

## Chapter 4 Restrictions on Particular Uses

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## **CHAPTER 4 - Restrictions on Particular Uses.**

### **ARTICLE 4.1. - PURPOSE.**

The purpose of this Chapter is to provide land use and development regulations for specific uses that are applicable to sites throughout Edgefield County. Unless otherwise noted, these standards are intended to be applied within all zoning districts where the particular uses are allowed, whether by right, as a conditional use, or through special exception approval. In addition to regulation of specific principal uses, this Chapter also addresses requirements for accessory uses and temporary uses.

### **ARTICLE 4.2. - DEFINITIONS REFERENCED.**

The definitions of certain terms referenced in this Chapter are set forth in Chapter 12 Interpretation and Definitions.

### **ARTICLE 4.3. - RESTRICTIONS ON PRINCIPAL USES.**

#### **Sec. 4.3.1. - Generally.**

4.3.1.1 This Article identifies restrictions and requirements that apply to specific principal uses.

4.3.1.2 In some instances, the requirements apply to uses in all zoning districts where the uses are allowed. In other cases, the requirements only apply to the use within a particular zoning district; these are classified as Conditional Uses and are so noted in Table 2-1 Principal Use Table in Chapter 2 and throughout this Chapter, where applicable.

4.3.1.3 See also Chapter 6 for development standards that apply to all lots and structures by zoning district. Where this a conflict between Chapter 4 and Chapter 6, the requirements in this Chapter shall apply.

4.3.1.4 See also Chapter 3 for development standards that apply within special development districts and overlay districts. Where this a conflict between Chapter 3 and this Chapter, the requirements in Chapter 3 shall apply.

#### **Sec. 4.3.2. - Bed and Breakfast Inn.**

Bed and breakfast inns are intended to provide a unique transit lodging experience in predominantly residential environs. As a result, care should be taken to protect the environs that contribute to the experience of such lodging while promoting their use.

4.3.2.1 Requirements that apply in each zoning district that allows bed and breakfast inns. Bed and breakfast inns shall:

4.3.2.1.1. Serve no regularly scheduled meal other than breakfast.

4.3.2.1.2. Be allowed one externally illuminated sign not to exceed six (6) square feet in area.

4.3.2.1.3. Be occupied as a residence by the owner.

4.3.2.1.4. Maintain the interior architectural integrity and arrangement of the structure and shall not increase the number of guestrooms above the number of bedrooms in the original structure.

**Commented [JF1]:** Should we change this to a time period (i.e., 6 am to 11 am? Since "breakfast" could be considered vague?

4.3.2.1.5. Provide off-street parking for one space per guest room, plus two spaces for the resident innkeeper.

4.3.2.2 Additional requirements that apply to the GSC zoning district.

In addition to the requirements of Sec. 4.3.2.1 above, the following shall apply to bed and breakfast inns in the GSC zoning district.

4.3.2.2.1. A bed and breakfast inn shall only be allowed in residential structures that are architecturally, historically, or culturally significant and built prior to 1950.

4.3.2.2.2. Sufficient off-street parking space shall be available on site to accommodate private gatherings, where proposed by the applicant, and to meet the requirements of requirements of ANSI 117 Handicapped Parking.

**Commented [JF2]:** Do we need to identify a designation as a special event facility?

### **Sec. 4.3.3. - Campgrounds and Recreational Vehicle (RV) Parks.**

Campgrounds and and recreational vehicle (RV) parks shall comply with the following site and design standards:

4.3.3.1 The campground or RV park shall be at least 5 acres.

4.3.3.2 The campground or RV park shall be developed in a manner that preserves natural features and landscape.

4.3.3.3 Maximum impervious surface ratio shall not exceed 15% of the entire project site.

4.3.3.4 Minimum setbacks for all structures and recreational vehicles shall be:

4.3.3.4.1. Street frontage: 100 feet.

4.3.3.4.2. All other property lines: 50 feet.

4.3.3.5 Maximum density shall not exceed 10 vehicles per acre.

4.3.3.6 Buffer yards shall be as specified by Chapter 6.

4.3.3.7 Areas designated for parking and loading or for trafficways shall be physically separated from public streets by suitable barriers against unchanneled motor vehicle ingress and egress.

4.3.3.8 All drives shall be located at least 150 feet from any street intersection and shall be designated in a manner conducive to safe ingress and egress.

4.3.3.9 All streets within RV parks shall be private and not public.

4.3.3.10 Each campground or RV park shall be serviced by public water and sewer or other systems approved by DHEC.

**Commented [JF3]:** This is assumed for references ICC ANSI A117.1-2009, Section 502 Parking Spaces, so do we need to be more specific that it would include later editions?

### **Sec. 4.3.4. - Manufactured Homes.**

4.3.4.1 Applicability and intent.

4.3.4.1.1. All manufactured homes for which a permit is issued to obtain electrical service in the county must first comply with the requirements listed in this Section. This includes manufactured homes sited for the first time, or for which there is a change in ownership, or when moved from one site to another.

4.3.4.1.2. It shall be unlawful for any person to place a manufactured home on an individual lot until a permit authorizing such action has been properly issued.

4.3.4.1.3. It is the intent of this Section to ensure compliance with South Carolina law, with the Manufactured Housing Board Regulations promulgated by the State Manufactured Housing Board, and applicable regulations of the U.S. Department of Housing and Urban Development.

4.3.4.2 Requirements for all manufactured homes.

The following requirements shall apply to all manufactured homes, whether they are residential design- or standard design manufactured homes, as defined in Chapter 12.

4.3.4.2.1. HUD code requirements.

4.3.4.2.1.1. All manufactured homes shall bear a seal showing compliance with the Federal Manufactured Home Construction and Safety Act of 2001, 42 U.S.C. § 5401 et seq. (24 CFR §§ 3280, 3284, 3285, 3286, 3288 and 3800 and as may be amended from time to time).

4.3.4.2.1.2. If the manufactured home does not bear the seal showing compliance, the homeowner shall provide a letter from a manufactured home repair contractor licensed by the state certifying that the unit is retrofitted to these standards.

4.3.4.2.1.3. No permit for electrical service or sanitary sewage disposal connection will be issued in cases where the unit is not certified as being in compliance with HUD standards for manufactured homes, except for a temporary use permit.

4.3.4.2.2. Minimum habitability standards.

All manufactured homes brought into the county must provide a safe and sanitary living environment. Accordingly, this Section requires compliance with regulations of the Manufactured Housing Board.

4.3.4.2.3. Foundations.

4.3.4.2.3.1. Foundations shall be in accordance with regulations adopted by the State Manufactured Housing Board.

4.3.4.2.3.2. Foundations shall be installed by personnel licensed in accordance with S.C. Code Reg. 79-21.

4.3.4.2.4. Tie-down anchors.

4.3.4.2.4.1. Ground anchors shall be installed in accordance with S.C. Code Reg. 79-42.

4.3.4.2.4.2. Anchors shall be installed by personnel licensed in accordance with S.C. Code Reg. 79-24.

4.3.4.2.5. Curtain walls and final installation.

4.3.4.2.5.1. Curtain walls (commonly referred to as skirting or underpinning) shall be installed in accordance with manufacturer's installation instructions, and regulations promulgated by the state manufactured housing board under S.C. Code 1976, tit. 40, ch. 29.

4.3.4.2.5.2. Curtain walls shall be secured, as necessary, to assure stability, to minimize vibrations, minimize susceptibility to wind damage, and to compensate for possible frost heave.

4.3.4.2.5.3. Access openings not less than 24 inches in any dimension and not less than 3 square feet in area shall be provided and shall be located so that any water supply and sewer drain connections located under the manufactured home are accessible for inspection.

4.3.4.2.5.4. Such access panels or doors shall be fastened in a manner that does not require the use of a special tool to remove or open same.

4.3.4.2.5.5. Before installation of curtain walls, all debris and grass shall be removed from beneath the manufactured home.

4.3.4.2.6. Steps and landings.

4.3.4.2.6.1. Each exterior door shall have a landing or porch area with minimum measurements of 36 inches by 36 inches.

4.3.4.2.6.2. The minimum width of stairway treads shall be 36 inches.

4.3.4.2.6.3. If the exterior door is 30 inches or more above the ground, handrails must be installed.

4.3.4.2.6.4. Metal or wood stairs shall be securely anchored to the ground.

4.3.4.2.6.5. Concrete masonry unit (cmu) steps must be constructed with standard masonry joints consisting of masonry cement.

4.3.4.2.7. Water supply and waste disposal.

4.3.4.2.7.1. The water supply and waste disposal systems of all manufactured homes shall be inspected and approved by the South Carolina Department of Health and Environmental Control before occupancy.

4.3.4.2.7.2. A cleanout is required for the sanitary waste line.

4.3.4.3 Additional requirements for residential design manufactured homes.

In addition to the requirements in Sec. 4.3.4.2 above, the following requirements shall apply to residential design manufactured homes, as defined in Chapter 12 of this Ordinance:

4.3.4.3.1. Skirting materials shall consist of brick or split face block.

4.3.4.3.2. Tongues, drawbars and running gear must be removed from the unit.

4.3.4.3.3. The unit shall have a permanent landing and steps.

4.3.4.4 Additional requirements for standard design manufactured homes.

In addition to the requirements in Sec. 4.3.4.2 above, the following requirements shall apply to standard design manufactured homes, as defined in Chapter 12 of this Ordinance:

4.3.4.4.1. Skirting materials may consist of vinyl, wood, metal or masonry.

4.3.4.4.2. Tongues, drawbars and running gear must be removed from the unit. In lieu of removing any or all of these devices, manufactured homeowners shall pay a fee to the Edgefield County treasurer in accordance with an adopted fee schedule.

#### **Sec. 4.3.5. - Manufactured Home Parks.**

It shall be unlawful for any person to commence the excavation for or construction of a manufactured home until a building permit authorizing such action has been properly issued.

4.3.5.1 Area and density requirements.

4.3.5.1.1. The minimum area for a manufactured home park shall be 5 acres.

4.3.5.1.2. Each manufactured home lot shall have a minimum area of 7,000 square feet and be a minimum of 50 feet wide. Additional space may be required to meet applicable health regulations where waste disposal systems are to be installed.

4.3.5.1.3. The maximum number of manufactured homes shall be 6 per acre.

4.3.5.2 Setback requirements.

4.3.5.2.1. All manufactured homes and all buildings or structures within a manufactured home park shall have a minimum setback of 25 feet or the requirements of the zoning district from the park's property lines whichever is greater.

4.3.5.2.2. No manufactured home shall be located closer than 25 feet to the right-of-way of a street or the requirements of the zoning district, whichever is greater.

4.3.5.2.3. No accessory structure shall be erected within 5 feet of any manufactured home or within 20 feet of any common building.

4.3.5.3 Site design.

4.3.5.3.1. A manufactured home park or additions to a manufactured home park shall be located on a well-drained site that is properly graded to ensure rapid drainage and freedom from stagnant pools of water.

4.3.5.3.2. Not less than 20% of the park site shall be set aside and developed for common open space and recreation usage.

4.3.5.4 Lighting.

All on-site roadway intersections shall be provided with a streetlight.

4.3.5.4.1. Permanent space numbers as assigned by Edgefield County E-911 shall be provided on each manufactured home space and shall be located so as to be visible from the street or driveway. Signs identifying space locations shall be provided at each street or driveway intersection.

4.3.5.5 Parking.

4.3.5.5.1. A minimum of two off-street parking spaces shall be provided for each manufactured home.

4.3.5.5.2. Parking spaces shall be a minimum of 10 feet from adjoining parking spaces for each manufactured home lot.

4.3.5.6 Roadways.

Access shall be provided by interior roadways as described below:

4.3.5.6.1. Interior roadways shall have a minimum travel surface width of 20 feet.

4.3.5.6.2. All manufactured home park interior roadways shall be surfaced with a pre-approved base course of 6 inches and 1½ inches of asphalt.

4.3.5.6.3. All interior roadways shall remain private and shall be maintained privately.

4.3.5.6.4. No manufactured home shall have direct access to a public street or highway. All manufactured home lots shall have access to an interior roadway.

4.3.5.6.5. All interior roadways shall be completed before occupancy of any units.

4.3.5.7 Water and sewer systems.

The parks shall be served by public water and sewer systems or other systems approved by the South Carolina Department of Health and Environmental Control.

4.3.5.8 Refuse disposal.

4.3.5.8.1. Each manufactured home park shall be provided with a sanitary method of solid waste collection and disposal. This shall include providing each manufactured home with two watertight refuse containers having a capacity of 30 gallons each.

4.3.5.8.2. Refuse shall be legally disposed of at least once weekly.

4.3.5.9 Supervision and maintenance of manufactured home park.

4.3.5.9.1. The person to whom a building permit is issued for a manufactured home park shall be responsible for providing adequate supervision of the park to maintain it in full compliance with these regulations, and keep the park's facilities and equipment in good repair and in a clean and sanitary condition.

**Sec. 4.3.6. - Multi-Family Housing.**

Multi-family housing or two or more residential care facilities, rooming houses or group-occupied dwellings designed to accommodate 20 or more individuals shall meet the following design standards:

4.3.6.1 The project shall have a minimum of 1 acre.

4.3.6.2 At least 20% of the project shall consist of landscaped open and common space.

4.3.6.3 The **minimum building setback line<sup>1</sup>** will be 50 feet in the front and 30 feet for side and rear yards.

4.3.6.4 The project shall consist of a maximum of 8 units per acre.

**Sec. 4.3.7. - Patio and Zero Lot Line Homes.**

The following design requirements shall apply to patio and zero lot line housing developments:

4.3.7.1 Such projects shall have a minimum of 1 acre.

4.3.7.2 Minimum lot area shall be 3,000 square feet per unit.

4.3.7.3 Minimum lot width shall be 40 feet.

4.3.7.4 Where a unit is to be constructed at or on the property line, a 5-foot private maintenance easement shall be provided on the adjoining lot.

4.3.7.5 At least one side yard extending not less than 5 feet from the property line shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of 5 feet.

4.3.7.6 The side yard of the exterior units shall be as prescribed in Chapter 6.

4.3.7.7 Not less than 20% of the project shall be devoted to open space.

**Sec. 4.3.8. - Sexually Oriented Business.**

SECTION UNDER REVIEW BY COUNTY ATTORNEY

**Sec. 4.3.9. - Solar Farms.**

Where a series of ground mounted solar collectors (minimum of three) are placed in an area for generating photovoltaic power for resale purposes, the following conditions must be met:

4.3.9.1 The site shall adhere to the applicable sections of the International Building Code at time of construction and throughout their operation.

**Commented [JF4]:** This section along with some additional elements for discussion is being sent to the County Attorney for review.

<sup>1</sup> Revisit after dimensional requirements for zoning districts are finalized

4.3.9.2 A letter from a registered South Carolina engineer shall be provided stating that the panels are placed in such a way as to not be offensive to traffic or residences.

4.3.9.3 No structure shall achieve a height greater than 20 feet.

4.3.9.4 A fence of at least six (6) feet in height must control access to the site with a vegetative landscape buffer meeting the requirements of Chapter 6 provided between the fencing and the property line.

4.3.9.5 Solar farms, which have not been in active and continuous service for a period of 1 year, shall be removed at the owner or operators expense, and the site shall be restored to as natural condition as possible within six (6) months of removal.

4.3.9.6 The manufacturers' or installers' identification, the contact information for the responsible party, and appropriate warning signage shall be posted at the site in a clearly visible manner.

4.3.9.7 On-site power lines shall, to the maximum extent practicable, shall be placed underground.

**Sec. 4.3.10. - Scrap and Waste Material.**

4.3.10.1 No such use shall be located closer than 500 feet to any residential use, church, school, historical place or public park.

4.3.10.2 No material because it is discharged and incapable of being reused in some form shall be placed in open storage.

4.3.10.3 No material shall be placed in open storage in such a manner that it is capable of being transferred out by wind, water or other causes.

4.3.10.4 All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading shall be within fully closed buildings.

4.3.10.5 All materials and activities not within fully enclosed buildings shall be enclosed by an opaque fence or wall or vegetative material, excluding points of ingress or egress, at least 8 feet in height.

**Sec. 4.3.11. - Solid Waste Landfills.**

Solid waste landfills are divided by this Section into two categories, sanitary landfills and construction and demolition landfills, and are regulated as follows:

4.3.11.1 Sanitary landfills.

4.3.11.1.1. Sanitary landfills shall be located no closer than 2,500 feet to any existing residential, recreational, religious, educational, medical, or public use (measured in a straight line.)

4.3.11.1.2. A geotechnical engineering firm approved by the Building Official shall render a written opinion that, to the best professional judgment, the formations being used to contain the waste are impermeable and that surrounding groundwater sources will not be contaminated.

4.3.11.1.3. The facility shall be enclosed by an opaque fence or wall structure illustrated by section 24-108(d),<sup>2</sup> on all sides visible from the street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries.

**Commented [JF5]:** Reference pending location to be determined

<sup>2</sup> Replace reference after graphic inserted



4.3.11.1.4. A plan showing restoration of the site on completion of use as a landfill shall accompany the request.

4.3.11.2 Construction and demolition landfills.

4.3.11.2.1. A construction and demolition landfill may be located up to, but not closer than 300 feet from any property line or 500 feet from any residential building.

4.3.11.2.2. No material shall be placed in open storage or in areas such as those capable of being transferred out by wind, water, or other causes.

4.3.11.2.3. All materials and activities shall be screened in such fashion as not to be visible from off-site. The provisions of this section may be waived by the Building Official where such facility will be utilized for a period not to exceed 90 days.

4.3.11.2.4. The site shall be restored and re-vegetated on completion of use as a landfill.

**Sec. 4.3.12. - Wireless Telecommunication Tower**

STANDARDS UNDER REVIEW FOR COMPLIANCE WITH STATE AND FEDERAL REQUIREMENTS

**Sec. 4.3.13. - Townhouses.**

The design requirements shall apply to townhouse developments:

4.3.13.1 Such projects shall have a minimum of 1 acre.

4.3.13.2 Not fewer than three townhouses may be joined together, with approximately the same (but staggered) front line.

4.3.13.3 Minimum distance between rows of buildings shall be not less than 20 feet.

4.3.13.4 Minimum lot width shall be 18 feet.

4.3.13.5 Sidewalks not less than 4 feet in width shall be provided along road and street infrastructure and between structures and amenities.

**Sec. 4.3.14. - Weapons Firing Ranges and Gun Clubs.**

In order to minimize any adverse impact on the surrounding environment, all weapons firing ranges shall be designed and constructed according to the requirements listed in The NRA Range Source Book: *A Guide to Planning and Construction* (latest edition). Notwithstanding the advisory intent of the range manual, the design guidelines shall be considered minimum standards for the construction of weapons firing ranges in the county and part of this Code.

**ARTICLE 4.4. - RESTRICTIONS ON ACCESSORY USES AND STRUCTURES <sup>3</sup>**

4.4.1.1 This Article identifies restrictions that apply to specific accessory uses and structures.

4.4.1.2 Except as specifically regulated under this Article, Chapter 6 establishes setback and height restrictions for accessory buildings and structures.

**Sec. 4.4.2. - Home Occupations.**

4.4.2.1 A home occupation shall be carried on wholly within the principal building.

**Commented [JF6]:** The draft text will be submitted to the County Attorney for review prior to being inserted, and pending review against state law and FCC requirements, which will affect Chapter 9's procedures for reviewing applications for new towers, collocations, and modifications); there is a pending law that would address small cells in the ROW, but looks like the Governor hasn't signed it yet

**Commented [JF7]:** These requirements are controlled by the State of South Carolina

<sup>3</sup> Accessory and Temporary Use table to be inserted at the end of new Chapter 2 to list allowed uses.

4.4.2.2 The floor area dedicated to such use shall not exceed 25% of the floor area of the principal building, up to 400 square feet.

4.4.2.3 No activity shall be conducted outside, nor shall there be any outdoor storage, display, or refuse area in the yard.

4.4.2.4 See Chapter 7 regarding signs.

4.4.2.5 No merchandise or articles shall be displayed so as to be visible from outside the building.

4.4.2.6 Not more than two persons not residing in the residence shall be employed in the home occupation.

4.4.2.7 No traffic shall be generated in an amount above that normally expected in a residential neighborhood.

4.4.2.8 No parking is needed above that required by the principal residential use.

4.4.2.9 There shall be no alteration whatsoever of the residential character of the building and/or premises.

4.4.2.10 The occupation, profession, or trade generates no noise, glare, heat, vibration, smoke, dust, or odor perceptible to adjacent uses.

**Sec. 4.4.3. - Open Storage Areas.**

Open storage as an accessory use may be allowed where indicated by table 1, section 24-31<sup>4</sup>, provided such storage area does not occupy over 20% of the buildable area, is not located in any required setback area, and is screened from public view.

**Commented [JF8]:** Reference pending location to be determined.

**Sec. 4.4.4. - Solar Panels.**

4.4.4.1 General requirements.

4.4.4.1.1. Solar energy system components must have a UL listing and must be designed with anti-reflective glare coatings to minimize solar glare.

4.4.4.1.2. The site shall adhere to the applicable sections of the International Building Code at time of construction and throughout the operation of the accessory use.

4.4.4.2 Application requirements.

4.4.4.2.1. A plan shall be submitted showing the proposed location of solar panel(s), the arrangement of the panels, distance from the roof, pitch of the finished roof, and distance from the proposed site improvements to all property lines.

4.4.4.2.2. Written authorization shall be provided from the local public utility company acknowledging that it has been informed of the applicant's intent to install an interconnected customer-owned generator and that it also approves of such connections.

4.4.4.3 Roof-mounted systems.

Roof-mounted solar collector systems shall meet the following standards:

<sup>4</sup> Need to replace this with specific zoning districts

4.4.4.3.1. Roof-mounted accessory collector systems shall not extend above the ridge-cap or exceed the height restriction of the zoning district.

4.4.4.3.2. The collector surface and mounting devices for roof-mounted systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.

4.4.4.3.3. Mounting hardware and framing shall be non-reflective or matte black in color.

4.4.4.3.4. Roof mounted systems shall provide, as a part of the permit application a design review and structural certification from a South Carolina registered engineer.

## **ARTICLE 4.5. - RESTRICTIONS ON TEMPORARY USES AND STRUCTURES**

### **Sec. 4.5.1. - Type, location, and duration.**

4.5.1.1 Except in the residential zoning districts (RL, RS, and RV zoning districts), tents, travel trailers, or other temporary structures are allowed for a period not to exceed 45 days, at intervals of not less than 60 days.

4.5.1.2 Contractor's office and equipment shed are allowed for a period covering construction phase of a project not to exceed 1 year unless re-permitted; provided that such mobile office be placed on the property to which it is appurtenant.

### **Sec. 4.5.2. - Permit required.**

4.5.2.1 The Building Official is authorized to issue a permit for temporary structures and temporary occupancy/uses.

4.5.2.2 No temporary use or structure may be established without receiving such permit.

4.5.2.3 Such permits shall be limited as to time of service but shall not be permitted for more than 180 days. The Building Official is authorized to grant extensions for demonstrated cause.

### **Sec. 4.5.3. - Conformance with building codes.**

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of applicable building codes as necessary to ensure public health, safety and general welfare.

### **Sec. 4.5.4. - Temporary power.**

The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the ICC Electrical Code.

### **Sec. 4.5.5. - Termination of approval.**

4.5.5.1 Any temporary use or structure that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the Building Official.

4.5.5.2 The Building Official is authorized to terminate a permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

### **Sec. 4.5.6. - Removal.**

Temporary uses and structures from which temporary uses are operated shall be removed from the site after the temporary permit has expired.