

## Article 5. Zoning District Regulations

### 500. ESTABLISHMENT OF ZONING DISTRICTS.

500.1 The following zoning districts are hereby established.

District	Primary Uses	Minimum Lot Area
<b>Primary Zoning Districts</b>		
R-10	Low Density Residential	10,000 sq. ft.
R-8	Medium Density Residential	8,000 sq. ft.
R-6	High Density Residential	Single-Family/Duplex Residential - 6,000 sq. ft. Multi-family Residential - 7,000 sq. ft.
RD	Residential Development	5,500 sq. ft.
R-MX	Mixed Residential	Single-Family Residential - 5,000 sq. ft. Multi-family Residential - 6,000 sq. ft. for first unit, plus area for additional units as required
OC	Office Commercial	Commercial Use - none Single-family Residential - 6,000 sq. ft. Duplex Residential – 9,000 sq. ft.
NC	Neighborhood Commercial	Commercial Use - none Single-family Residential - 6,000 sq. ft. Duplex Residential – 9,000 sq. ft.
CC	Core Commercial	none
GC	General Commercial	none
LI	Light Industrial	½ acre
BI	Basic Industrial	1 acre
D1	Development District	1 acre for first unit, plus 3,000 sq. ft. for each additional unit
CM	Campus Main	none
PDD	Planned Development	2 acres (site)
OS	Open Space	none
<b>Overlay Districts</b>		
HBO	Historic Buildings Preservation Overlay	none
CTO	Campus Transition Overlay	10,000 sq. ft.
ISO	Interstate Sign Overlay	none
MSIO	Main Street/Interstate Sign Overlay	none

500.2. No amendment shall be initiated which would create a new zoning district with an area of less than two acres. However, this minimum acreage does not apply to the extension of an existing district, or to the addition of NC or OC districts adjacent to CC or GC districts.

**501. PURPOSE OF ZONING DISTRICTS.**

**501.1. Generally.**

- A. The zoning districts established in this Zoning Ordinance are for the purposes of guiding development in accordance with existing and future needs and promoting public health, safety, morals, convenience, order, appearance, prosperity, and general welfare, and all of the purposes set forth in *S.C. Code § 6-29-710*. *Section 501* sets forth the general purposes of the various zoning districts, however the specific regulations relating to permitted uses, conditional uses, and special exceptions are set forth in *§ 506 – Zoning District Table of Permitted uses, Article 6 – Conditional Uses, and Article 7 – Special Exception Regulations*.
- B. The residential district regulations are designed to encourage a stable and healthy environment for residential purposes and to discourage encroachment by commercial, industrial, or other uses adversely affecting the residential character of the district. Any reference to residential districts in this Ordinance includes only the R-10, R-8, R-6, and RMX districts.

**501.2. Primary zoning districts.** Each primary use district serves a different purpose and imposes its own set of requirements and restrictions on the use of land in addition to the general requirements and restrictions imposed on all land or uses within the City.

- A. R-10 –Low Density Residential District. The R-10 District is intended to be residential with single-family, site-built detached dwellings and modular homes and low population densities. Limited compatible uses such as home occupations, K-12 education, government services, public safety, and religious organizations are also allowed.
- B. R-8 –Medium Density Residential District. The R-8 District is intended to be residential with single-family, site-built detached dwellings and medium population densities. Limited compatible uses such as home occupations, K-12 education, government services, public safety, and religious organizations are also allowed.
- C. R-6 – High Density Residential District. The R-6 District is intended to be residential with a variety of dwelling types at higher densities including single-family detached units, duplexes, multi-family developments, patio and zero lot line homes, and townhouses. Compatible uses such as home occupations, K-12 education, government services, public safety, religious uses, and limited recreation uses are also allowed.

- D. RD – Residential Development District. The RD District is intended to be higher density residential limited to single-family, site-built detached dwellings and modular homes. Limited compatible uses such as home occupations, K-12 education, government services, public safety, and religious organizations are also allowed.
- E. RMX – Mixed Residential District. The purpose of the RMX District is to accommodate a mixture of a wide range of residential types at medium densities including single-family detached units, duplexes, multi-family developments, patio and zero lot line homes, and townhouses, and compatible non-residential uses. Non-residential uses allowed include K-12 schools, limited healthcare, assisted living facilities, day care centers, government services, public safety, limited recreation uses, and religious uses.
- F. NC – Neighborhood Commercial District. The NC District is intended to accommodate commercial and service uses that are small in size and service area and oriented primarily to serving the needs of persons who live or work in nearby areas. A variety of dwelling types including single-family detached units, duplexes, multi-family developments, patio and zero lot line homes, and townhouses developed at medium densities and government services, public safety, and religious uses are also allowed.
- G. OC – Office Commercial District. The OC District is intended to primarily accommodate office and personal service uses. Two-family detached, three and four family, and single-family attached (patio homes, townhouses, zero lot line) dwellings; day care centers; limited cultural and recreational uses; religious uses; eating and drinking establishments; hotels and motels; and limited retail uses are also allowed.
- H. CC – Core Commercial District. The CC district is intended to accommodate a variety of general commercial uses, characterized primarily by retail, wholesale, office, and service establishments; and limited healthcare and government services; in the central business area. Residential uses on the upper levels of commercial structures, existing single-family residences, K-12 schools, colleges, nursing homes, assisted living facilities, and limited cultural and recreational uses are also allowed.
- I. GC – General Commercial District. The GC District is intended to accommodate a variety of general commercial and nonresidential uses engaged primarily in the sale of durable goods, equipment, and services. Recreational, cultural and healthcare facilities, K-12 schools, colleges, government and public safety services, nursing homes, assisted living facilities, day care centers, eating and drinking establishments, and hotels and motels are also allowed.

- J. LI – Limited Industrial District. The LI District is intended to permit light industrial, warehousing, and commercial uses which do not create noise or emissions that create nuisances beyond the premises. K-12 schools, colleges, healthcare facilities, nursing homes, assisted living facilities, day care centers, government and public safety services, cultural and recreation facilities, eating and drinking establishments, limited service uses, offices, transportation uses, utilities, landfills, and nursery and tree production are also allowed.
- K. BI – Basic Industrial District. The BI District is intended to accommodate a wide variety of industrial uses involving research, manufacturing, processing, assembly, and warehousing. Limited commercial uses, K-12 schools, colleges, healthcare facilities, nursing homes, assisted living facilities, day care centers, government and public safety services, cultural and recreation facilities, eating and drinking establishments, limited service uses, offices, transportation uses, utilities, landfills, and nursery and tree production are also allowed.
- L. D-1 – Development District. The D-1 district is intended to accommodate the transitional nature of large tracts of land located primarily on the fringe of urban growth where the predominant character of urban development has not yet been fully established, but where the current characteristics of use are predominantly residential or agricultural along with scattered related uses. Future demand for developable land in this district is expected to generate requests for zoning amendments that change the zoning classification from D-1 to other more intensely developed classifications as a natural consequence of urban expansion.
- M. CM – Campus Main District. The CM district encompasses the campus of Newberry College. The goals of the district are to:
1. Recognize and accommodate existing uses and structures on campus;
  2. Permit new campus growth in areas where conflicts with other established uses are minimal or non-existent; and
  3. Stipulate minimal limitations and requirements.
- N. PDD – Planned Development District. PDDs are individually designated by Council by zoning amendment, for which an approved development plan constitutes the district regulations. The district is intended to use the factors of efficiency, economy, flexibility, creative site design, improved appearance, mixture of uses, and maximize benefits from open space, safe and efficient vehicular and pedestrian access in a development characterized by a unified site design for mixed uses. A Planned Development District must include a mixture

of residential and non-residential uses, and may be proposed in any part of the City.

- O. OS - Open Space District. The primary use of the land in the open space district is predominantly reserved for flood control, future thoroughfare right-of-way, public recreation, community facility sites, airport approaches, natural or man-made bodies of water, forests, and other similar open space uses. The specific purpose of the OS District is to:
1. Encourage the preservation and continued use of, the land for conservation purposes;
  2. Prohibit residential, commercial, and industrial use of the land, and any other use which would substantially interfere with the preservation of the district; and
  3. Encourage the discontinuance of uses that would not be permitted as uses in the district.

**501.3. Overlay Districts.** Overlay districts are established to provide for certain additional requirements or to establish special development requirements for permitted uses. Where overlay districts exist and there is a conflict between the requirements specified between the overlay and the underlying (primary) district, the standards of the overlay district shall prevail. Otherwise, the standards of the underlying (primary) district shall also be in effect for any area additionally zoned as an overlay district.

- A. CTO – Campus Transition Overlay District. The purpose of the CTO is to establish requirements that allow for the gradual expansion of the Newberry College campus while protecting, to the maximum extent feasible, the integrity of the residential neighborhoods that surround it. The CTO permits limited campus uses to extend into residential areas with sufficient buffering of adjacent lots and mitigation of associated impacts. Specifically, the goals of the CTO are:
1. Encourage a stable, healthy, peaceful environment that supports and protects single family uses and neighborhoods in transition to college uses;
  2. Provide for controlled, planned expansion of limited, specifically authorized college uses onto adjacent lots, until such time as transitional areas become fully integrated as part of the main campus;
  3. Provide for a reasonable, limited, amount of land upon which Newberry College may implement its plan for projected needs, within a reasonable, coordinated, timeframe; and

4. Minimize the negative impacts of campus growth.
- B. HBO - Historic Buildings Overlay District. The purpose of the HBO is to:
1. Protect, preserve, and enhance the distinctive architectural heritage and history of the City of Newberry;
  2. Encourage preservation of existing structures and remains of structures;
  3. Ensure new construction, alterations and uses of structures within the zone are appropriate to the character of downtown Newberry;
  4. Promote the educational, cultural, economic, and general welfare of the people of Newberry;
  5. Ensure harmonious, orderly and efficient growth and development;
  6. Strengthen the local economy; and
  7. Stabilize and improve the value of property.
- C. ISO - Interstate Sign Overlay District. The purpose of the ISO district is to regulate signage on lots located within 500 feet of the right-of-way of Interstate 26, except for lots within the Main Street/Interstate Overlay District.
- D. MSIO - Main Street/Interstate Sign Overlay District. The purpose of the MSIO district is to overcome sight-line issues at the I-26/SC Highway 219/Main Street intersection by providing sign standards that increase the visibility of businesses located in the area that cater to Interstate traffic.

## **502. DISTRICT BOUNDARIES ON OFFICIAL ZONING MAP.**

The boundaries of the zoning districts established by this Zoning Ordinance are hereby established on a map or maps entitled Official Zoning Map of the City of Newberry, S.C., which map or maps is declared to be a part of this Zoning Ordinance.

## **503. OFFICIAL ZONING MAP.**

The Official Zoning Map shall be maintained by the Zoning Administrator. All zoning district boundaries shall be clearly shown on the Zoning Map, and amendments shall be recorded as soon as practicable after adoption. The official Zoning Map shall be available for public inspection in the office of the Zoning Administrator. The Official Zoning Map and any amendments adopted by City Council shall constitute the final authority for determination of

zoning district boundaries. It shall be unlawful for any person to make unauthorized changes to the Official Zoning Map.

#### **504. INTERPRETATION OF ZONING DISTRICT BOUNDARIES.**

**504.1. Generally.** Where uncertainty exists as to the boundaries of any zoning district, the following general rules of interpretation shall apply. It is the duty of the Zoning Administrator to interpret the location of zoning district boundaries. An appeal from an interpretation of finding of the Zoning Administrator may be taken to the Board of Zoning Appeals as specified in § 402.3(F)(1).

#### **504.2. General rules of interpretation.**

- A. District boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow the center lines.
- B. District boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.
- C. District boundaries indicated as approximately following City limits shall be construed as following the City limits.
- D. District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. District boundaries indicated as following center lines of stream beds or other bodies of water shall be construed to follow the center lines.
- F. Supplementary flood plain and floodway boundaries indicated as following the U.S. Army Corps of Engineers 100-year flood plain line or the floodway line shall be construed to follow such lines.
- F. District boundaries indicated as approximately parallel to, or extensions of, features indicated in this section shall be so construed and at the distance therefrom as indicated on the Official Zoning Map. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- G. Where a district boundary line as appearing on the Official Zoning Map divides a lot in single ownership at the time of adoption of this Zoning Ordinance or subsequent amendment into two different zoning districts, the district least restrictive in the opinion of the owner shall be deemed to apply to the whole thereof. Provided, however, that in no case shall a zoning district boundary line

dividing the lot be extended into either district in excess of 50 feet beyond the district boundary line dividing the lot.

### 505. LOT DIVIDED BY ZONING DISTRICT BOUNDARIES.

No structure or accessory use may be placed, structurally altered, or have a change in use where the structure or use is or would be included within two or more zoning districts unless the structure or use conforms to the requirements of all applicable districts.

### 506. ZONING DISTRICT TABLE OF PERMITTED USES

**506.1. Establishment of table.** The uses permitted in the residential, mixed use and non-residential zoning districts established by § 501.2 are set forth in the *Zoning District Table of Permitted Uses* provided in § 506.4.

**506.2. Determination of use category.**

- A. The *North American Industry Classification System (NAICS), 2017*, as amended, is the basis for determining the use of property permitted by the various zoning districts. The Zoning Administrator shall make a determination as to whether or not any proposed use is permitted within the city's zoning jurisdiction based on the uses listed in § 506.4 – *Zoning District Table of Permitted Uses*. Whenever it is not clear whether a proposed use is or is not permitted, the Zoning Administrator shall consult the *2017 North American Industrial Classification System (NAICS)* to help make a determination. Any use not specifically listed in § 506.4 – *Zoning District Table of Permitted Uses* and any proposed use not substantially similar to a listed use as determined by the Zoning Administrator shall be deemed to be prohibited.
- B. Uses not listed in the NAICS codes are identified by the symbol "NA" (Not Applicable) in the NAICS column.
- C. Where the symbol "P" is shown, the use to which it refers is permitted as a use by right in the indicated district, provided it complies fully with all applicable development standards of this Zoning Ordinance.
- D. Where the symbol "C" is shown, the use to which it refers is conditionally permitted in the indicated district, subject to applicable conditions and requirements provided in *Article 6 - Conditional Use Regulations*. Conditional uses are subject to all other applicable regulations of this Zoning Ordinance.
- E. Where the symbol "SE" is shown, the use to which it refers may be permitted only if reviewed and approved as a special exception, in accordance with the special exception provisions in *Article 7 - Special Exception Regulations* and upon

compliance with the general conditions provided in that section. Special exception uses are subject to all other applicable regulations of this Zoning Ordinance.

- F. Where a dash (-) is shown on the table, the use to which it refers is not permitted in the indicated district.
- G. Where a use is conditionally (C) permitted or permitted by special exception (SE), a reference to the corresponding section in *Article 6 - Conditional Use Regulations* or *Article 7 - Special Exception Regulations* is provided under “C/SE Reference.”

**506.3. Determination of principal use.** When multiple principal uses are proposed for a development site, each principal use shall be classified separately by the Zoning Administrator and shall be subject to all applicable regulations for that use.

**506.4. Zoning district table of permitted uses.**

**Zoning District Table of Permitted Uses**

P = Permitted C = Conditional SE = Special Exception Dash (-) = Not Permitted																
Description of Use	2017 NAICS	R-10	R-8	R-6	RD	RMX	NC	OC	CC	GC	LI	BI	D-1	CM	C/SE Reference	
<b>RESIDENTIAL USES</b>																
Cluster Development, Single-Family	NA	SE	SE	SE	SE	SE	SE	SE	-	-	-	-	SE	-	700.1	
Dwelling, Above Non-residential use	NA	-	-	-	-	-	-	-	C	-	-	-	-	-	600.1	
Dwelling, Two Family Detached	NA	-	-	P	-	P	P	P	-	-	-	-	-	-		
Dwelling, Existing	NA	-	-	-	-	-	-	-	C	-	-	-	-	P	600.2	
Dwelling, Multi-Family	NA	-	-	-	-	P	-	-	-	-	-	-	-	-		
Dwelling, Multi-Family, Existing	NA	-	-	P	-	P	P	P	-	-	-	-	-	-		
Dwelling, Patio Home	NA	-	-	P	P	P	P	P	-	-	-	-	-	-		
Dwelling, Three and Four Family	NA	-	-	P	-	P	P	P	-	-	-	-	-	-		
Dwelling, Single-Family Attached - Townhouse - Zero Lot Line	NA	-	-	-	-	P	P	P	-	-	-	-	-	-		
Dwelling, Single-Family Detached	NA	P	P	P	P	P	P	P	C	-	-	-	P	-	600.2	
Manufactured Home Park	531190	-	-	-	-	SE	-	-	-	-	-	-	-	-	700.2	
Rooming and Boarding House	721310	-	-	-	-	-	-	-	P	-	-	-	-	-		
<b>ACCESSORY USES TO RESIDENTIAL USES</b>																
Accessory Apartment, ≤ 800 sq. ft.	NA	-	-	-	-	C	-	-	-	-	-	-	-	-	600.3	
Accessory Uses on the same lot with the existing residential use	NA	-	-	-	-	-	-	-	-	-	-	-	-	P		

Zoning District Table of Permitted Uses

P = Permitted C = Conditional SE = Special Exception Dash (-) = Not Permitted																
Description of Use	2017 NAICS	R-10	R-8	R-6	RD	RMX	NC	OC	CC	GC	LI	BI	D-1	CM	C/SE Reference	
Disaster Shelter	NA	P	P	P	P	P	P	-	-	-	-	-	P	-		
Family Day Care Home	624410	C	C	C	C	C	C	C	C	-	-	-	C	-	600.4	
Kennel, Private	NA	C	C	C	C	C	C	-	-	-	-	-	C	-	600.5	
Garage for Motor Vehicle, Private	NA	P	P	P	P	P	P	-	-	-	-	-	P	-		
Garden, Private (non-commercial)	NA	P	P	P	P	P	P	-	-	-	-	-	P	-		
Greenhouse or Slathouse, Private (non-commercial)	NA	P	P	P	P	P	P	-	-	-	-	-	P	-		
Home Occupation	NA	C	C	C	C	C	C	-	-	-	-	-	C	-	600.6	
Non-commercial Horticulture or Agriculture, including the keeping of poultry or animals		-	-	-	-	-	-	-	-	-	-	-	P	-		
Open Parking Area for two motor vehicles per DU, may be used for one Commercial Motor Vehicle (one ton in capacity) per DU	NA	P	P	P	P	P	P	-	-	-	-	-	P	-		
Private Swimming Pool including Deck, Bath House or Cabana	NA	P	P	P	P	P	P	-	-	-	-	-	P	-		
Private Tennis Court, Picnic Facilities, Other Outdoor Recreation	NA	P	P	P	P	P	P	-	-	-	-	-	P	-		
Private Residential Community Recreation, Community Center, Common Area, or Storage Area (within residential community or development)	NA	C	C	C	C	C	C	-	-	-	-	-	-	-	600.11	
Structure for Storage of Building or Lot Maintenance Equipment	NA	P	P	P	P	P	P	-	-	-	-	-	P	-		
<b>EDUCATIONAL USES</b>																
College, University, Technical or Community College	6113	-	-	-	-	-	SE	SE	P	P	P	P	SE	P	700.4	
College or University Dormitory	6113	-	-	-	-	-	-	-	SE	P	P	P	SE	P		
Educational Support Services	6117	-	-	-	-	-	P	-	P	P	P	P	-	-		
Elementary, Intermediate or Middle School, Public and Private	6111	P	P	P	P	P	P	-	P	P	P	P	-	-		
Kindergarten, Public and Private	6111	P	P	P	P	P	P	-	P	P	P	P	-	-		
Other Schools and Places of Instruction	6116	-	-	-	-	-	C	C	P	P	P	P	-	-	600.8	
Preschool	624410	SE	SE	SE	SE	P	-	-	P	P	P	P	SE	-	700.6	

Zoning District Table of Permitted Uses

P = Permitted C = Conditional SE = Special Exception Dash (-) = Not Permitted																
Description of Use	2017 NAICS	R-10	R-8	R-6	RD	RMX	NC	OC	CC	GC	LI	BI	D-1	CM	C/SE Reference	
Professional, Vocational, Technical or Trade School	6114 6115	-	-	-	-	-	SE	SE	P	P	P	P	SE	-	700.3	
High School, Public and Private	6111	P	P	P	P	P	P	-	P	P	P	P	-	-		
<b>HEALTHCARE AND SOCIAL SERVICE USES</b>																
Ambulance and EMS Services	621910	-	-	-	-	-	-	-	-	-	P	P	-	-		
Community Care Retirement Communities and Assisted Living Facilities for the Elderly	6233	SE	SE	SE	SE	P	-	-	P	P	P	P	-	-	700.5	
Day Care Centers, Adult and Child	624120 624410	SE	SE	SE	SE	P	-	P	-	P	P	P	SE	-	700.6	
Home Health Care services	6216	-	-	-	-	-	-	-	P	P	P	P	-	-		
Hospitals	6221 6222 6223	-	-	-	-	-	-	-	-	P	P	P	-	-		
Intellectual and Developmental Disabilities Residential Facilities - 10 or more residents	623210	-	-	-	-	P	-	-	-	P	P	P	-	-		
Laboratory, Medical and Diagnostic	6215	-	-	-	-	-	-	-	P	P	P	P	-	-		
Mental Health and Substance Abuse Residential Facilities	623220	-	-	-	-	P	-	-	-	P	P	P	-	-		
Nursing Home	6231	SE	SE	SE	SE	SE	-	SE	P	P	P	P	-	-	700.7	
Other Residential Care Facilities	6239	-	-	-	-	P	-	-	-	P	P	P	-	-		
Other Ambulatory Health Care Services	6219	-	-	-	-	P	-	-	P	P	P	P	-	-		
Outpatient Care Centers	6214	-	-	-	-	-	-	-	P	P	P	P	-	-		
Physician, Dentist, Other Health Care Practitioner Office	6211 6212 6213	-	-	-	-	-	P	P	P	P	P	P	-	-		
Social Services and Assistance	6241 6242 6243	-	-	-	-	P	P	P	P	P	P	P	-	-		
<b>GOVERNMENT</b>																
Correctional Institution, City or County	922140	-	-	-	-	-	-	-	-	-	P	P	P	-		
Correctional Institution, Other	922140	-	-	-	-	-	-	-	-	-	P	P	P	-		
Executive, Legislative, General Government	921 923 924 925 926	C	P	P	P	P	P	-	P	P	P	P	C	-	600.7	
Fire Services	922160	P	P	P	P	P	P	-	P	P	P	P	P	-		
Judicial Building	922110 922130	P	P	P	P	P	P	-	P	P	P	P	P	-		
Police Services	922120	P	P	P	P	P	P	-	P	P	P	P	P	-		

Zoning District Table of Permitted Uses

P = Permitted C = Conditional SE = Special Exception Dash (-) = Not Permitted															
Description of Use	2017 NAICS	R-10	R-8	R-6	RD	RMX	NC	OC	CC	GC	LI	BI	D-1	CM	C/SE Reference
Post Office	491	-	-	-	-	-	-	-	P	P	P	P	-	-	
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>															
Amusement Arcade	713120	-	-	-	-	-	-	-	P	P	P	P	-	-	
Amusement Ride	713990	-	-	-	-	-	-	-	P	P	P	P	-	-	
Art Gallery	712110	-	-	-	-	-	-	P	P	P	-	-	-	-	
Artists, Writers and Performers	7115	-	-	-	-	-	-	P	P	P	P	P	-	-	
Ball Field	713990	-	-	C	-	C	-	-	C	C	C	C	-	-	600.11
Botanical Garden	712130	-	-	-	-	-	-	P	P	P	-	-	-	-	
Bowling Center	713950	-	-	-	-	-	-	-	P	P	P	P	-	-	
Dance Studios	713990	-	-	-	-	-	C	C	P	P	P	P	-	-	600.8
Driving Range, Standalone	713990	-	-	-	-	-	-	-	-	P	P	P	-	-	
Fairs	711310	-	-	-	-	-	-	-	-	P	P	P	-	-	
Fitness and Recreational Sports Center	713940	-	-	-	-	-	-	-	P	P	P	C	-	-	600.9
Golf Course, Regulation	713910	-	-	P	-	P	-	-	-	P	P	P	-	-	
Golf Course, Regulation or Par 3, unlighted	713910	SE	SE	P	SE	P	-	-	-	P	P	P	SE	-	700.8
Miniature Golf	713990	-	-	-	-	-	-	-	-	C	C	C	-	-	
Museum	712110	-	-	-	-	-	-	P	P	P	-	-	-	-	
Nature Park	712190	-	-	-	-	-	-	-	P	P	-	-	-	-	
Outdoor Assembly	713990	-	-	-	-	-	-	-	C	C	C	C	-	C	600.10
Park with Playground	713990	-	-	C	-	C	-	-	C	C	C	C	-	-	600.11
Park and Recreation Facilities	713940 713990	-	-	-	-	-	-	-	P	P	P	P	-	-	
Performing Arts Facilities	7111	-	-	-	-	-	-	-	P	P	P	P	-	-	
Racetracks	711212	-	-	-	-	-	-	-	-	-	-	P	-	-	
Recreational Day Camp	611620	-	-	-	-	-	-	-	P	P	P	P	-	-	
Shooting or Archery Range	713990	-	-	-	-	-	-	-	P	P	P	P	-	-	
Spectator Sport Complex	71121	-	-	-	-	-	-	-	-	C	C	C	-	C	600.10
Stadium	711310	-	-	-	-	-	-	-	-	C	C	C	-	C	600.10
Swimming	713940	-	-	C	-	C	-	-	C	C	C	C	-	-	600.11
Tennis	713940	-	-	C	-	C	-	-	C	C	C	C	-	-	600.11
Zoo	712130	-	-	-	-	-	-	-	-	P	-	-	-	-	
<b>RELIGIOUS, SERVICE, CIVIC, AND PROFESSIONAL ORGANIZATIONS</b>															
Grant Making and Giving Services, Social Advocacy Organizations	8132 8133	-	-	-	-	P	-	P	P	P	-	-	-	-	
Membership Organizations - Civic and Social, Business, Professional, Labor, Political, and Similar Organizations	8134 8139	-	-	-	-	-	P	P	P	P	-	-	-	-	
Religious Organizations and Customary Accessory Uses	8131	C	P	P	P	P	P	P	P	P	-	-	C	-	600.7

Zoning District Table of Permitted Uses

P = Permitted C = Conditional SE = Special Exception Dash (-) = Not Permitted																
Description of Use	2017 NAICS	R-10	R-8	R-6	RD	RMX	NC	OC	CC	GC	LI	BI	D-1	CM	C/SE Reference	
<b>ACCOMMODATION AND FOOD SERVICES</b>																
Bed and Breakfast Inn	721191	P	P	-	P	-	-	-	P	P	-	-	P	-		
Brewpub	7225/ 312120	-	-	-	-	-	-	P	P	P	P	-	-	-		
Drinking Places, Bars	7224	-	-	-	-	-	-	P	P	P	P	-	-	-		
Hotels and Motels	72111	-	-	-	-	-	-	P	P	P	-	-	-	-		
Restaurants and Other Eating Places	7225	-	-	-	-	-	SE	P	P	P	P	-	-	SE	700.9	
Special Food Service	7223	-	-	-	-	-	-	P	P	P	P	-	-	-		
<b>OTHER SERVICES</b>																
Administrative and Support Services	561	-	-	-	-	-	-	-	P	P	-	-	-	-		
Automotive Repair and Maintenance	8111	-	-	-	-	-	-	-	-	C	C	P	-	-	600.12	
Car Wash	811192	-	-	-	-	-	SE	-	-	P	P	P	P	-	700.10	
Carpet and Upholstery Cleaning	561740	-	-	-	-	-	-	-	P	P	-	-	-	-		
Cemetery	812220	C	C	-	C	-	-	-	P	P	P	-	C	-	600.13	
Commercial and Industrial Machinery and Equipment Repair and Maintenance	8113	-	-	-	-	-	-	-	-	P	P	P	P	-		
Dry Cleaning and Laundry, excluding coin operated, drop-off and pickup sites	812320	-	-	-	-	-	P	-	P	P	-	-	-	-		
Dry Cleaning and Laundry, coin operated	812310	-	-	-	-	-	P	-	P	P	-	-	-	-		
Dry Cleaning and Laundry Plants	812320	-	-	-	-	-	-	-	P	P	P	P	-	-		
Electronic and Precision Equipment Repair and Maintenance	8112	-	-	-	-	-	-	-	-	P	P	P	P	-		
Funeral Home, Crematories	812210 812220	-	-	-	-	-	-	-	P	P	-	-	-	-		
Gunsmith	811490	-	-	-	-	-	-	-	-	P	-	-	-	-		
Kennel, Other Pet Care Services	812910	-	-	-	-	-	-	-	-	P	P	P	P	-		
Landscaping Service	561730	-	-	-	-	-	-	-	-	P	-	-	-	-		
Locksmith	561622	-	-	-	-	-	-	-	-	P	P	P	P	-		
Other Personal Services, excluding Astrologers and fortune tellers (NAICS 812990)	8129	-	-	-	-	-	-	-	P	P	P	P	P	-		
Personal Care Services (including Barber & Beauty shops, Nail Salons, Day Spas), excluding Tattoo Parlors and Sexually Oriented Businesses (NAICS 812199)	8121	-	-	-	-	-	P	-	P	P	-	-	-	-		

Zoning District Table of Permitted Uses

P = Permitted C = Conditional SE = Special Exception Dash (-) = Not Permitted																
Description of Use	2017 NAICS	R-10	R-8	R-6	RD	RMX	NC	OC	CC	GC	LI	BI	D-1	CM	C/SE Reference	
Personal and Household Goods Repair	8114	-	-	-	-	-	-	-	P	P	P	P	P	-		
Sexually Oriented Business	812199	-	-	-	-	-	-	-	-	C	-	-	-	-	600.14	
Social Advocacy, Business, Professional and Similar Organizations	8133 8139	-	-	-	-	-	P	P	-	P	-	-	-	-		
Tailor, Dress Maker, Alterations	315220 315240 811490	-	-	-	-	-	-	-	P	P	P	P	P	-		
Tattoo or Body Piercing Establishment	812199	-	-	-	-	-	-	-	-	P	-	-	-	-		
<b>COMMERCIAL - RETAIL</b>																
Automotive Parts, Accessories and Tire Stores	4413	-	-	-	-	-	-	-	-	P	P	-	-	-		
Automobile Service Station, Gasoline Station	447	-	-	-	-	-	SE	-	SE	SE	SE	SE	-	-	700.12	
Bakery	445291	-	-	-	-	-	P	P	P	P	P	P	-	-		
Beer, Wine and Liquor Store	4453	-	-	-	-	-	-	-	P	P	P	-	-	-		
Building Materials and Supplies	4441	-	-	-	-	-	-	-	P	P	P	P	-	-		
Clothing and Accessories Store	448	-	-	-	-	-	P	P	P	P	P	P	-	-		
Commercial Activities visible from public right-of-ways or adjacent private property in the CM zoning district, excluding NAICS 7225 Restaurant and Other Eating Places	44 45	-	-	-	-	-	-	-	-	-	-	-	-	SE		
Convenience Store with Fuel Pumps	447110	-	-	-	-	-	SE	-	SE	SE	SE	SE	-	-	700.12	
Convenience Store w/o Fuel Pumps	445120	-	-	-	-	-	SE	P	P	P	P	-	-	-	700.13	
Courier Services	492	-	-	-	-	-	-	-	-	-	P	P	-	-		
Furniture, Home Furnishings, Electronics, Appliance Store	442 443	-	-	-	-	-	-	-	P	P	P	P	-	-		
Flea Market - Open Yard for Sale, Rental or Storage of New or Used Junk or Salvaged Materials or Equipment	453310	-	-	-	-	-	-	-	-	-	-	SE	-	-	700.14	
Gasoline Station, w/o convenience store	447190	-	-	-	-	-	SE	-	SE	C	C	C	-	-	700.12	
General Merchandise Stores	452	-	-	-	-	-	-	-	P	P	P	P	-	-		
Grocery and Beverage Store	445	-	-	-	-	-	-	-	P	P	P	P	-	-		
Hardware Store	444130	-	-	-	-	-	-	-	P	P	P	P	-	-		
Health and Personal Care Store	446	-	-	-	-	-	P	P	P	P	P	P	-	-		
Jewelry Store	448310	-	-	-	-	-	-	-	P	P	P	P	-	-		

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Description of Use	2017 NAICS	R-10	R-8	R-6	RD	RMX	NC	OC	CC	GC	LI	BI	D-1	CM	C/SE Reference
Manufactured Home Dealer	453930	-	-	-	-	-	-	-	-	P	P	P	-	-	
Mini-warehouse and Commercial Personal Storage	531130	-	-	-	-	-	-	-	-	P	P	P	-	-	
Motor Vehicle Dealers	4411 4412	-	-	-	-	-	-	-	-	P	P	-	-	-	
Non-store Retailers	454	-	-	-	-	-	-	-	P	P	P	P	-	-	
Nursery, Lawn/Garden Equipment and Supplies, Farm Supplies	4442	-	-	-	-	-	-	-	P	P	-	-	-	-	
Roadside Fruit and Vegetable Markets	445230	-	-	-	-	-	-	-	P	P	-	-	-	-	
Sporting Goods, Hobby, Music, Book Store	451	-	-	-	-	-	P	P	P	P	P	P	-	-	
Store Retailers, Other Miscellaneous (excluding NAICS 453930 Manufactured Home Dealer)	453	-	-	-	-	-	P	P	P	P	P	P	-	-	
Tobacco, Cigar, Cigarette, Vape, and CBD Stores	453991 453998	-	-	-	-	-	-	-	P	P	-	-	-	-	
Vending Machine Operators	4542	-	-	-	-	-	-	-	P	P	P	P	-	-	
<b>COMMERCIAL - WHOLESALE</b>															
Durable and Nondurable Goods, Wholesale Trade (excluding NAICS 424690, 423930, 423140, 424710)	42	-	-	-	-	-	-	-	P	P	P	-	-	-	
Other Chemical and Allied Products Wholesalers	424690	-	-	-	-	-	-	-	-	P	P	-	-	-	
Petroleum Bulk Stations and Terminals, Wholesale	424710	-	-	-	-	-	-	-	-	P	P	-	-	-	
Salvage and Scrap Operations; Recyclable Materials Merchant, Wholesale; Used Motor Vehicles Parts, Wholesale; Junkyards	423930 423140	-	-	-	-	-	-	-	-	C	C	SE	-	-	600.15 700.15
<b>INFORMATION</b>															
Broadcasting and Telecommunication (except NAICS 517312 communications towers)	515 517	-	-	-	-	-	-	-	P	P	P	P	-	-	
Information and Data Processing	518 519	-	-	-	-	-	-	-	P	P	P	P	-	-	
Libraries, Archives	519120	-	-	-	-	-	-	P	P	P	P	P	-	-	
Motion Picture Production (except 512131 and 512132)	5121	-	-	-	-	-	-	-	-	P	-	-	-	-	
Movie Theater (not drive-in)	512131	-	-	-	-	-	-	-	P	P	-	-	-	-	

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Description of Use	2017 NAICS	R-10	R-8	R-6	RD	RMX	NC	OC	CC	GC	LI	BI	D-1	CM	C/SE Reference	
Movie Theater (drive-in)	512132	-	-	-	-	-	-	-	-	-	-	-	-	-		
Newspaper and Software Communications and publishing	511	-	-	-	-	-	-	-	-	-	P	P	-	-		
Communication Tower, Cell, and Antennas	517312	C/SE	C/SE	C/SE	C/SE	C/SE	C/SE	C/SE	C/SE	C/SE	C/SE	C/SE	C/SE	-	600.16 700.16	
Small Wireless Facilities	517312	C	C	C	C	C	C	C	C	C	C	C	C	-	600.28	
<b>PROFESSIONAL AND OFFICE</b>																
Architecture Office	541310	-	-	-	-	-	-	P	P	P	P	P	-	-		
Engineering or Surveyor Office	541330 541370	-	-	-	-	-	P	C	P	P	P	P	-	-	600.17	
Branch Bank, Savings and Loan, Small Loan Company	522	-	-	-	-	-	P	P	P	P	P	P	-	-		
Contractors, All Types	23	-	-	-	-	-	C	C	-	-	-	-	-	-	600.17	
Finance and Insurance	52	-	-	-	-	-	-	P	P	P	P	P	-	-		
Funds, Trusts and Other Financial Vehicles	525	-	-	-	-	-	-	-	P	P	P	P	-	-		
Insurance Agents	524	-	-	-	-	-	P	P	P	P	P	P	-	-		
Financial Planning, Investment Broker	523	-	-	-	-	-	P	P	P	P	P	P	-	-		
Offices of Bank Holding and Other Holding Companies	551111 551112	-	-	-	-	-	-	P	P	P	P	P	-	-		
Pawn Shops	522298	-	-	-	-	-	-	-	P	P	P	P	-	-		
Professional, Scientific and Technical Services and Offices (excluding NAICS 541940 Veterinary Services)	54	-	-	-	-	-	P	P	P	P	P	P	-	-		
Real Estate, Sales and Leasing	531	-	-	-	-	-	P	P	P	P	P	P	-	-		
Rental and Leasing	532	-	-	-	-	-	-	-	P	P	P	P	-	-		
Veterinary Services	541940	-	-	-	-	-	-	-	-	P	P	P	-	-		
<b>INDUSTRIAL - Processing, Manufacturing, Warehousing, Distribution</b>																
Fuel dealer	454310	-	-	-	-	-	-	-	-	-	C	C	-	-	600.18	

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Description of Use	2017 NAICS	R-10	R-8	R-6	RD	RMX	NC	OC	CC	GC	LI	BI	D-1	CM	C/SE Reference
Manufacturing, Processing and Packing, Limited	311212 311340 31135 3114 3118 3119 31211 314 315 3169 323 325620 327110 337110 339910 5111 519130	-	-	-	-	-	-	-	-	-	P	-	-	-	
Manufacturing, Processing and Packing, All Types - <u>except</u> those uses listed under <i>Manufacturing, Processing and Packing, Limited</i>	31, 32, 33	-	-	-	-	-	-	-	-	-	SE	-	-	-	700.17
Manufacturing, Processing and Packing, All Types - <u>except</u> those involving open storage of junk/salvage or producing noise, vibration, smoke, gas, odor, dust, fire hazard, radiation, or other conditions that could adversely affect adjacent lots	31, 32, 33	-	-	-	-	-	-	-	-	-	P	-	-		
Manufacturing, Processing and Packing - involving open storage of junk/salvage or producing noise, vibration, smoke, gas, odor, dust, fire hazard, radiation, or other conditions that could adversely affect adjacent lots	31, 32, 33	-	-	-	-	-	-	-	-	-	SE	-	-		700.18
Manufacturing, Petroleum and Coal Products	324	-	-	-	-	-	-	-	-	-	C	P	-	-	600.19
Manufacturing, Explosives	325920	-	-	-	-	-	-	-	-	-	C	P	-	-	600.19
Micro-brewery	312120	-	-	-	-	-	-	-	-	-	P	P	-	-	
Micro-distillery	312140	-	-	-	-	-	-	-	-	-	P	P	-	-	
Warehousing and Storage	493	-	-	-	-	-	-	-	-	-	P	P	-	-	
<b>TRANSPORTATION</b>															

Zoning District Table of Permitted Uses

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Description of Use	2017 NAICS	R-10	R-8	R-6	RD	RMX	NC	OC	CC	GC	LI	BI	D-1	CM	C/SE Reference
Air Transportation and Support	4811 48121 4881	-	-	-	-	-	-	-	-	-	-	-	-	-	
Bus and Rail Terminals	488490 488210	-	-	-	-	-	-	-	SE	-	P	P	-	-	
Railroad Transportation	482	-	-	-	-	-	-	-	-	-	P	P	-	-	
Scenic and Sightseeing Transportation	487	-	-	-	-	-	-	-	-	-	P	P	-	-	
Transit and Ground Passenger Transportation	485	-	-	-	-	-	-	-	-	-	P	P	-	-	
Transportation Support Activities (excluding NAICS 4881, 488490, 488210)	488	-	-	-	-	-	-	-	-	-	P	P	-	-	
Truck Transportation	484	-	-	-	-	-	-	-	-	-	P	P	-	-	

UTILITIES AND INFRASTRUCTURE															
Alternative Solar Energy Generation, Non-Commercial	NA	C	C	C	C	C	C	C	C	C	C	C	C	C	600.25
Compost Facilities	562219	-	-	-	-	-	-	-	-	-	P	P	-	-	
Electric Power Generation, not including solar farm (NAICS 221114)	22111	-	-	-	-	-	-	-	-	-	P	P	-	-	
Landfill, Class One and Two, except hazardous waste disposal	562212	-	-	-	-	-	-	-	-	-	P	P	-	-	
Public Telecommunications Utility Substation	517	-	-	-	-	-	-	-	-	P	P	P	-	-	
Public Electric, Gas, Water, Sewer, Refuse Utility Substation	22	C	C	C	C	C	C	C	P	P	P	P	C	-	600.20
Renewable Power Generation, Non-commercial, not including solar farm (NAICS 221114)	22111	-	-	-	-	-	-	-	-	-	P	P	-	-	
Sewage Treatment Facilities	221320	-	-	-	-	-	-	-	-	-	P	P	-	-	
Solar Farm	221114	-	-	-	-	-	-	-	-	-	C	C	-	-	600.26
Waste Management and Remediation Services (excluding NAICS 562212 - Landfill)	562	-	-	-	-	-	-	-	-	-	P	P	-	-	
Water Tower	221310	C	C	C	C	C	C	C	P	P	P	P	C	-	600.20
Water Treatment Plants	221310	-	-	-	-	-	-	-	-	-	P	P	-	-	
Utility, Public Utility Office or Operations Center only	22	-	-	-	-	-	-	-	P	P	P	P	-	-	
NATURAL RESOURCES - Agriculture, Forestry, Mining/Extractive															
Farmer's Markets per DHEC	445230	-	-	-	-	-	-	-	-	-	-	-	-	-	

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Description of Use	2017 NAICS	R-10	R-8	R-6	RD	RMX	NC	OC	CC	GC	LI	BI	D-1	CM	C/SE Reference
Nursery and Tree Production, Floriculture Production (including retail sale of plants grown on and offsite and associated compatible products)	111421 111422	-	-	-	-	-	-	-	-	-	P	P	-	-	
<b>ASSESSORY USES TO NON-RESIDENTIAL USES</b>															
Completely Enclosed Building for Storage of Supplies or Merchandise for Use in the Principal Business or Industry	NA	-	-	-	-	-	P	P	-	-	-	-	-	-	
Shed for Storage of Building or Lot Maintenance Equipment for Nonresidential use	NA	-	-	-	-	-	-	-	-	-	-	-	-	-	
Solar Farm, Accessory Use	221114	-	-	-	-	-	-	-	-	-	C	C	-	-	600.26

<b>TEMPORARY USES</b>															
Christmas Tree Sales	NA	-	-	-	-	-	C	C	C	C	C	C	-	-	600.21
Contractor Office and Equipment Shed - Temporary	23	C	C	C	C	C	C	C	C	C	C	C	C	-	600.22
Garage Sales	NA	P	P	P	P	P	P	-	-	-	-	-	P	-	
Group Assembly in a Tent or other Temporary Structure	NA	-	-	-	-	-	-	-	-	-	C	C	-	-	600.23
Mobile Vendor Trucks	722330	-	-	-	-	-	-	-	C	C	-	-	-	-	600.27
Portable On-demand Storage Container (POD)	NA	C	C	C	C	C	C	C	C	C	C	C	C	C	600.24

**507. PDD – PLANNED DEVELOPMENT DISTRICT REGULATIONS.**

**507.01. Planned Development Districts.**

- A. Planned development districts may permit a mixture of different types of housing with compatible commercial uses, shopping centers, office parks and other mixed use developments.
- B. Flexibility in design, character, and quality of development and preservation of natural and scenic features are made possible through the approval of a plan which describes the specific uses, densities, setbacks, and other requirements for a planned development district.
- C. The approved plan shall constitute the district regulations for a particular planned development district.

**507.02. PDD Requirements.** The following regulations shall apply in all Planned Development Districts. Whenever there is a conflict between these regulations and any other regulations in this Zoning Ordinance, the most stringent shall prevail.

- A. Permitted uses in PDDs. Any combination (mix) of uses meeting the objectives of this section may be established in a PDD upon review and approval by the Planning Commission and City Council. Once approved, these uses and no others shall be permitted. Said uses shall be identified as listed per § 506.4 – *Zoning District Table of Permitted Uses*. The list of approved uses shall be binding on the applicant and any successor in title, so long as PDD zoning applies to the land, unless otherwise amended by Ordinance.
- B. Mixture of uses required. For PDDs that are or are planned to be primarily residential, a minimum of 10 percent of the total gross area of the PDD must be reserved for office, retail, service, live-work units and other non-residential uses that serve the needs of project residents and others in the vicinity of the development. For PDDs that exist or are planned to be primarily non-residential, a minimum of 10 percent of the total gross area of the PDD must be reserved for residential uses.
- C. Pre-application Meeting. A pre-application conference to discuss a proposed PDD is encouraged, but not required.
- D. Establishment of Planned Development Districts.
1. PDDs shall be established on the official zoning map by the same procedure as for amendments generally as provided in § 408 - *Amendments* and in accordance with the requirements of this section.
  2. The Planning Commission will review the conceptual plan and text to ensure conformity with this section and applicable requirements of the *City of Newberry Land Development Regulations*; to consider the comments of the staff review; to obtain and consider public comments concerning the proposed PDD; and to provide a recommendation to City Council on the zoning amendment.
  3. Upon approval by City Council, the conceptual plan along with all supporting documentation and text shall constitute the PDD ordinance.
  4. Zoning and building permits shall not be issued until the PDD is approved by City Council, and approved plats, the approved descriptive statement and all required restrictive covenants are filed for record with the Municipal Clerk and the Clerk of Court for Newberry County and all required bonds are posted with the Municipal Clerk.

- E. Infrastructure. The developer is authorized to begin construction of streets and infrastructure following verification that the preliminary plat complies with all requirements specified by City Council, the Planning Commission, SC DHEC, the *City of Newberry Land Development Regulations*, and other approved conditions including recording of restrictive covenants.
- F. Plat approval. Preliminary and final plat approval shall also comply with *City of Newberry Land Development Regulations*.
- G. Mapping. Each PDD shall be identified on the zoning map and in the Zoning Ordinance by a prefix and number indicating the particular district, as for example "PDD-1," together with whatever other identification appears appropriate.
- H. Conceptual Plan and Text Requirements.
1. A conceptual site development plan meeting the requirements for site plans contained in § 403.4 – *Application requirements for permits* shall be submitted along with a conceptual land use plan for the entire site. A complete application shall also include the following:
    - a. Additional site plan information provided to scale, to include at a minimum:
      - i. Legal description of site boundaries, total area of site;
      - ii. Area and location of each proposed type of use;
      - iii. Proposed number and density of dwelling units by type;
      - iv. Existing topography, vegetation, drainage, floodplains, wetlands, and waterways;
      - v. Location and capacity of existing utilities and streets;
      - vi. Types and location of surrounding development;
      - vii. Proposed landscaping, berms, open spaces (noting if proposed to be dedicated for public use), and walkways;
      - viii. Proposed buffers, setbacks, and screening devices;
      - ix. Means of ingress and egress, vehicular circulation, including ownership and maintenance of streets and proposed dedication to public;
      - x. Proposed parking and traffic impact both within the site and on adjacent districts and streets;
      - xi. Steps proposed to comply with sediment control and storm drainage regulations;

- xii. Existing and proposed structures and buildings;
  - xiii. Historic structures and other historic resources;
  - xiv. Proposed signs and lighting;
  - xv. Design standards, procedures, and methods demonstrating that the development will be compatible with the surrounding area; and
  - xvi. Any other information that may reasonably be required for review.
- b. Proposed restrictive covenants and property owners' association documents to be recorded to ensure the establishment of any property owners association required to maintain common areas and to verify that no conflicts exist between the requirements of the PDD and those contained within the restrictive covenants. Notwithstanding this provision, the City of Newberry has no authority or responsibility to enforce deed restrictions.
- c. A preliminary development schedule for the completion of roads, infrastructure, buffer yards, parks, trails, and any other proposed improvements for general use. This schedule shall include any proposed development phasing with anticipated time frames.
2. The Planning Commission may establish additional requirements for conceptual plan approval and, in special cases, may waive a particular requirement if, in the opinion of the Planning Commission, the inclusion of that requirement is not essential to a proper assessment of the project.
- I. Minimum area required. Minimum area requirements for establishing a PDD shall be 10 contiguous acres in all districts.
- J. Development standards.
1. Density and height requirements. Residential density, setbacks, impervious surface ratios, and building heights shall be based on the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities; however:
- a. Buildings may not exceed a height of 60 feet as measured to the roof line. This height requirement is not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, and antennae, however height regulations for these structures may be provided in *Article 6 – Conditional Use Regulations* or *Article 7 – Special Exception Regulations*.

- b. A 20-foot setback will be required along the perimeter of all lot lines. The setback from any existing street shall be the lesser of 35 feet or the average setback of existing adjacent single-family dwellings that front on the same street within 100 feet in either direction of the proposed building. Non-single-family dwellings and non-residential uses may be granted a lesser setback to achieve more urban densities and building wall patterns desired by the City.
    - c. Maximum single-family residential density is eight units per acre. Non-single-family residential density shall be established on a case-by-case basis by the City consistent with the context of its location.
2. Maximum lot coverage. The maximum impervious surface ratio is 70 percent.
3. Lot sizes. Lot width, minimum lot size, and street frontage shall be as established in the approved plan. Dimensional standards should be consistent and compatible with the context in which the lots are located and the purposes they serve.
4. Overall site design. The overall site design shall be consistent and compatible with adopted plans and policies for the area in which the project is located and with adjacent residential neighborhoods and coordinated with existing infrastructure such as roads and sidewalks.
5. Parking and loading. Off-street parking and loading spaces for each PDD shall comply with the requirements of *Article 11 – Parking and Loading Regulations*, as applicable, for the various uses proposed for the PDD unless waived by the Planning Commission based upon development site characteristics and context. Dense development may require supplemental parking areas or wider streets to allow on-street parking in addition to off-street parking requirements.
6. Buffers and landscaping. A buffer area at least 20 feet in width shall be provided along the exterior perimeter lot line unless waived or reduced by the Planning Commission based upon the context of the site. Buffers are not required in the interior of the PDD. Landscaping shall, at a minimum, meet the requirements established in *Article 10 – Landscaping, Buffers and Open Space Requirements*.
7. Streets and infrastructure. Streets within a PDD must meet the design and construction standards required by the *City of Newberry Land Development Regulations*.

8. Signage. Signage permitted shall be consistent, appropriately scaled and aesthetically compatible with the proposed PDD and shall comply with the requirements of *Article 9 - Sign Regulations*.
9. Open Space. The site design shall include designated common open space equal to a minimum of 20% of the gross land area of the site. Such open space shall comply with the requirements of *Article 10 – Landscaping, Buffers and Open Space Requirements*.
- K. Subdivision approval required. Whenever a land subdivision, as regulated by the *City of Newberry Land Development Regulations*, is required to implement a PDD, a preliminary plat shall be prepared for review that conforms to all of the requirements of the PDD approval, including the approved conceptual plan and development schedule. No development shall take place onsite until such plat has been approved by the City.
- L. Installation of improvements; financial guarantees. Where public improvements, such as common amenities or infrastructure, are proposed, such improvements shall be installed in accordance with a development schedule to be approved as part of the PDD Plan and designed to specifications as required by the *City of Newberry Land Development Regulations*. The City may accept financial guarantees in lieu of installation of required improvements for the purposes of building construction. Such guarantees must be in a form and an amount acceptable to the City and posted with the Municipal Clerk prior to the release of any building or zoning permits authorizing construction.
- M. Administrative action. Building and zoning permits shall not be issued until the PDD is approved by City Council; approved plats, the approved plan, and all required restrictive covenants are filed for record with the Clerk of Court for Newberry County; and all required bonds are posted with the Municipal Clerk.
- N. Changes in approved PDD plans. Except as provided below, approved PDD plans shall be binding on the owner and any successor in title.
  1. Minor changes. Changes proposed in writing by the applicant which do not alter district boundaries and which involve revision of minor characteristics of the PDD such as revision of floor plans, facades, landscaping; or relocation of drainage structures, and features which do not substantially alter the approved plan concept, anticipated offsite impacts, or violate any applicable regulations may be approved by the Zoning Administrator. The authority given to the Zoning Administrator to grant such minor changes shall be construed to be permissive and not mandatory and the Zoning Administrator may decline to allow such change. In the event this occurs, the applicant shall

have the right to request a major change to the PDD as stipulated in subsection (2) below.

2. Major changes. Changes proposed in writing by the applicant which alter district boundaries or which substantially alter the characteristics of the PDD shall be submitted under normal zoning amendment procedures applicable to establishment of the PDD.
  3. Permits. No zoning or building permits involving a minor or major change of the PD descriptive statement or map shall be issued until the written change is filed with the Municipal Clerk and recorded in the office of the Clerk of Court for Newberry County.
- O. Expiration of time limits on PDD Amendments. The final approved plan for a PDD shall be in effect for a period of two years or other specified development schedule included within the approved plan. The owner of an approved PDD may apply in writing before the end of the approval period to the Planning Commission for an annual one-year extension. The Planning Commission may approve applications for up to five annual extensions of the approval period if a timely and proper written application has been filed with the Planning Commission and if progress is being made towards project execution. If no such application is made, the approval period or extension shall expire at the end of the approval or extension period.
- P. Failure to begin; failure to progress; failure to complete. If the responsible party fails to begin, fails to progress, or fails to complete development as agreed in the descriptive statement, City Council may charge the property owner with violation of the Zoning Ordinance, may rezone the property, or may take any combination of these actions. In any event, if the planned development is not initiated within two years of its establishment, the Planning Commission shall initiate the rezoning of the property to an appropriate zoning district classification in conformity with the comprehensive plan.

**508. OVERLAY DISTRICTS.**

**508.1. Requirements.** The requirements of this section shall apply to the following Districts established by § 500.1.

- CTO – Campus Transition Overlay
- HBO – Historic Buildings District Preservation Overlay
- ISO – Interstate Sign Overlay
- MSIO – Main Street/Interstate Sign Overlay

**508.2. Establishment.** Overlay districts shall be established on the official zoning map by the

same procedure as amendments generally, as provided in § 408 by defining the boundaries of each district.

**508.3. Permitted uses.** Within overlay districts, permitted uses are determined by the "underlying" or primary zoning district. Where such districts overlay a Residential Zoning District, for example, only those uses permitted in the Residential Zoning District shall be permitted in the overlay district, subject to the additional requirements and standards of this section.

**508.4. CTO - Campus Transition Overlay**

A. General Requirements.

1. Occupancy.

a. No Institutional Office and Professional Uses may be occupied until all parking and buffer/landscaping requirements have been met, as approved by the Zoning Administrator.

2. Parking. Design of all parking lots, spaces, and drive lanes shall be as provided in *Article 11 – Parking and Loading Regulations*, except as provided in the following subsections.

a. On-site Parking.

i. Parking areas shall not occupy more than 40% of the available front yard.

ii. Parking areas shall be defined by a well-established border.

iii. Parking surface areas shall be constructed of impervious materials and/or all-weather, dustless, permeable materials provided that the surface is regularly maintained by the institution such that its permeability remains constant.

b. Off-site Parking. Total or partial off-site parking, in lieu of on-site parking, may be provided, subject to written approval of the Zoning Administrator. To obtain authorization, the institution shall, at a minimum, demonstrate the existence of unreserved, general parking

within 800 linear feet of the site, sufficient to meet the parking requirement.

- c. *Surface parking lots.*
  - i. Use of parking lots shall be restricted to parking only.
  - ii. Social uses and other temporary uses shall be prohibited except those temporary uses associated with athletic events, fundraising activities, and other similar special events officially sanctioned by the institution and conducted on an infrequent basis.
  - iii. Parking lots shall be constructed of impervious materials or all-weather, dustless, permeable materials provided that the surface is regularly maintained by the institution.
  - iv. Ingress and egress shall be prohibited from residential streets where suitable access can be provided from a thoroughfare or another College-owned property.
  - v. The institution shall be responsible for the parking area and landscape maintenance including routine litter control.
3. *Dimensional and Height Requirements.* See Article 8 – Area, Setback and Dimensional Requirements.
4. *Sign Regulations.* See Article 9 – Sign Regulations.
6. *Lighting.* The following lighting restrictions shall apply unless all adjoining properties are college-owned, with uses allowed in the CTO district.
  - a. The intensity and timing of lighting shall be the minimum level and hours necessary to provide a safe environment during authorized hours of use.
  - b. Lighting shall meet the requirements of § 308 – Light and Glare.
7. *General Landscaping, Perimeter Yards, and Buffer Yards.*
  - a. Properties devoted to institutional classrooms and institutional office and/or other professional uses shall meet the applicable requirements of Article 10 – Landscaping, Buffers and Open Space Requirements, except as provided below.

- i. For existing structures – where possible, Type A buffer yards shall be planted. Where there is insufficient area to accommodate Type A buffers, the Zoning Administrator shall require as much consistency with that requirement as is practicable.
    - ii. For new construction – Type C buffer yards shall be required on all lot lines unless adjoining lots are occupied by other permitted institutional facilities within CM or CTO.
    - iii. If adjoining lots are occupied by permitted institutional facilities or border public rights-of-way, at a minimum, Type A buffer yards shall be provided.
- B. Institutional Office and Professional Use (faculty, administrative, professional use) Requirements.
  - 1. Occupancy.
    - a. Offices within the CTO shall not be occupied more than 40-hours per week on average annually, with standard hours of occupancy limited to a work day period between 7:00 AM and 8:00 PM.
    - b. The intensity of occupation within the CTO shall be limited to the number of habitable interior rooms (i.e. excluding bathrooms, kitchens, and hallways) within the principal structure. Under this formula, the maximum permissible number of occupants shall equal the number of habitable rooms in the principal structure.
  - 2. On-site Parking. Where on-site parking is provided, one space per 375 square feet of gross floor area (i.e. 75% of the Office Commercial District requirement for similar uses) shall serve as the minimum requirement. However, parking areas shall not occupy more than 35% of the legally defined lot. This calculation excludes the aggregate square area occupied by the principal structure and accessory structures as allowed in the underlying zoning district.
- C. Institutional Classroom Use Requirements.
  - 1. Occupancy.
    - a. Institutional Classroom Uses within the CTO shall be limited to between 8:00 AM and 5:00 PM.

- b. The intensity of occupation within the CTO shall be limited to the number of students permitted by the National Fire Protection Association (NFPA) occupancy standards, not to exceed 20 students in existing structures and 40 students in new construction.
    - c. Office space shall be limited to not more than one office per 500 square feet of gross classroom building square footage.
  - 2. On-site Parking. On-site parking shall be sufficient to meet a minimum of one half of the maximum classroom seating capacity and one space per classroom building office. However, parking areas shall not occupy more than 40% of the legally defined lot. This calculation excludes the aggregate square area occupied by the principal structure and accessory structures as allowed in the underlying zoning district.
- D. Grandfathered Uses. The Lee Atwater Practice Soccer Field shall be considered a non-conforming, grandfathered use in the CTO and as such shall comply with all applicable requirements as provided in § 304 - *Nonconformities*.
- E. Contiguity. All CTO zoned property must be contiguous to CM or other CTO-zoned property. CTO uses are permitted in RD, R-6, R-8 and R-10 as stipulated in each districts' Special Exception provisions, where they also meet the contiguity requirement. For purposes of this overlay district "contiguity" is defined as two separate, legally defined lots, physically touching at least one point, or if the only intervening property is public right-of-way.
- F. CTO Expansion and Contraction Criteria. The original CTO boundary line was adopted with careful consideration and with the direct input of Newberry College and its surrounding neighborhoods, recognizing existing College ownership of many of the properties. Expansion or contraction of the CTO District should only be considered in the presence of significant justification and facts. The specific circumstances should meet a preponderance of the following minimum criteria.
  - 1. Expansion.
    - a. Significant unforeseen events, opportunities and/or needs have occurred since the original boundary adoption.
    - b. The inclusion of the new property corrects a significant oversight in the original or subsequent boundary adoption.
    - c. The current CTO acreage cannot accommodate the new need.

- d. The new need can only be accommodated by the addition of more acreage into the CTO.
- e. The property proposed for inclusion in the CTO provides unique opportunities, currently not found in the CTO.
- f. The expansion is justified by a written, adopted plan, stated need and associated commitments by the College and any associated stakeholders.
- g. The expansion is not proposed primarily for political expediency or gain.
- h. The acreage proposed for expansion is being traded for acreage being deleted from the CTO.

2. Contraction.

- a. Significant unforeseen events, opportunities and/or needs have occurred since the original boundary adoption.
- b. The deletion of the new property corrects a significant oversight in the original or subsequent boundary adoption.
- c. The current CTO acreage exceeds the foreseeable needs of the College.
- d. The acreage proposed for deletion from the CTO does not meet the needs of the College.
- e. The acreage proposed for deletion from the CTO has specific negative characteristics associated with it that make it undesirable for College use.
- f. The acreage proposed for deletion is being traded for land better suited to the College’s needs.

**508.5. HBDO - Historic Buildings District Overlay.** The boundaries of the HBO are as shown on the Official Historic Buildings District Zoning Overlay Map and are incorporated herein by reference. The jurisdiction of the Architectural Review Board in all matters related to the HBO is hereby restricted to the boundaries of the overlay zone as herein defined, excepting any individual historic landmark identified by Newberry City Council as deserving of similar protection, which shall be depicted on the Official Historic Buildings District Zoning Overlay Map or on an addendum thereto.

- A. Permitted Uses. As an overlay zone, the primary zoning district determines permitted uses with the HBDO. Where the HBDO overlays the Core Commercial

(CC) Zoning District, the list of permitted uses is determined by the Core Commercial District, subject to the additional requirements and standards of the Historical Buildings District Overlay.

- B. Certificate of Appropriateness. Prior to the issuance of a building or demolition permit, new construction, alteration, modification or addition to a structure within the Historic Buildings District, a Certificate of Appropriateness from the ARB shall be required, per the provisions of *§ 402.4 – Architectural Review Board*. Any building permit or other permit not issued in conformity with the requirements of that section shall be considered void. The system of fines applied by the City of Newberry for violations of its building code will apply to violations of this Ordinance.
- C. Maintenance and Repair. Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of structures in the Historic Buildings District which does not involve a change in design, material, color or outer appearance thereof, or to prevent the construction, reconstruction, alteration or demolition of any such feature of the structure which the building inspector or similar official shall certify is required because of an unsafe or dangerous condition
- D. Interior Alterations To Structures. Alterations involving interior arrangement or any alteration to the interior of any structure in the Historic Buildings District are not required to be submitted to the Architectural Review Board for review.
- 508.6. ISO – Interstate Sign Overlay.** The ISO overlay shall include all land within 500’ of the right-of-way of the interstate highway, except within the Main Street/Interstate Overlay. All other sign standards are as provided in *Article 9 – Sign Regulations*.
- 508.7. Main Street/Interstate Sign Overlay – MSIO.** The MSIO shall include all land within a 1,500 foot radius from the center of the I-26/S.C. Highway 219/Main Street intersection. All sign standards are as provided in *Article 9 – Sign Regulations*. Changes to the requirements of the MSIO may only be made by Zoning Ordinance amendment Nothing in this section shall prohibit the use of Planned Development (PDD) designations in the MSIO.