 50 feet.

(3) Front yard setback: 30 feet. Exceptions may occur for situations as approved by the town's commercial design review board when reviewing for approval the siting of a proposed new building such as on those properties considered a part of the town's commercial business district or within a town center planned development. In these instances, the board may approve the structure to be sited closer to the property line than 30 feet.

(4) Side yard setback: Buffer requirements for protection of adjacent property.

(5) Back yard setback: Buffer requirements for protection of adjacent property.

(e) *Permitted uses:* These uses (1-8) shall meet the conditions set forth in subsection (f) (1) – (5) below.

(1) New and or used car, truck and machinery sales and or repair.

(2) Funeral homes.

(3) Major amusement facilities including golf driving ranges, golf courses, roller skating rinks and swimming pools.

(4) Hotels and motels.

(5) Campgrounds and overnight trailer courts.

(6) Wholesale, warehouse and storage facilities including building materials and lumberyards.

(7) Drive-in theaters and restaurants.

(8) Transportation facilities including bus depots, trucking facilities and services that require the use of a fleet of vehicles.

(f) *Area and yard requirements:*

(1) Minimum lot size: Not applicable.

(2) Minimum lot frontage: 100 feet.

(3) Front yard setback: 30 feet.

(4) Side yard setback: Buffer requirements for protection of adjacent property.

(5) Back yard setback: Buffer requirements for protection of adjacent property.

(g) *Signs.* Sign regulations for the B-3 district are found in article VI of this chapter.

(h) *Parking requirements.* Parking requirements for the B-3 district are found in article VII of this chapter.

(i) *Building design and site plan review.* Building design and site plan review for the B-3 district are as follows:

(1) Maximum building height: 55 feet. This maximum height limit may be waived on those parcels that meet the following conditions:

- a. The parcel has at least 50 feet of frontage on a publicly maintained roadway; and
- b. The parcel fronts on U.S. Hwy. 78 or is located north of U.S. Hwy. 78 as the town currently and continues to extend towards and beyond Interstate 26.
- c. The parcel is located within the block of U.S. Hwy. 78 and extends the width of the block to either West 4th North Street or East 4th North Street.
- d. Approval for other areas of Town may be considered for overall height approval by the Board of Architectural Review for the historic district or the Commercial Design Review Board for all other commercial areas of the Town.

(2) Maximum impervious surface area: 80 percent.

(3) See article VIII of this chapter for site plan review requirements.

(Ord. No. 2001-0601, § 20-35, 6-1-2001; Ord. No. 08-0802, 9-10-2008)

Cross reference— Businesses, ch. 8.

Sec. 32-137. Nonconforming uses and structures.

Nonconforming land uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. However, to avoid undue hardship, the lawful use of any building or land use at the time of the enactment of this Ordinance or amendment to this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance except that the nonconforming building and or land use shall not be:

- (a) Changed to another nonconforming use.
- (b) Re-established after discontinuance for 12 consecutive months, or re-established after discontinuance for 24 consecutive months if the land had been used for agricultural crop growing purposes.
- (c) Enlarged or altered in a way which increases the nonconformity.
- (d) Rebuilt or altered after damage exceeding fifty (50%) percent of its most current assessed value determined by the County in which the property is assessed taxes at the time of destruction. Where damage does not exceed the fifty (50%) percent threshold stated herein, reconstruction must begin within six (6) months.

The property owner wishing to have a property and or building declared a legal nonconforming use shall submit such request in writing and shall bear the burden of proof in providing to the Town Planning Department and Zoning Administrator any and all requested documentation to the extent

feasible as shall be needed in order for the Town to agree to this determination.

(Ord. No. 2001-0601, § 20-41, 6-1-2001)

State law reference— Nonconformities, S.C. Code 1976, § 6-29-730.

Ratified this _____ day of _____, 2011 A.D.

William C. Collins, Mayor

Lisa Wallace, Clerk to Council

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