

2. **Title 14 – Land Management, Chapter 14.08 – Zoning**, of the Colleton County Code of Laws (the same being inclusive of and one with the Originating and Amending Ordinances), and all subparagraphs thereof, is hereby amended in its totality to read as follows:

CHAPTER 14.08. - ZONING

ARTICLE 14.08-1. - PURPOSE AND LEGAL PROVISIONS

Sections:

- 14.08-1.010. - Title.**
- 14.08-1.020. - Authority.**
- 14.08-1.030. - Applicability.**
- 14.08-1.040. - Conflicting provisions and validity**
- 14.08-1.050. - Conformance with adopted plans.**
- 14.08-1.060. - Vested rights.**
- 14.08-1.070. - Development agreements.**
- 14.08-1.080. - Effective date.**

14.08-1.010. - Title.

This chapter shall be known and may be cited as the Zoning Ordinance of Colleton County, South Carolina. The Colleton County Official Zoning Map designating the various zoning districts shall be titled and known as the zoning map.

14.08-1.020. - Authority.

In pursuance of authority conferred by S.C. Code 1976, § 6-29-710 and for:

- A. Promoting health, safety, and general welfare of the community;
- B. Lessening congestion in the streets;
- C. Securing safety from fire;
- D. Providing adequate light and air;
- E. Providing for adequate transportation, water, sewerage, schools, parks, and other public improvements;
- F. Protecting scenic and unique areas, in accordance with the comprehensive plan; the county council does ordain and enact into law the articles and sections set forth in this chapter.

14.08-1.030. - Applicability.

- A. The provisions of this ordinance shall apply within the county and outside of any municipal jurisdictional boundaries as shown on the zoning map.
- B. Any violation of the previous zoning ordinance will continue to be a violation and subject to penalties and enforcement under article 14.08-8, unless the use, development, construction, or other activity complies with the provisions of this chapter, in which case enforcement action shall cease, except collecting penalties for violations that occurred prior to the effective date of the ordinance from which this chapter is derived.

- C. Any legal nonconformity under the previous zoning ordinances (Ordinance Nos. 99-O-25 and 9-7-2010) will remain a legal nonconformity under this chapter, until brought into conformance with this chapter, or if it becomes conforming because of the adoption of the ordinance from which this chapter is derived.
- D. Variances approved prior to the effective date of the ordinance from which this chapter is derived shall remain valid until their expiration date. Construction may continue in accordance with the development standards in effect at the time, provided the permit remains valid and has not lapsed.
- E. No provision of this chapter shall require a change in the plans, construction, or designated use of any structure for which approval was granted prior to the effective date of the ordinance from which this chapter is derived, provided the permit remains valid and has not lapsed.
- F. No previously approved lot shall be deemed an unusable lot under the provisions of this chapter.
- G. Any use legally established without special exception approval prior to the effective date of the ordinance from which this chapter is derived, which is located in a zoning district that now requires special exception approval, shall not be considered nonconforming. Expansions and modifications of such uses shall be subject to article 14.08-9.
- H. PDDs approved prior to the adoption of the ordinance from which this chapter is derived are "grandfathered" under this chapter and shall adhere to the site plan and provisions of the PDD under which the PDD was approved.

14.08-1.040. - Conflicting provisions and validity.

- A. Whenever the regulations of this chapter conflict with any statutes in affect, the regulations which requires more restrictive standards shall govern.
- B. Should any section or provision of this chapter be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the chapter as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.
- C. All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this chapter full force and effect.
- D. If the provisions of this chapter are inconsistent with those of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

- E. If the provisions of this chapter are inconsistent with one another, or if they conflict with provisions found in other adopted county ordinances, the more restrictive provision will control. No text amendment, zoning variance or condition of approval attached to a development approved under this chapter shall have the effect of nullifying, abrogating or diminishing the provisions of any other county ordinance.
- F. This chapter is not intended to abrogate, annul, enforce, or otherwise interfere with any private easement, agreement or other private legal relationship. The county is only responsible for enforcing this chapter. Restrictive covenants affidavits shall be signed by the applicant or property owners for all applicable permit applications in compliance with S.C. Code 1976, § 6-29-1145, that states:
 - 1. In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.
 - 2. If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity:
 - a. In the application for the permit;
 - b. From materials or information submitted by the person or persons requesting the permit; or
 - c. From any other source, the local planning agency must not issue the zoning permit unless it receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.
 - 3. As used in this section:
 - a. The term "actual notice" is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;
 - b. The term "permit" does not mean an authorization to build or place a structure on a tract or parcel of land; and
 - c. The term "restrictive covenant" does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land.

14.08-1.050. - Conformance with adopted plans.

- A. The regulations adopted pursuant to this chapter and all new developments shall be consistent with and designed in conformance with county adopted plans, including

but not limited to the comprehensive plan, corridor plans, small area land use plans, transportation plans, and recreation plans.

- B. Public projects including new streets, structures, utilities, squares, parks, or other public grounds, open space or buildings for any use, whether publicly or privately owned, shall not be constructed or authorized in the county until the location, character, and extent of it have been submitted to the planning commission for review and comment as to the compatibility of the proposal with the comprehensive plan in accordance with S.C. Code 1976, § 6-29-540. In the event that the planning commission finds the proposal to be in conflict with the comprehensive plan, the commission shall transmit its findings and the particulars of the nonconformity to the entity proposing the facility. If the entity proposing the facility determines to go forward with the project which conflicts with the comprehensive plan, the entity shall publicly state its intention to proceed and the reasons for the action. A copy of this finding must be sent to the county council, the planning commission, and published as a public notice in a newspaper of general circulation at least 30 days prior to awarding a contract or beginning construction. Telephone, sewer, gas, or electric suppliers, utilities and providers, whether publicly or privately owned, whose plans have been approved by the county council or a state or federal regulatory agency or who are acting in accordance with a legislatively delegated right are exempt from this provision. These utilities must submit construction information to the planning commission.

14.08-1.060. - Vested rights.

Pursuant the provisions of the Vested Rights Act, Act 287, adopted in 2004 by the state legislature, the following standards are established to specify the point at which a development is considered to have obtained a vested right:

- A. A vested right is attached to a development project once the developer or landowner has:
 - 1. *Single-phased developments.* Satisfied all conditions of site plan approval placed upon the proposed project by county staff and the planning commission.
 - 2. *Multi-phased developments.* Satisfied all conditions of site plan approval that are placed on the proposed phase of development by county staff and the planning commission.
- B. Such vested right shall extend for an initial period of two years. Within 120 days of expiration of the initial two-year vesting period, the developer or landowner may request, in writing, to the director of the county planning and development department, hereinafter (director), a one-year extension of the vesting period. Extensions of vested rights shall be given in one-year increments and shall not exceed five extensions, for a total vesting period of seven years.
- C. Requests for extensions shall be presented to the planning commission for consideration. The planning commission must approve the annual extension unless an amendment to the land development regulations has been adopted that prohibits

approval. Upon expiration of a vested right, a building permit may be issued for development only in accordance with applicable land development regulations.

- D. A site specific development plan for which a variance, regulation, or special exception is necessary does not confer a vested right until the variance, regulation or special exception is obtained.
- E. Variances or special exceptions approved by the zoning board of appeals prior to planning commission approval of a site specific development plan do not create vested rights until the planning commission or planning department approval of the development plan is obtained and all conditions for approval satisfied.

14.08-1.070. - Development agreements.

Requests for development agreements shall be processed pursuant to S.C. Code 1976, title 6, chapter 31, as amended. Development agreements require planning commission review and comment.

14.08-1.080. - Effective date.

The ordinance from which this chapter is derived shall become effective on May 3, 2022. Upon such date, this chapter and chapter 14.04 shall supersede, repeal, and replace the Colleton County Land Management Ordinance.

ARTICLE 14.08-2. - ZONING DISTRICT REGULATIONS

Sections:

- 14.08-2.010. - Purpose, interpretation, and general provisions.**
- 14.08-2.020. - Establishment of base zoning districts.**
- 14.08-2.030. - Resource Conservation Zoning District (RC-1).**
- 14.08-2.040. - Resource Conservation Zoning District – 2 (RC-2).**
- 14.08-2.050. - Resource Development Zoning District (RD-1).**
- 14.08-2.060. - Resource Development Zoning District – 2 (RD-2).**
- 14.08-2.070. - Suburban Residential Zoning District (RS).**
- 14.08-2.080. - Community Commercial Zoning District (CC).**
- 14.08-2.090. - Village Commercial Zoning District (VC).**
- 14.08-2.100. - Urban Development Zoning District (UD-1).**
- 14.08-2.110. - Urban Development Zoning District – 2 (UD-2).**
- 14.08-2.120. - Industrial Zoning District (ID).**
- 14.08-2.130. - Light Industrial Zoning District (LID).**
- 14.08-2.140. - Planned development district (PDD).**
- 14.08-2.150. - Overlay districts.**

14.08-2.010. - Purpose, interpretation, and general provisions.

- A. *Purposes of zoning.*

1. A zoning ordinance is adopted for the general purposes of guiding development in accordance with existing and future needs of the community and to promote the public health, safety, and welfare as established by S.C. Code 1976, § 6-29-710. The intent of zoning, according to the 1994 South Carolina Comprehensive Planning Act, is:
 - a. To provide for adequate light, air, and open space;
 - b. To prevent the overcrowding of land, avoid undue concentration of population, and lessen congestion in the streets;
 - c. To facilitate the creation of a convenient, attractive, and harmonious community;
 - d. To protect and preserve scenic, historic, or ecologically sensitive areas;
 - e. To regulate the density and distribution of populations and the uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes;
 - f. To facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, park, and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements;
 - g. To secure safety from fire, flood, and other dangers; and
 - h. To further the public welfare in any other regard specified by a local governing body.
2. In order to further the purposes listed in subsection A.1 of this section, a zoning ordinance may regulate the following:
 - a. Use of buildings, structures, and land;
 - b. Size, location, height, bulk, orientation, number of stories, erection, construction, reconstruction, alteration, demolition or removal in whole or in part of buildings and other structures, including signage;
 - c. Density of development, use or occupancy of buildings, structures or land;
 - d. Areas and dimensions of land, water and air space to be occupied by buildings and structures, and the size of yards, courts and other open spaces;

- e. Amount of off-street parking and loading that must be provided, and the restrictions or requirements related to the entry or use of motor vehicles on the land;
- f. Other aspects of the site plan including, but not limited to, tree preservation, landscaping, buffers, lighting, and curb cuts; and
- g. Other aspects of the development and use of land or structures necessary to accomplish the purposes set forth throughout the Comprehensive Planning Act.

B. *Use interpretation.*

1. Each zoning district has uses permitted by right, conditional uses, and special exception uses. Lists are shown for each district placing uses under one of the three categories. Uses not expressly permitted are prohibited. The following describes the processes the three categories must adhere to:
 - a. *Uses permitted by right.* Administrative review and approval by the director or his designee subject to district provisions and other applicable requirements only.
 - b. *Conditional uses.* Administrative review and approval by the director or his designee subject to district provisions, other applicable requirements, and conditions for approval as outlined in article 14.08-3.
 - c. *Special exceptions.* Zoning board of appeals review and approval subject to district provisions, other applicable requirements, and conditions of approval. Some special exceptions may also be subject to conditions outlined in article 14.08-4.
2. A mix of two or more uses on the same lot of record is permitted as long as each use listed is permitted within the zoning district. The requirements for approval of the most restricted use shall apply.

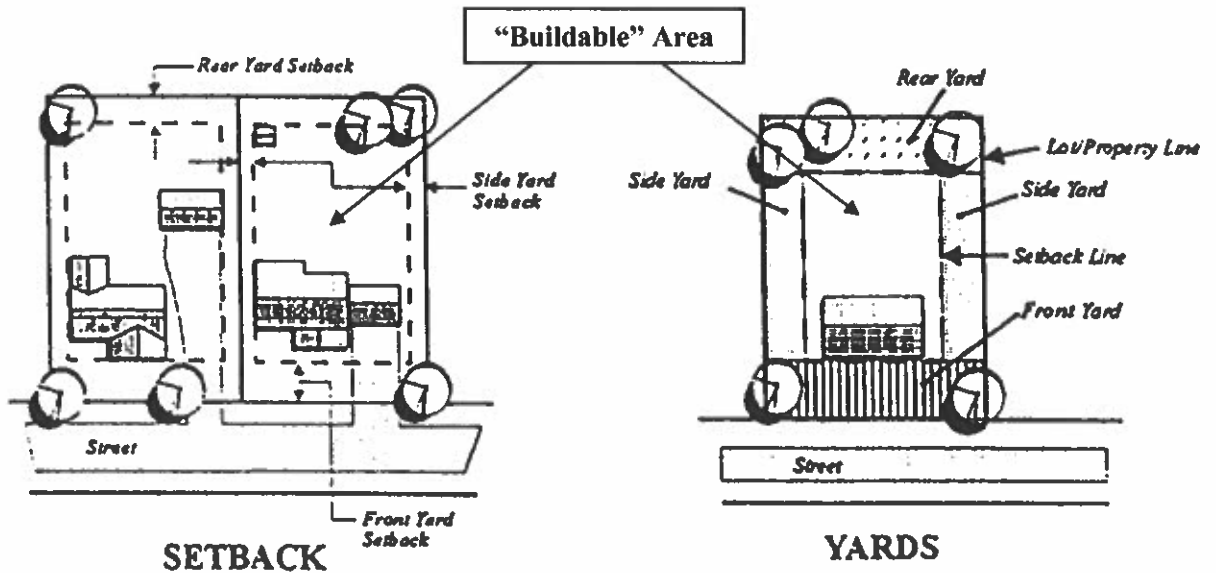
C. *Zoning map and interpretation.*

1. The county is hereby divided into zoning districts as shown on the county zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this chapter.
2. The zoning map is maintained in the form of a machine-readable representation of a geographic phenomenon stored for display or analysis by a digital computer. The digital zoning database stored in the Geographical Information System (GIS) is hereby designated, established, and incorporated as part of these regulations and the originals thereof, which are on file at the offices of the Information Technology (IT) department, shall be as much a part of these regulations as if they were fully described in these regulations. Upon adoption of

the ordinance from which this chapter is derived and any amendment thereto, the IT department may produce a paper version of the zoning map.

3. Where uncertainty exists as to the boundaries of any district shown on the zoning map, the director or his designee shall employ the following rules of interpretation:
 - a. *Centerline.* Where a boundary line lies within and follows a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated road bed or utility easement.
 - b. *Edge line.* Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be on the edge of such street or alley right-of-way, railroad right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.
 - c. *Lot line.* Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this chapter for the district in which said part is located.
 - d. *County/municipal limits.* Boundaries indicated as approximately following county/municipal limits or extraterritorial boundary lines shall be construed as following the county/municipal limits or extraterritorial boundary lines.
 - e. *Watercourses.* Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
 - f. *Extensions.* Boundaries indicated as parallel to or extensions of street or alley rights-of-way, utility easements, lot lines, city limits, county lines, or extraterritorial boundaries shall be so construed.
 - g. *Scaling.* In a case where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance; the boundary shall be determined by the use of the scale appearing on the map.

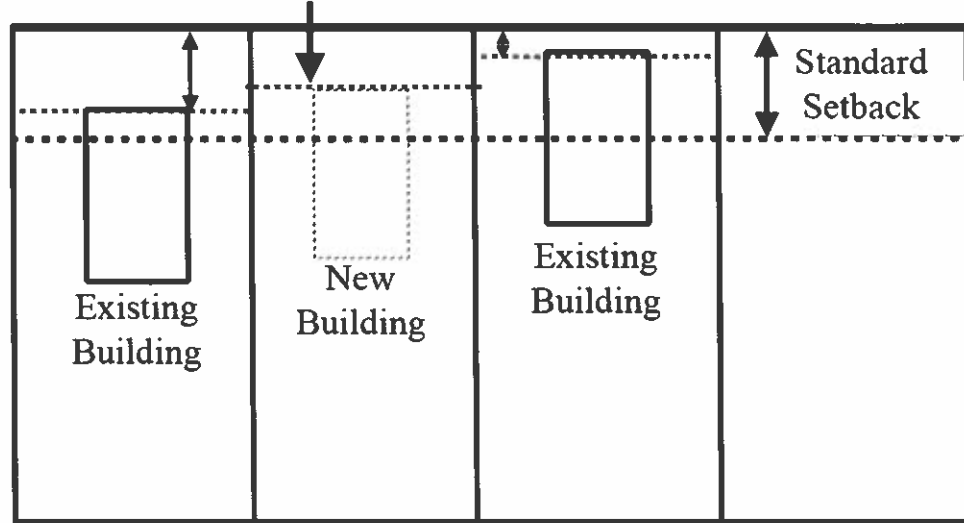
- h. *Interpretation.* Where the director or his designee determines that physical features existing on the ground, or actual property lines or other man-made boundary lines used to depict zoning district boundaries, are different than those shown on the zoning map, the zoning board of appeals shall have the authority to interpret zoning district boundaries.
- D. **General provisions and exceptions.** In addition to the requirements listed below as well as any district specific requirements, further requirements may be set forth in article 14.08-3 for those uses listed as conditional.
- 1. **Lot size and configuration.**
 - a. County and municipal uses, utility substations or sub-installations shall not be subject to the minimum lot size requirements.
 - b. Family cemeteries with less than 15 interments shall not be subject to minimum lot size requirements.
 - c. All new lots shall front upon a public road, private road, or private access easement in accordance with article 14.04-5. Each lot shall have a minimum frontage of 30 feet on said road or easement.
 - d. Any combination of not more than two single-family detached dwellings and/or manufactured dwellings and their customary accessory structures may hereafter be erected on any lot, provided all lot area and setback requirements are met for both units and so arranged to ensure public access, except as allowed under a family group development.
 - 2. **Setbacks.**
 - a. The required front, side, and rear yards for individual lots shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear yard shall be known as the "buildable" area within which the approved structures shall be placed.
 - b. Where a property abuts a street right-of-way or access easement, the setback shall be measured from the edge of the right-of-way line or access easement. Where lots may only be accessed by water, the front setback is applied from the high-water mark along the waterside with the access.



- c. Corner lots shall be considered to have two fronts with the secondary front yard setback 75 percent of the primary front yard setback for the district. The primary front is defined as the street frontage to which the E-911 address for the lot is assigned.
- d. Where the minimum lot width is not met at the front setback for the district, a front setback line shall be established where the minimum lot width for the district is met provided that a minimum of 30 feet of street frontage is provided.
- e. Where the majority of lots in a block fronting on the same side of a street between two intersecting streets are lawfully occupied with buildings having greater or lesser front yard depth than required by these regulations, no building hereafter erected or altered shall vary in the front yard setback by more than five feet from the average depth of said existing front yard setbacks without written approval of contiguous property owners. However, in no case shall setbacks be less than 15 feet. See following diagram.

Allowed Front Yard Setback Reduction

New building may be allowed a setback reduction at the average of the existing building setback lines

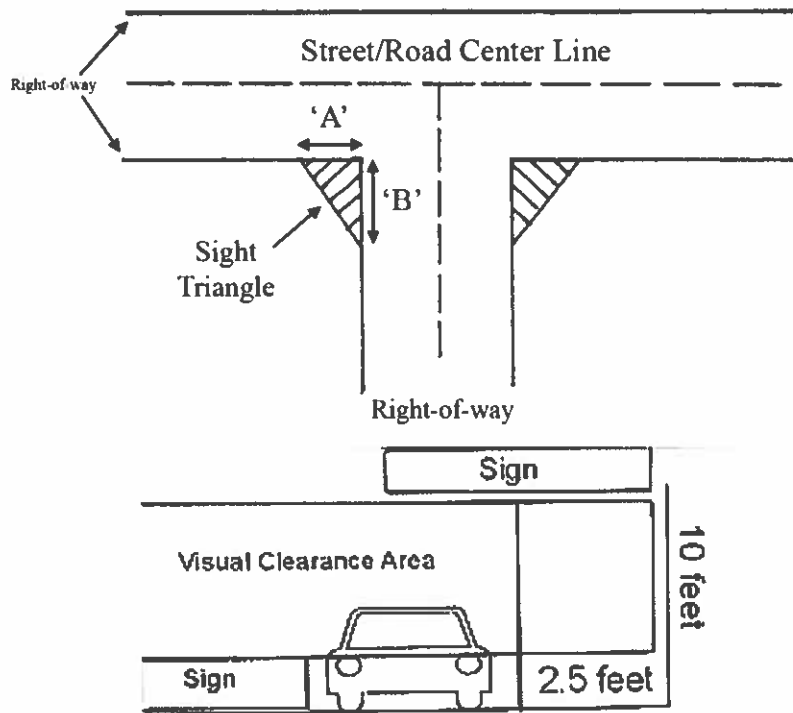


- f. Whenever more than one principal building is located on a lot, the required yards shall be maintained around the group of buildings and buildings shall be separated by a horizontal distance that is at least equal to the height of the highest adjacent building. Accessory buildings are to be separated from principal or other accessory structures by at least five feet.
- g. On any corner lot in any district, no planting shall be placed or maintained and no fence, building, wall, or other structure shall be constructed at any point between a height of 2 feet and nine feet above the upper face of the nearest curb (or street center line if no curb exists) within the sight triangle. The sight triangle is the area bounded on two sides by the street right-of-way lines and on the third side by a straight line connecting points on the two street right-of-way lines as required by the site triangular and vertical vision clearance illustration. However, poles and support structures less than 12 inches in diameter may be permitted in such areas.
- h. The side and rear setbacks in the CC, UD-1, and UD-2 districts shall not apply to the shared property line of attached buildings.
- i. The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, cornices, eaves, window air conditioning units, and other architectural features (i.e., siding, bricks and overhangs) provided that such features shall project no more than two feet into any required yard.

**Requirements by Street Type
(Measured along R.O.W. Line)**

"A" (Distance in Feet)		"B" (Distance in Feet)	
		Minor	Major
15	Driveway	10	10
30	Minor street	20	30
45	Major street	20	30

VISUAL CLEARANCE ILLUSTRATION



- j. Steps and HVAC units may project into a required yard a distance not to exceed five feet but no closer than three feet of a property line. Fences, walls, hedges, and septic lines may be located in any setback, so long as they remain on the property and don't create sight-triangle issues.
- k. Utility substations shall be exempt from district setback requirements.

3. Height.

- a. The height of a building or structure shall be measured from the average grade elevation within 20 feet of the structure or from the base of a tree when computing height in the airport compatibility zone, to the highest point of the building, structure, or tree.
- b. The height limitations of this chapter shall not apply to the following (except in the AC-O):
 - i. Belfries.
 - ii. Chimneys.
 - iii. Church spires.
 - iv. Conveyors.
 - v. Cooling towers.
 - vi. Cupulas.
 - vii. Domes.
 - viii. Elevator and stair bulkheads.
 - ix. Fire towers.
 - x. Flagpoles.
 - xi. Ornamental towers and spires.
 - xii. Public monuments.
 - xiii. Public utility poles.
 - xiv. Silos.
 - xv. Skylights.
 - xvi. Smoke stacks.
 - xvii. Stage towers or scenery lofts.

Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve and no height extension shall serve as a place for human habitation.

- c. The height of communication towers and antennas, and water tanks shall also be exempt from district height requirements, provided such structures shall be separated from any adjoining residential use by a distance equal to one foot for each one foot in height, or if engineered to collapse in on themselves, the distance away from the residential use as established by the engineer provided that the conditions in section 14.08-3.020(GG) are met.
- d. All unincorporated property on Edisto Island shall be permitted to build up to a height of 50 feet.

E. **Other requirements.** In addition to zoning district regulations, see the following sections for other requirements:

- 1. See article 14.08-3 for conditional and special exception uses.
- 2. See article 14.08-4 for landscaping, buffering, and environmental protection.
- 3. See article 14.08-5 for parking.
- 4. See article 14.08-6 for signage.

5. See article 14.08-7 for variances, special exceptions, appeals, and zoning board of appeals.
6. See article 14.08-8 for permits, site plans, administration, and planning commission.
7. See article 14.08-9 for nonconformities.
8. See article 14.08-10 for zone changes, zoning and comprehensive plan map and text amendments.

14.08-2.020. - Establishment of base zoning districts.

Base zoning districts are created to provide comprehensive land use regulations throughout the county. There are nine base zoning districts that provide for a variety of uses that are appropriate to the character areas in which they are located in accordance with the county comprehensive plan. These base zoning districts are as follows and they shall comply with all of the general and specific requirements of this chapter.

1. Resource Conservation: RC-1 and RC-2.
2. Rural Development: RD-1 and RD-2.
3. Suburban Residential: RS.
4. Community Commercial: CC.
5. Village Commercial: VC.
6. Urban Development: UD-1 and UD-2.
7. Light Industrial: LID.
8. Industrial: ID.
9. Planned Development District: PDD.

14.08-2.030. - Resource Conservation Zoning District (RC-1).

A. **Purpose.** The **RC-1 Zoning District** was established to protect fragile wetlands, marshes, beaches, sand dunes, rivers, creeks, islands, and other natural resources critical to the ecosystems within the ACE Basin. This is the most restrictive zoning district in the county and requires large lot development due to its environmentally sensitive resources. Most of the lands in this district are already protected by land conservancies; however, many large undeveloped tracts of land not suited for dense development within the ACE Basin are not under any type of permanent protection. This district allows for a low density development pattern that would help preserve the environmental characteristics of those areas, protecting them from the potential impacts of more concentrated development.

B. **Uses.**

1. **Permitted uses**
 - a. Agricultural production, crops.
 - b. Agricultural support services.
 - c. Cemeteries, family and accessory (excluding cemeteries as the principal use).
 - d. Emergency services.
 - e. Farms and ranches, general.
 - f. Fishing, hunting, trapping (commercial, excludes hunting and fishing camps).

- g. Forestry.
 - h. Government buildings (excluding correctional facilities).
 - i. Greenhouses and nurseries, commercial.
 - j. Places of worship.
 - k. Public and private parks and recreation (indoor and outdoor).
 - l. Public and private utilities (excluding electric generation, steam, and air supply).
 - m. Single-family detached residential dwellings.
 - n. Storage, indoor (up to 5000 square feet).
- 2. Conditional uses (See article 14.08-3 for conditions).**
- a. Accessory structures.
 - b. Animal production (excluding hogs).
 - c. Conservation subdivisions.
 - d. Home occupations.
 - e. Hunting and fishing camps, temporary.
 - f. Family care home for the handicapped.
 - g. Family group development.
 - h. Gun clubs and outdoor shooting ranges.
 - i. Manufactured homes (on individual lots).
 - j. Temporary uses (except fireworks stands).
- 3. Special exceptions (See article 14.08-3 for any conditions).**
- a. Bed and breakfast inns.
 - b. Communications towers.
 - c. Golf courses and country clubs.
 - d. Marinas.
 - e. Mining.
 - f. Museums, historical sites, sightseeing, and similar institutions.
 - g. Recreational group quarters.
 - h. Taxidermy and wild game processing.
 - i. Park model trailers, campers and RVs as Living accommodations (on individual lots but not on Edisto Island).

C. Dimensional requirements - (RC-1) Zoning District. *

Residential Uses	Density and Lot Size			Minimum Requirements			Yard	Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)	
	5 acres	1 dwelling per 5 acres	150	35	20	50	40	

Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	5 acres	150	35	20	50	40

*See section 14.08-2.010(D) for general provisions and exceptions to dimensional requirements.

14.08-2.040. - Resource Conservation Zoning District-2 (RC-2).

A. **Purpose.** Many lands within the ACE Basin are suitable for low to moderate density development near and adjacent to areas where small scale community crossroads exist. Although near and adjacent to larger more environmentally sensitive areas within the RC-1, the lands with the RC-2 can support smaller lot development.

B. **Uses.**

1. **Permitted uses.**

- a. Agricultural production, crops.
- b. Agricultural support services.
- c. Cemeteries, family and accessory (excluding cemeteries as a principal use).
- d. Civic, fraternal, professional, and political organizations.
- e. Emergency services.
- f. Farms and ranches, general.
- g. Fishing, hunting, trapping (commercial, excludes hunting and fishing camps).
- h. Forestry.
- i. Fuel supply services (excluding automobile gas stations).
- j. Golf courses and country clubs.
- k. Government buildings (excluding correctional facilities).
- l. Greenhouses and nurseries, commercial.
- m. Museums, historical sites, sightseeing, and similar institutions.
- n. Places of worship.
- o. Public and private parks and recreation (indoor and outdoor).
- p. Public and private utilities (excluding electric generation, steam, and air supply).
- q. Single-family detached residential dwellings.
- r. Storage, Indoor (up to 5,000 square feet).

2. **Conditional uses (see article 14.08-3 for conditions).**

- a. Accessory structures.
- b. Animal production (excluding hogs).
- c. Bed and breakfast inns.
- d. Conservation subdivisions.
- e. Family care home for the handicapped.
- f. Family group development.

- g. Gun clubs and outdoor shooting ranges.
 - h. Home occupations.
 - i. Hunting and fishing camps, temporary.
 - j. Manufactured homes (on individual lots).
 - k. Park model trailers, campers and RVs as living accommodations (on individual lots)
 - l. Temporary uses.
3. *Special exceptions (see article 14.08-7 for special exceptions and article 14.08-3 for any conditions).*
- a. Camps and recreational vehicle parks.
 - b. Communications towers.
 - c. Marinas.
 - d. Mining.
 - e. Recreational group quarters.
 - f. Schools, elementary and secondary.
 - g. Taxidermy and wild game processing.

C. Dimensional requirements (RC-2).*

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre (43,560 sf)	1 dwelling per acre	100	35	20	50	40

Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre (43,560 sf)	100	35	20	50	40

*See section 14.08-2.010(D) for general provisions and exceptions to dimensional requirements.

14.08-2.050. - Rural Development Zoning District-1 (RD-1).

A. *Purpose.* The RD-1 Zoning District was established to conserve, sustain, and protect rural areas and resources, particularly agricultural/farm lands and areas of high flood potential. It is intended to accommodate low density residential uses, agricultural and farming uses, and related support services.

District.

B. Uses.

1. Permitted uses .

- a. Agricultural production, crops.
- b. Agricultural support services.
- c. Animal services (no outdoor kennels).
- d. Building and special trade contractors (excluding heavy construction).
- e. Cemeteries.
- f. Civic, fraternal, professional, and political organizations.
- g. Emergency services.
- h. Farms and ranches, general.
- i. Farm supply stores.
- j. Fishing, hunting, trapping (commercial, excludes hunting and fishing camps).
- k. Forestry.
- l. Fuel supply services (excluding automobile gas stations and truck stops).
- m. Greenhouses and nurseries, commercial.
- n. Golf courses and country clubs.
- o. Government buildings (excluding correctional facilities).
- p. Landscape services.
- q. Marinas.
- r. Museums, historical sites, sightseeing, and similar institutions.
- s. Places of worship.
- t. Public and private parks and recreation (indoor and outdoor).
- u. Public and private utilities.
- v. Single-family detached residential dwellings.
- w. Taxidermy and wild game processing.
- x. Warehousing and storage (indoor, excluding mini-storage).

2. Conditional uses (See article 14.08-3 for conditions).

- a. Accessory structures.
- b. Animal production (excluding hogs).
- c. Bed and breakfast inns.
- d. Campgrounds and recreational vehicle parks.
- e. Conservation subdivisions.
- f. Family care home for the handicapped.
- g. Family group development.
- h. Gun clubs and outdoor shooting ranges.
- i. Home occupations.
- j. Hunting and fishing camps, temporary.
- k. Lumber and saw mills.
- l. Manufactured homes (on individual lots).
- m. Mining.

- n. Park model trailers, campers and RVs as living accommodations (on individual lots but not on Edisto Island).
- o. Seasonal worker housing.
- p. Temporary uses.

3. **Special exceptions. (see article 14.08-3 for any conditions).**

- a. Automotive services and other repair.
- b. Animal services (with outdoor kennels).
- c. Building materials and supply.
- d. Communications towers.
- e. Day care centers.
- f. Health care services (excluding hospitals).
- g. Heavy construction contractors.
- h. Personal care services.
- i. Residential care facilities.
- j. Recreational group quarters.
- k. Schools, elementary and secondary.
- l. Schools, instructional.
- m. Schools, vocational.
- n. Solid waste landfill (excluding hazardous waste).
- o. Waste management services (excluding hazardous waste).

C. **Dimensional requirements (RD-1).***

Residential Uses	Density and Lot Size		Minimum Yard Requirements			Max. Height	
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre (43,560 sf)	1 dwelling per acre	100	25	10	20	40

Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre (43,560 sf)	100	25	10	20	40

*See section 14.08-2.010(D) for general provisions and exceptions to dimensional requirements.

14.08-2.060. - Rural Development Zoning District -2 (RD-2).

A. **Purpose.** This district is very rural in nature, though more developed than the RD-1 district. This district serves as a transition between the lower density RD-1 and higher density RS district. It allows for agricultural uses, rural residential

development, and low intensity supporting uses. Most of the lands within this district are not heavily farmed or in significant flood prone areas. Some services may be available or planned with this district allowing for a greater density of residential development than the RD-1, but not as dense as the RS District.

B. *Uses.*

1. *Permitted uses.*

- a. Air strips (private use).
- b. Agricultural production, crops.
- c. Agricultural support services.
- d. Animal services (no outdoor kennels).
- e. Building and special trade contractors (excluding heavy construction).
- f. Cemeteries.
- g. Civic, fraternal, professional, and political organizations.
- h. Emergency services.
- i. Farms and ranches, general.
- j. Farm supply stores.
- k. Fishing, hunting, trapping (commercial, excludes hunting and fishing camps).
- l. Forestry.
- m. Fuel supply services (excluding truck stops).
- n. Greenhouses and nurseries, commercial.
- o. Golf courses and country clubs.
- p. Government buildings (excluding correctional facilities).
- q. Health care services (excluding hospitals).
- r. Landscape services.
- s. Libraries.
- t. Marinas.
- u. Museums, historical sites, sightseeing, and similar institutions.
- v. Office uses, general (up to 5,000 square feet).
- w. Personal care services.
- x. Places of worship.
- y. Public and private parks and recreation (indoor and outdoor).
- z. Public and private utilities.
- aa. *Reserved.*
- bb. Schools, elementary and secondary.
- cc. Schools, college and university.
- dd. Schools, instructional.
- ee. Schools, vocational.
- ff. Single-family detached residential dwellings.
- gg. Taxidermy and wild game processing.
- hh. Warehousing and storage (indoor, excluding mini-storage).

2. *Conditional uses (see article 14.08-3 for conditions).*

- a. Accessory structures.
- b. Animal production (excluding hogs).

- c. Bed and breakfast inns.
- d. Conservation subdivisions.
- e. Family care home for the handicapped.
- f. Family group development.
- g. Gun clubs and outdoor shooting ranges.
- h. Home occupations.
- i. Hunting and fishing camps, temporary.
- j. Lumber and saw mills.
- k. Manufactured homes (on individual lots).
- l. Mining.
- m. Park model trailers, campers and RVs as living accommodations (on individual lots).
- n. Residential care facilities.
- o. Seasonal worker housing.
- p. Temporary uses.

3. ***Special exceptions (See article 14.08-7 for special exceptions and article 14.08-3 for any conditions).***

- a. Automotive services and other repair.
- b. Animal services (with outdoor kennels).
- c. Campgrounds and recreational vehicle parks.
- d. Communications towers.
- e. Day care centers.
- f. Heavy construction contractors.
- g. Manufactured home parks.
- h. Outdoor markets.
- i. Retail uses.
- j. Restaurants and drinking establishments.
- k. Recreational group quarters.
- l. Solid waste landfill (excluding hazardous waste).
- m. Waste management services (excluding hazardous waste).
- n. Wholesale trade.

C. Dimensional requirements (RD-2).*

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre (21,780 sf)	2 dwellings per acre	80	25	10	20	40

Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot	Min. Width	Front Setback	Side Setback	Rear Setback	Structure Height

	Size	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)
	½ acre (21,780 sf)	80	25	10	20	40

*See section 14.08-2.010(D) for general provisions and exceptions to dimensional requirements.

14.08-2.070. - Suburban Residential Zoning District (RS).

A. **Purpose.** The purpose of this district is to foster, sustain, and protect areas in which the principal use of land is for single-family dwellings and related support uses in areas at the edge of municipal boundaries within a suburban environment. This district is the transition district between the RD-1 and RD-2 Districts and more intense urban districts.

B. **Uses.**

1. **Permitted uses.**

- a. Agricultural production, crops and horses (excluding all other livestock).
- b. Cemeteries, family and accessory (excluding principal use).
- c. Emergency services.
- d. Forestry.
- e. Golf courses and country clubs.
- f. Government buildings (excluding correctional facilities).
- g. Libraries.
- h. Places of worship.
- i. Public and private parks and recreation (indoor and outdoor).
- j. Public and private utilities (excluding electric generation, steam, air supply and water/sewer treatment).
- k. Schools, elementary and secondary.
- l. Single-family detached residential dwellings.

2. **Conditional uses (See article 14.08-3 for conditions).**

- a. Accessory structures.
- b. Animal production (horses only).
- c. Conservation subdivisions.
- d. Family care home for the handicapped.
- e. Home occupations.
- f. Single-family attached residential.
- g. Temporary uses.

3. **Special exceptions (See article 14.08-3 for any conditions).**

- a. Bed and breakfast inns.
- b. Marinas.

C. **Dimensional requirements (RS). ***

Residential	Density and Lot Size	Minimum	Yard	Max.
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Uses				Requirements			Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	¼ acre (10,890 sf)	4 dwellings per acre	80	25	5	10	40

Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	¼ acre (10,890 sf)	80	25	10	30	40

*See section 14.08-2.010(D) for general provisions and exceptions to dimensional requirements.

14.08-2.080. - Community Commercial Zoning District (CC).

A. **Purpose.** The **Community Commercial Zoning District** was established to provide small scale, very low intensity commercial development at rural crossroads in convenient and strategic locations of the county to meet "community needs". The community commercial districts are intended to be located nearest to the RD-1, RD-2 and RC-2 areas at major intersections or established rural/community crossroads.

B. **Uses.**

1. **Permitted uses.**

- a. Agricultural production, crops.
- b. Animal services (no outdoor kennels).
- c. Auditorium/Indoor public assembly.
- d. Automotive parking and garages (as a principal use).
- e. Banks.
- f. Building and special trade contractors (excluding heavy construction).
- g. Bus and transit terminals and stops.
- h. Cemeteries, family and accessory (excluding principal use).
- i. Civic, fraternal, professional, and political organizations.
- j. Emergency services.
- k. Farm supply stores.
- l. Financial services and offices.
- m. Forestry.
- n. Funeral homes and services.
- o. Greenhouses and nurseries, commercial.
- p. Government buildings (excluding correctional facilities).
- q. Health care services.

- r. Landscape services.
 - s. Libraries.
 - t. Laundry and dry cleaning services.
 - u. Marinas.
 - v. Museums, historical sites, sightseeing, and similar institutions.
 - w. Office general and professional.
 - x. Personal care services.
 - y. Places of worship.
 - z. Public and private parks and recreation (indoor and outdoor).
 - aa. Public and private utilities (excluding electric generation, steam, and air supply).
 - bb. Railroad stations.
 - cc. Restaurants and drinking establishments.
 - dd. Retail uses.
 - ee. Schools, elementary and secondary.
 - ff. Service uses (indoor).
 - gg. Single-family detached residential dwellings.
 - hh. Telecommunications (excluding towers).
 - ii. Wholesale trade
3. ***Conditional uses (See article 14.08-3 for conditions).***
- a. Accessory structures.
 - b. Animal production (excluding hogs).
 - c. Automotive services and gas stations (no major repair or long-term vehicle storage, excluding truck stops).
 - d. Bed and breakfast inns.
 - e. Day care centers.
 - f. Family care home for the handicapped.
 - g. Home occupations.
 - h. Manufactured homes (on individual lots).
 - i. Mixed use buildings.
 - j. Residential care facilities.
 - k. Temporary uses.
4. ***Special exceptions (See article 14.08-3 for any conditions).***
- a. Animal services (with outdoor kennels).
 - b. Automotive services (with major repair or long-term vehicle storage).
 - c. Communications towers.
 - d. Heavy construction contractors.
 - e. Mini-warehouses.
 - f. Outdoor markets.
 - g. Park model trailers, campers and RVs as living accommodations (on individual lots)

C. *Dimensional requirements in the (CC) Zoning District.**

Residential	Density and Lot Size	Minimum	Yard	Max.
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Uses				Requirements			Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre (21,780 sf)	2 dwellings per acre	80	25	5	10	40

Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre (21,780 sf)	100	25	5	10	40

*See section 14.08-2.010(D) for general provisions and exceptions to dimensional requirements.

14.08-2.090. - Village Commercial Zoning District (VC).

A. **Purpose.** This district is intended to accommodate existing or developing community or "village" areas that have a mix of uses and commercial/community activities that are much greater than the influence of a country store at a Community Commercial District/rural crossroads, but not enough density to yet be classified as a town. Examples include Jacksonboro and Green Pond.

B. **Uses.**

1. **Permitted uses.**

- a. Agricultural production, crops.
- b. Animal services (no outdoor kennels).
- c. Auditorium/indoor public assembly.
- d. Automotive parking and garages (as a principal use).
- e. Automotive sales and rental.
- f. Banks.
- g. Building and special trade contractors (excluding heavy construction).
- h. Bus and transit terminals and stops.
- i. Cemeteries, family and accessory (excluding principal use).
- j. Civic, fraternal, professional, and political organizations.
- k. Emergency services.
- l. Farm supply stores.
- m. Financial services and offices.
- n. Forestry.
- o. Funeral homes and services.
- p. Greenhouses and nurseries, commercial.
- q. Golf courses and country clubs.
- r. Government buildings (excluding correctional facilities).

- s. Health care services.
 - t. Hospitals.
 - u. Hotels, motels, and inns.
 - v. Landscape services.
 - w. Libraries.
 - x. Laundry and dry cleaning services.
 - y. Marinas.
 - z. Museums, historical sites, sightseeing, and similar institutions.
 - aa. Offices, general.
 - bb. Personal care services.
 - cc. Places of worship.
 - dd. Public and private parks and recreation (indoor and outdoor).
 - ee. Public and private utilities (excluding electric generation, steam, and air supply).
 - ff. Railroad stations.
 - gg. Restaurants and drinking establishments.
 - hh. Retail uses.
 - ii. Schools, elementary and secondary.
 - jj. Service uses (indoor).
 - kk. Single-family detached residential dwellings.
 - ll. Telecommunications (excluding towers).
 - mm. Warehousing and storage (indoor).
 - nn. Wholesale trade.
2. ***Conditional uses (see article 14.08-3 for conditions).***
- a. Accessory structures.
 - b. Animal production (excluding hogs).
 - c. Automotive services and gas stations (no major repair or long-term vehicle storage)
 - d. Bed and breakfast inns.
 - e. Day care centers.
 - f. Family care home for the handicapped.
 - g. Home occupations.
 - h. Manufactured homes (on individual lots).
 - i. Mixed use buildings.
 - j. Residential care facilities.
 - k. Temporary uses.
3. ***Special exceptions (see article 14.08-7 for special exceptions and article 14.08-3 for any conditions).***
- a. Animal services (with outdoor kennels).
 - b. Automotive services (with major repair or long-term vehicle storage).
 - c. Communications towers.
 - d. Heavy construction contractors.
 - e. Mini-warehouses.
 - f. Outdoor markets.

C. Dimensional requirements (VC).*

Residential Uses	Density and Lot Size		Minimum Requirements			Yard	Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre (21,780 sf)	2 dwellings per acre	100	25	5	10	40

Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre (21,780 sf)	100	25	5	10	40

*See section 14.08-2.010(D) for general provisions and exceptions to dimensional requirements.

14.08-2.100. - Urban Development Zoning District-1 (UD-1).

A. **Purpose.** The UD-1 Zoning District is intended to accommodate urban growth in areas outside of municipalities. The UD-1 is an appropriate transition district between the RS and UD-2 Districts. The UD-1 district accommodates lower intensity uses than the more intense UD-2 district.

B. **Uses.**

1. **Permitted uses.**

- a. Air strips and airports.
- b. Agricultural production, crops.
- c. Agricultural support services.
- d. Animal services (no outdoor kennels).
- e. Auditorium/indoor public assembly.
- f. Automotive parking and garages (as a principal use).
- g. Automotive sales and rental.
- h. Banks.
- i. Building and special trade contractors (excluding heavy construction).
- j. Bus and transit terminals and stops.
- k. Cemeteries.
- l. Civic, fraternal, professional, and political organizations.
- m. Distribution.
- n. Emergency services.
- o. Farms and ranches, general.
- p. Farm supply stores.

- q. Financial services and offices.
- r. Fishing, hunting, trapping (commercial, excludes hunting and fishing camps).
- s. Forestry.
- t. Fuel supply services.
- u. Funeral homes and services.
- v. Greenhouses and nurseries, commercial.
- w. Golf courses and country clubs.
- x. Government buildings (excluding correctional facilities).
- y. Health care services.
- z. Hospitals.
- aa. Hotels, motels, and inns.
- bb. Landscape services.
- cc. Libraries.
- dd. Laundry and dry cleaning services.
- ee. Marinas.
- ff. Motion picture and sound industries.
- gg. Movie theater.
- hh. Museums, historical sites, sightseeing, and similar institutions.
- ii. Pawn shops.
- jj. Personal care services.
- kk. Places of worship.
- ll. Professional offices.
- mm. Public, private and commercial parks and recreation (indoor and outdoor).
- nn. Public and private utilities (excluding power generation from non-renewable sources).
- oo. Railroad stations.
- pp. Research facilities.
- qq. Restaurants and drinking establishments.
- rr. Retail uses.
- ss. Schools, elementary and secondary.
- tt. Schools, college and university.
- uu. Schools, instructional.
- vv. Schools, vocational.
- ww. Service uses (indoor).
- xx. Single-family detached residential dwellings.
- yy. Telecommunications. (excluding cell towers)
- zz. Two-family residential dwellings (duplexes).
- aaa. Warehousing and storage (indoor, excluding mini-storage).
- bbb. Wholesale trade.

2. Conditional uses (See article 14.08-3 for conditions).

- a. Accessory structures.
- b. Animal production (excluding hogs).
- c. Automotive services and gas stations (no major repair or long-term vehicle storage).

- d. Bed and breakfast inns.
- e. Boarding and rooming houses.
- f. Camps and recreational vehicle parks.
- g. Conservation subdivisions.
- h. Day care centers.
- i. Family care home for the handicapped.
- j. Family group development.
- k. Home occupations.
- l. Hunting and fishing camps, temporary.
- m. Light manufacturing. (indoors)
- n. Lumber and saw mills.
- o. Manufactured homes (on individual lots).
- p. Mining.
- q. Mixed use buildings.
- r. Multi-family residential.
- s. Park model trailers, campers and RVs as living accommodations (on individual lots).
- t. Residential care facilities.
- u. Temporary uses.

3. *Special exceptions (See article 14.08-3 for any conditions).*

- a. Animal services (with outdoor kennels).
- b. Automotive services (with major repair or long-term vehicle storage).
- c. Communications towers.
- d. Gun clubs and skeet shooting ranges.
- e. Heavy construction contractors.
- f. Manufactured home parks.
- g. Mini-storage.
- h. Outdoor markets.
- i. Recycling (household paper, plastic, tins and glass).

C. *Dimensional requirements (UD-1) .**

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1/6 acre (7,260 sf)	6 dwellings per acre	70	25	5	10	60

Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	¼ acre	70	25	5	10	60

	(10,890 sf)					
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*See section 14.08-2.010(D) for general provisions and exceptions to dimensional requirements.

14.08-2.110. - Urban Development Zoning District-2 (UD-2).

A. **Purpose.** This district, in conjunction with UD-1, is intended to accommodate most of the projected growth in urban transition areas outside of municipalities. This district is intended to have most public facilities and infrastructure in support of urban development such as water, sewer, streets, and schools. The UD-2 district accommodates higher intensity uses than the UD-1 district.

B. **Uses.**

1. **Permitted uses.**

- a. Air strips and airports.
- b. Agricultural production, crops.
- c. Agricultural support services.
- d. Animal services (no outdoor kennels).
- e. Auditorium/indoor public assembly.
- f. Automotive parking and garages (as a principal use).
- g. Automotive sales and rental.
- h. Banks.
- i. Building and special trade contractors (excluding heavy construction).
- j. Bus and transit terminals and stops.
- k. Cemeteries.
- l. Reserved.
- m. Distribution.
- n. Emergency services.
- o. Entertainment uses (excluding pool/billiard halls and sexually oriented businesses).
- p. Farms and ranches, general.
- q. Farm supply stores.
- r. Financial services and offices.
- s. Fishing, hunting, trapping (commercial, excludes hunting and fishing camps).
- t. Forestry.
- u. Fuel supply services.
- v. Funeral homes and services.
- w. Greenhouses and nurseries, commercial.
- x. Golf courses and country clubs.
- y. Government buildings (excluding correctional facilities).
- z. Health care services.
- aa. Hospitals.
- bb. Hotels, motels, and inns.
- cc. Landscape services.
- dd. Libraries.
- ee. Reserved.

- ff. Laundry and dry cleaning services.
- gg. Marinas.
- hh. Mini-storage.
- ii. Motion picture and sound industries.
- jj. Movie theaters.
- kk. Museums, historical sites, sightseeing, and similar institutions.
- ll. Nonprofit organizations.
- mm. Pawn shops.
- nn. Personal care services.
- oo. Places of worship.
- pp. Professional offices.
- qq. Public, private and commercial parks and recreation (indoor and outdoor).
- rr. Public and private utilities (excluding power generation from non-renewable energy sources).
- ss. Railroad stations.
- tt. Research facilities.
- uu. Restaurants and drinking establishments.
- vv. Retail uses.
- ww. Schools, elementary and secondary.
- xx. Schools, college and university.
- yy. Schools, instructional.
- zz. Schools, vocational.
- aaa. Service uses (indoor).
- bbb. Single-family detached residential dwellings.
- ccc. Spectator sports (excluding automotive sports).
- ddd. Telecommunications.
- eee. Two-family residential dwellings (duplexes).
- fff. Warehousing and storage (indoor).
- ggg. Wholesale trade.

2. ***Conditional uses (see article 14.08-3 for conditions).***

- a. Accessory structures.
- b. Animal production (excluding hogs).
- c. Automotive services and gas stations (no major repair or long-term vehicle storage).
- d. Bed and breakfast inns.
- e. Boarding and rooming houses.
- f. Camps and recreational vehicle parks.
- g. Conservation subdivisions.
- h. Day care centers.
- i. Family care home for the handicapped.
- j. Family group development.
- k. Heavy construction contractors.
- l. Home occupations.
- m. Hunting and fishing camps, temporary.
- n. Light manufacturing.

- o. Lumber and saw mills.
- p. Manufactured homes (on individual lots).
- q. Mining.
- r. Mixed use buildings.
- s. Multi-family residential dwellings.
- t. Park model trailers, campers and RVs as living accommodations (on individual lots).
- u. Residential care facilities.
- v. Temporary uses.

3. *Special exceptions (see article 14.08-7 for special exceptions and article 14.08-3 for any conditions).*
- a. Animal services (with outdoor kennels).
 - b. Automotive services (with major repair or long-term vehicle storage).
 - c. Bars and nightclubs (excluding sexually oriented businesses).
 - d. Communications towers.
 - e. Correctional facilities.
 - f. Gun clubs and skeet shooting ranges.
 - g. Manufactured home dealers.
 - h. Manufactured home parks.
 - i. Outdoor markets.
 - j. Pool/billiard halls.

C. Dimensional requirements (UD-2).*

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1/6 acre (7,260 sf)	6 dwellings per acre	70	25	5	10	60

Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1/4 acre (10,890 sf)	70	25	5	10	60

14.08-2.120. – Industrial Zoning District (ID).

- A. *Purpose.* The intent of this district is to accommodate certain industrial uses and other uses which, based on their operational characteristics, are incompatible with residential, social, medical, and commercial environs. As a result, the establishment of such districts shall be restricted to areas geographically removed or buffered from such environs.

B. Uses.

1. Permitted uses.

- a. Air strips and airports.
- b. Agricultural production, crops.
- c. Agricultural support services.
- d. Automotive parking and garages (as a principal use).
- e. Building and special trade contractors.
- f. Bus and transit terminals and stops.
- g. Cemeteries.
- h. Distribution facilities.
- i. Emergency services.
- j. Forestry.
- k. Funeral Homes and services.
- l. Government buildings.
- m. Manufactured home dealers.
- n. Marinas.
- o. Mini-warehouses.
- p. Motion picture and sound industries.
- q. Museums, historical sites, sightseeing, and similar institutions.
- r. Professional offices.
- s. Public parks and recreation.
- t. Public and private utilities.
- u. Railroad stations.
- v. Research and testing facilities.
- w. Restaurants and drinking establishments.
- x. Retail uses.
- y. Schools, vocational, business, and professional trade.
- z. Service uses (indoor).
- aa. Telecommunications and towers.
- bb. Warehousing and storage (indoor).
- cc. Waste management services (excluding hazardous waste).
- dd. Wholesale trade.

2. Conditional uses (See article 14.08-3 for conditions).

- a. Accessory structures.
- b. Animal production.
- c. Animal services (with outdoor kennels).
- d. Automotive services and gas stations (excluding truck stops).
- e. Lumber and sawmills.
- f. Manufacturing, heavy.
- g. Manufacturing, light.
- h. Mining.
- i. Temporary uses.

3. Special exceptions (See article 14.08-3 for any conditions).

- a. Auditorium/stadium indoor/outdoor public assembly
- b. Correctional facilities.
- c. Crematories.
- d. Fuel supply services (excluding gas stations).
- e. Gun clubs and skeet shooting ranges.
- f. Screened outdoor storage.
- g. Salvage yard, junkyard, and recycling operations.
- h. Sexually oriented businesses.
- i. Solid waste landfill (excluding hazardous waste).
- j. Spectator sports.

C. Dimensional requirements (ID).*

ID District	Minimum District Size	Minimum District Buffer	Max. Height
	5 acres	50 feet	60 feet**

Nonresidential Uses (interior lots)	Minimum Size	Lot	Minimum Requirements			Yard	Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)	
	½ acre (21,780 sf)	90	30	10	15	60**	

*See section 14.08-2.010(D) for general provisions and exceptions to dimensional requirements.

**Buildings in excess of 60 feet shall observe an additional setback from side and rear property lines of one foot for each one foot in height over 60 feet; not to exceed 80 feet.

14.08-2.130. - Light Industrial Zoning District (LID).

A. **Purpose.** The intent of this district is to accommodate distribution, storage, processing, light manufacturing, and general commercial uses. Such uses are usually controlled operations, relatively clean, quiet, and free of objectionable or hazardous elements, such as smoke, noise, odor or dust. In addition, such uses usually operate and/or have storage within open or enclosed structures; and generating no nuisances.

B. **Uses.**

- 1. **Permitted uses.**
 - a. Banks.
 - b. Crop production.
 - c. Churches.
 - d. Distribution facilities.
 - e. Emergency services.
 - f. Forestry.

- g. Government buildings.
- h. Healthcare services.
- i. Hotels and motels.
- j. Motion picture and sound industries.
- k. Professional offices.
- l. Public, private and commercial parks and recreation.
- m. Public and private utilities.
- n. Railroad stations.
- o. Research facilities (no outdoor testing).
- p. Restaurants.
- q. Retail.
- r. Schools, vocational, business, and professional trade.
- s. Service uses (indoor).
- t. Telecommunications.
- u. Utilities.
- v. Warehousing and storage (indoor).

2. **Conditional uses (See article 14.08-3 for conditions).**

- a. Accessory structures.
- b. Animal service with outdoor kennels.
- c. Automotive services.
- d. Building and Special Trade Contractors
- e. Communication towers.
- f. Day care centers.
- g. Golf courses and country clubs.
- h. Light manufacturing.
- i. Lumber and sawmills.
- j. Mini-warehouses.
- k. Mining.
- l. Mixed use buildings.
- m. Temporary uses.

3. **Special exceptions (See article 14.08-3 for any conditions).**

- a. Auditorium/stadium indoor/outdoor public assembly.
- b. Crematories.
- c. Fuel supply services (excluding gas stations).
- d. Heavy Manufacturing.
- e. Screened outdoor storage.
- f. Spectator sports.

C. **Dimensional requirements (LID).***

Nonresidential Uses (interior lots)	Minimum Size	Lot	Minimum Requirements		Yard	Max. Height
	Min.	Min.	Front	Side	Rear	Structure

	Lot Size	Width (ft.)	Setback (ft.)	Setback (ft.)	Setback (ft.)	Height (ft.)
	½ acre (21,780 sf)	90	30	10	15	60

*See section 14.08-2.010(D) for general provisions and exceptions to dimensional requirements.

14.08-2.140. - Planned development district (PDD).

A. **Purpose.** The intent of this overlay is to allow for flexibility to improve the design, character, and quality of new mixed use developments and preserve natural and scenic features of open spaces. The text of the plan provides for specific uses, densities, setbacks, and other requirements for the PDD. These provisions are tailored to the specific development and may vary from the regulations for other zoning districts concerning use, setbacks, lot size, density, bulk, and other requirements.

B. **Establishment.**

1. In accordance with S.C. Code 1976, § 6-29-740, in order to establish a PDD, which is a zone change from the base zoning to a PDD, the county council must amend the zoning ordinance text and zoning map, after having received a recommendation of approval from the planning commission.
2. A sketch plan showing the proposed PDD shall be presented for approval along with the request to establish a PDD. The sketch plan shall adhere to the requirements of this section and shall show the information required by section 14.04-4.020.
3. Action by the planning commission and county council may be to approve the PDD, which may include specific modifications to the plan, or to deny the PDD. If the PDD zone change is approved, the applicant may proceed in accordance with the approved PDD plan as supplemented or modified, and shall comply with any time or priority limitations established for initiating and/or completing the PDD in whole, or in specified stages.
4. After a PDD has been approved, building and sign permits can then be issued in accordance with the approved PDD as a whole or in stages, or portions thereof, as approved.

C. **Uses.**

1. A PDD may include any use or combination of uses and intensity levels irrespective of existing zoning district requirements where it is to be located upon review and recommendation by the planning commission and approval by county council following a public hearing. (See *Mikell v. Charleston County*, 386 SC 153, 687 S.E. 2d 326 (SC 2009).)

2. Once approved, the proposed uses and no others shall be permitted. Said uses shall be identified and listed on the basis of classification and be binding on the applicant and any successor in title, so long as the PDD zoning applies to the land, unless otherwise amended by ordinance.

D. *Development standards.*

1. Minimum area requirements for establishing a PDD shall be five acres.
2. Residential density, setbacks, impervious surface ratios, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities (i.e., transportation, water, and sewerage systems, recreation facilities, fire and police protection, etc.).
3. Overall site design shall be harmonious in terms of landscaping, enclosures of principal and accessory uses, size of structures, street patterns, and use relationships. Variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged.
4. Parking and loading. Off-street parking and loading spaces for each PDD shall be supported by a parking plan designed by a licensed professional engineer to accommodate all uses proposed for the PDD, and as approved by the director.
5. Buffer areas shall be required for peripheral uses only, and shall be provided in accordance with article 14.08-4. Buffer areas not required for internal use. Other landscaping provisions apply.
6. Private streets may be permitted in a PDD provided such streets meet the design and construction standards for private streets as outlined in article 14.04-5.
7. Signage shall meet the requirements of article 14.08-6.
8. Development of a PDD shall be in accordance with all of the requirements of chapter 14.04.

E. *Amendments to approved PDD.*

1. Except as provided in this section, approved PDD plans shall be binding on the owner and any successor in title.
2. Minor changes in approved PDD site plans may be approved by the director or his designee on application by the applicant, upon making a finding that such changes are:
 - a. In accordance with all applicable regulations in effect at the time of creation of the PDD district; or
 - b. In accordance with all applicable regulations currently in effect.

3. Major changes to an approved PDD shall require approval by the county council following recommendation by the planning commission. In reaching a decision as to whether the change is major, the director or his designee shall use the following criteria:
 - a. Any increase in intensity or use resulting in added floor area, an increase in the number of dwelling or lodging units, or an increase in the amount of outside land area devoted to sales, displays, or demonstrations;
 - b. Any change in parking areas resulting in an increase or reduction in the number of spaces;
 - c. Structural alterations significantly affecting the size, form, style, and location of buildings as shown on the approved plan;
 - d. Any reduction in the amount of open space or buffer area, or any change in the location or characteristics of open space;
 - e. Any change in pedestrian or vehicular access or circulation.
 - f. Any change in use or density.

14.08-2.150. - Overlay districts.

A. *Gateway and Corridor Overlay Districts (GC-O).*

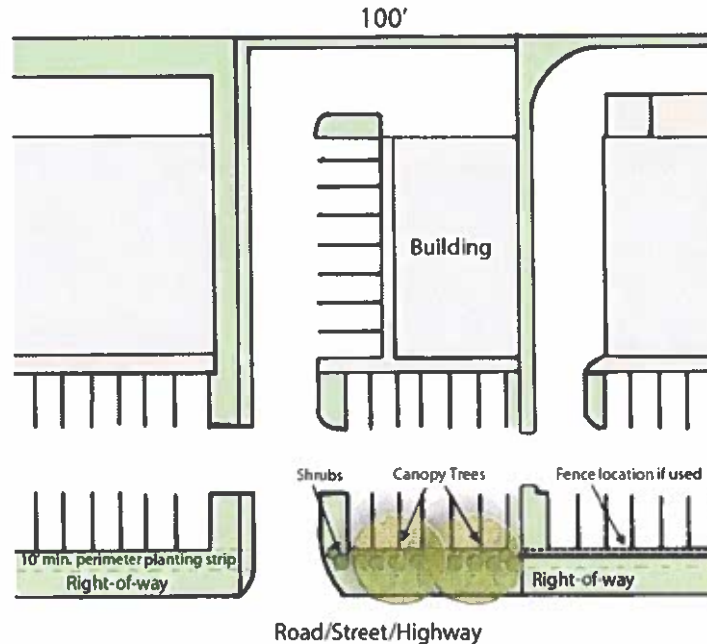
1. ***Purpose.*** The intent of the GC-O overlay is to specify the types of uses and additional development standards needed in the gateways or corridors which have significant influence on the overall character and appearance of the county.
2. ***Applicability.*** These overlays are as established on the zoning map as gateways (3,000-foot or 1,000-foot radius) and corridors (500 feet from centerline). These regulations shall apply to all new development and any existing development which meets the following criteria:
 - a. Any change of use of a nonresidential property; and/or
 - b. Any building expansion that increases the floor area of a nonresidential use by 20 percent or more or any parking addition of ten or more spaces.
3. ***Uses.*** All uses allowed in the base zoning district are allowed in the GC-O overlay except the following:
 - a. Air strips and airports.
 - b. Automotive parking and garages (as a principal use).
 - c. Camps and recreational vehicle parks.
 - d. Manufactured homes parks.
 - e. Mining.
 - f. Correctional facilities.
 - g. Flea markets.

- h. Gun clubs and skeet shooting ranges.
- i. Manufactured home dealers.
- j. Mini-warehouses.
- k. Pawn shops.
- l. Sexually oriented businesses.

4. ***Development standards.***

- a. ***Driveways.*** Driveways shall be installed and improved in accordance with SCDOT standards.
- b. ***Outdoor lighting.***
 - i. Where outdoor lighting is provided, it shall be L.E.D. directional lighting designed and located to prevent light trespass onto abutting properties and located at least ten feet from side and rear property lines.
 - ii. No flickering or flashing lights shall be permitted.
- c. ***Outdoor storage.*** Outdoor storage shall be located in the side or rear yard and shall be screened from view of any street with a solid fence and/or landscaping to achieve an opaque (solid) screen. Chain-link fences with slats shall not be permitted.
- d. ***Parking.***
 - i. Parking areas shall be located to the side or rear of the principal structure for all nonresidential uses.
 - ii. Parking shall be paved with concrete, asphalt, or similar approved paving materials.
 - iii. Parking spaces shall be marked and comply with A.D.A. Standards.
- e. ***Landscaping.***
 - i. A landscaped roadway yard shall be provided to start five feet behind the right-of-way property line and be a minimum of ten feet wide, and contain the following:
 - (1) Native shrubs shall be planted at a minimum rate of ten shrubs per 50 linear feet of street frontage (minus the driveway width). At least 75 percent of the required shrubs shall be native evergreen species.
 - (2) Street trees shall be planted outside the right-of-way at a minimum rate of one large maturing (canopy) tree per 50 linear feet. Where overhead power lines exist, then a minimum of two small maturing (ornamental) trees per 50 linear feet may be installed.
 - ii. Any chain-link or similar fencing visible from the street must be screened with a minimum of one shrub or ornamental tree (min. six feet tall) every ten feet.

LANDSCAPED ROADWAY YARD



(1 canopy tree per 50 linear feet or 2 ornamental and 10 shrubs)

B. *Airport Compatibility Overlay Zone (AC-O) – Lowcountry Regional Airport.*

1. **Purpose.** It is the intent of the AC-O district to protect the dual interests of the Lowcountry Regional Airport (LRA) and the neighboring land uses, and to:
 - a. Protect and promote the general health, safety, and welfare of people using and living in the vicinity of the Lowcountry Regional Airport (LRA) environment;
 - b. Prevent the impairment and promote the utility and safety of the airport, and protect the significant investment of local, state and federal dollars into the development of the airport;
 - c. Promote land use compatibility between the airport and surrounding developments;
 - d. Protect the character and stability of existing land uses; and
 - e. Enhance environmental conditions in areas affected by the airport and its operations.
2. **Boundaries.** The boundaries of an airport district shall be determined by application of the following zones around the Lowcountry Regional Airport

(LRA). The surfaces and zones are based on the Code of Federal Regulations, Title 14, Part 77 (14 CFR Part 77), paragraph 77.19.

a. **Primary Zone.**

- i. The Primary Zone is longitudinally centered on a runway, extending 200 feet beyond each runway end. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary zones at the LRA are:
 - (1) Runway 5/23 – 1,000 feet.
 - (2) Runway 17-35 – 500 feet.
 - (3) Runway 9/27 – 500 feet.

b. **Approach zones.**

- i. Approach zones include all land which lies directly under an imaginary runway approach surface longitudinally centered on the extended centerline of each runway. The inner edges of an approach surface are at the same width and elevation as the primary zone of each runway, unless otherwise specified.
- ii. The dimensions of an approach zone shall be determined on the basis of the following:
 - 1) The Runway Protection Zone is a trapezoidal shape located at the ends of each runway primary zone, and is identified as such on the LRA Layout Plan, which is not located herein due to lack of readability due to its large size, but it shall be made a part of this section as if included herein.

The dimensions of the Runway Protection Zones for the LRA are:
Runway 5 – 500 feet (inner width) x 1,700 feet (long) x 1,010 feet (outer width).

Runway 23 – 1,000 feet (inner width) x 1,700 feet (long) x 1,510 feet (outer width).

Runway 17 – 500 feet (inner width) x 1,700 feet (long) x 1,010 feet (outer width).

Runway 35 – 500 feet (inner width) x 1,700 feet (long) x 1,010 feet (outer width).

Runway 9 – 500 feet (inner width) x 1,000 feet (long) x 500 feet (outer width).

Runway 27 – 500 feet (inner width) x 1,000 feet (long) x 500 feet (outer width).

- 2) The Runway Approach Zone is dependent upon the runway type, (i.e. the type of aircraft the runway is rated for) and the approach minimum the runway is rated for.

The dimensions of the Runway Approach Zones at the LRA are:
Runway 5 – 500 feet (inner width) x 10,000 feet (long) x 3,500 feet (outer width).

Runway 23 – 1,000 feet (inner width) x 50,000 feet (long) x 16,000 feet (outer width).

Runway 17 – 500 feet (inner width) x 10,000 feet (long) x 3,500 feet (outer width).

Runway 35 – 500 feet (inner width) x 10,000 feet (long) x 3,500 feet (outer width).

Runway 9 – 500 feet (inner width) x 5,000 feet (long) x 1,500 feet (outer width).

Runway 27 – 500 feet (inner width) x 5,000 feet (long) x 1,500 feet (outer width).

c. **Transitional zones.**

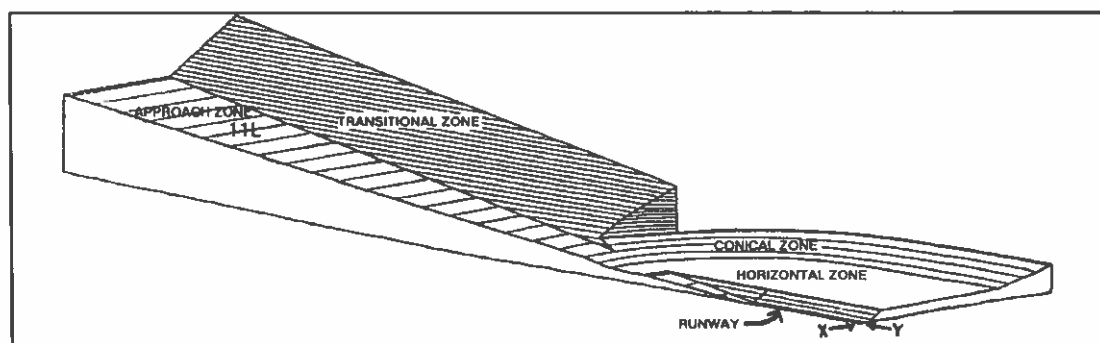
- i. Transitional zones are the areas beneath the transitional surfaces. The transitional zone extends from the edge of the primary surface and extends to the horizontal zone. See subsection 4(b) for further descriptions of the transitional zone.
- ii. Transitional zone determination for heliports. These zones extend outward starting at 1.5 times the helipad surface to a horizontal distance of 4,000 feet at a slope of 8 to 1 measured from the approach and departure path centerline (see AC 150/5390 2c figure 2-7).

d. **Horizontal zones.**

- i. The horizontal zone is established by an arc with a radius of 10,000 feet, measured out from the centerline end of all runways and connecting where each runway arc intersects, all the way around the airport. The horizontal zone does not include the approach or the transitional zones.

e. **Conical zones.**

- i. The conical zone is the area that extends outward from the outer limits of the horizontal zone for a horizontal distance of 4,000 feet.



Code of Federal Air Regulations (FAR) Part 77.19

3. **Prohibited uses in the airport zones.** The following uses in subsections (a) and (b) below are prohibited in the airport zones, regardless of whether the base zoning district lists these uses as permitted:

- a. ***In all airport zones. Any use which would deleteriously:***
 - i. Create electrical interference with navigational signals or radio communications between the airport and aircraft;
 - ii. Diminish the ability of pilots to easily distinguish between airport lights and other lights;
 - iii. Create glare in the eyes of pilots using the airport;
 - iv. Impair visibility in the vicinity of the airport;
 - v. Create bird strike hazards, or otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft using the airport.

 - b. ***In the ultimate runway protection zone (See the Lowcountry Regional Airport Layout Plan).***
 - i. Single-family dwellings, including manufactured homes in excess of two units per acre;
 - ii. Multi-family and cluster housing projects, manufactured home parks, and group housing; Transient lodging, motels and hotels;
 - iii. Hospitals, sanatoriums, and nursing homes;
 - iv. Schools and day care centers; and
 - v. Churches, theaters, auditoriums, and similar places of assembly.
4. ***Height restrictions.*** Except as otherwise provided herein, no structure or tree shall be located in any airport zone at a height in excess of the limits herein established for each of the following zones:
- a. ***Approach zones.*** Height limits within approach zones shall be determined by calculating a slope ratio (measured in feet outward and upward) from the elevation and end of each primary zone, as measured along the extended centerline of each runway, out to a prescribed horizontal distance and slope, as follows:

Approach Zone Height Limitations	Horizontal Distance (Feet)	Slope Ratio (Out and Up)
Runway 5	10,000	34:1
Runway 23	50,000	50:1 for the first 10,000 feet, Then 40:1 for 40,000 feet
Runway 17	10,000	34:1
Runway 35	10,000	34:1
Runway 9	5,000	20:1
Runway 27	5,000	20:1

- b. ***Airport transitional zone.*** Height limits within transitional zones shall be determined by measuring outward and upward at a 7:1 slope from the sides and same elevation as the runway to the point of intersection with the horizontal zone or conical zone.

- c. ***Horizontal zone.*** Height limits in the horizontal zone are established at 150 feet above the airport elevation.

- d. **Conical zone.** Height limits in the conical zone are established by measuring out and up from the horizontal zone from an elevation of 150 feet above airport elevation at a 20:1 slope to a height of 350 feet above airport elevation.
5. **Noise restrictions.**
- a. Noise restrictions shall apply within the approach zone of all instrument runways. Private airports shall be exempt from the provisions of this section.
 - b. Where permitted in the approach zone, residential dwellings and portions of buildings which are open to the public shall be constructed to achieve an outdoor to indoor peak noise level reduction (NLR) of at least 30 decibels (db). Normal construction methods provide a NLR of 20 (db), so a reduction of only 10 additional decibels is required, which can be achieved through sound insulating materials. All other permitted uses and structures are exempt from this section.
 - c. A description of such methods and materials shall accompany all building applications for uses affected by this section, and shall be subject to approval by the director or his designee.
6. **Lighting regulations.** No permitted use, subdivision, or development in an airport district shall have outdoor lighting or illumination arranged and/or operated in such a manner as to be misleading or pose a danger to aircraft operations, as determined by the Airport Manager.
7. **Regulations applicable to existing structures.**
- a. Filing of the Federal Aviation Administration (FAA) Form #7460-1 - "Notice of Proposed Construction or Alteration" is required whenever a proposed structure is planned for development which breaks the plane of the 100 feet out to 1 foot up 100:1 slope ratio away from an airport, as required by the FAA. The FAA response to Form 7460-1 shall accompany all site and construction plans when submitting for a building permit application to the director.
 - b. The owner of any existing structure or vegetation that is penetrating any referenced plane within an established airport district shall permit the installation, operation, and maintenance of whatever markers and lights deemed necessary by the FAA or the State Aeronautics Commission (SAC) to warn aircraft operators of the presence of an airport obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the airport operator.

- c. However, the regulations prescribed in this section shall not be construed to require the removal, lowering, or other change or alteration of any existing structure or tree not conforming to these regulations when adopted, or otherwise interfere with the continuance of an existing use. Nothing contained herein shall require any change in the construction, or use of any structure, whose construction began prior to the adoption of these regulations. The exceptions above are subject to the following constraints:
 - i. Any trees that were not conforming to these regulations when adopted, must be maintained at the same height at the time the exception was granted.
 - ii. Existing buildings that were not conforming to these regulations when adopted, may remain as long as the building is utilized for the same purposes as at the time the exception was granted. The buildings may not be expanded, added to, or reconstructed in a manner that would increase the existing structures height beyond what existed when these regulations were adopted.

8. ***Variances.***

- a. Any person who determines that the strict application of the height restrictions imposed in the AC-O will cause them an undue hardship may apply for a variance from such regulations to the zoning board of appeals. The application for a variance shall be accompanied by an explanation of the hardship created where no other viable options exist for the development, along with a determination from the FAA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.
- b. Additionally, no application for a variance may be considered by the board unless a copy of it is provided to the airport operator for advice as to the aeronautical effects of the variance. If the airport operator does not respond within 15 days after receipt, the board may act on its own to grant or deny the variance.
- c. Any permit or variance order granted, if such action is deemed advisable and reasonable, may contain conditions of approval, such as requiring the owner to install, operate, and maintain at the owner's expense, such markings and lights as may be deemed necessary by the FAA, the SAC, and the airport operator, or other such conditions deemed appropriate by the board.

ARTICLE 14.08-3. - CONDITIONAL USES

Sections:

14.08-3.010. - Purpose.

14.08-3.020. - Conditional use regulations.

14.08-3.010. - Purpose.

- A. The county finds that there are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain conditions for approval specific to their design and/or operation. Such conditions ensure compatibility among other uses. This article specifies those requirements that must be met by all the uses listed as conditional or special exception uses in any zoning district.
- B. Each use shall be permitted in compliance with all conditions listed for the use in this article, plus any additional conditions deemed necessary by the director to make the conditional use more compatible with the surrounding properties and/or uses. Certain uses are also classified as special exceptions and require approval by the zoning board of appeals. These special exceptions may also be conditioned by the director for the board's approval, and the board may add conditions of their own as deemed appropriate.

14.08-3.020. - Conditional use regulations.

A. *Accessory structures and uses.*

- 1. Manufactured homes, campers, trailers or recreational vehicles cannot be used for storage or as any type of accessory structure, and only one shipping container may be used as an accessory structure per lot.
- 2. No accessory use shall occupy any part of a dedicated easement, a required setback, a buffer yard, a landscaped area or any areas designated as parking and loading zones or areas.
- 3. Unless specifically stated in subsections A.5, A.6 and A.7 and Table 8 of this section, all accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district where they are located.
- 4. Accessory structures shall be located within the buildable area on the same lot as the principal structure and observe the height limits for the district where they are located, but in no instance exceed the height of the principal structure.
- 5. Farm structures up to 5,000 square feet located on parcels two acres or larger in the RC-1, RC-2, RD-1 and RD-2 zones may be located no closer than 150 feet from the front property line; otherwise, no accessory structure may be located in a front yard. Please also see paragraphs A.6 and A.7 and Table 8 below for more information.
- 6. In the RD-1 and RD-2 Zoning Districts only, accessory structures of any size on agricultural properties of 5 acres or more, may be located in the front yard

between the principal structure and be no closer than 50 feet from the front property line, if provided with a natural landscaped buffer which has the opacity of a solid wall in accordance with section 14.08-4.020 (D)(3), to ensure complete concealment of the structure from any public/private rights-of-way and on the sides facing any residential dwelling units located within 300 feet of the structure on any abutting properties.

7. Waterfront properties with or without an OCRM Critical Line may locate only one (1) accessory structure in the designated front yard under the following circumstances:
 - a. One (1) accessory structure may be located in front of the principal dwelling unit (between the street and the front of the principal dwelling unit) when the minimum lot area is 50% larger than the minimum lot area requirement for the zoning district.
 - b. When the accessory structure is to be located to the side or rear of the principal dwelling unit the accessory structure shall adhere to the minimum principal structure side yard setbacks for the zoning district and a minimum of 30 feet from the OCRM Critical Line or rear property line.
 - c. Accessory structures shall be located a minimum of 15 feet from all other structures.
8. Where an accessory structure is erected in the required rear yard on a corner lot, it shall not be located any closer to the secondary street than the required primary front yard setback.
9. Customarily incidental accessory uses shall be located on the same lot as the principal structure or use, and except for properties utilized for agricultural purposes, a permanent accessory structure shall not be placed on the lot prior to the principle structure.
10. Table 8 below describes the setbacks allowed and other information necessary for specific types of residential, waterfront, commercial and industrial accessory uses and structures.

Accessory Use/ Structure	Allowed Location	Allowable Encroachment into Principal Structure Setbacks	Required Setback	Other
Sheds and structures for dry storage and greenhouses	Side or rear yard*	Rear yard setback and side yard setback	3 feet from property line	Accessory structures shall be located a minimum of 15 feet from all other structures and overhead power lines. See subsection A.7 for requirements on waterfront properties.

Domestic Animal Shelters and Pens	Rear yard	Rear yard setback and side yard setback	10 feet from property line	This does not apply to the conditional or special exception use of animal services with outdoor kennels for 24 or more animals of any combination.
Swimming pools & Spas, tennis courts, and recreational uses	Rear yard	Rear yard setback	10 feet from property line	All lighting shall be shielded down and away from adjoining residences. Pre-application meeting and special IBC safety requirements for pools and spas.
Ground supported communication and reception antennas	Side or rear yard	Rear yard and side yard setback	5 feet from property line	none
Fences and walls	All yards	All yard setbacks	Along property line. Driveway and sight-triangle setbacks are required.	Less than 6 feet high - zoning permit. 6 to 8 feet high - building permit. More than 8 feet high – ZBA variance required with hardship.
Boat houses and docks	All yards	All yard setbacks	Along property line where line meets water's edge	Shall adhere to all FEMA and OCRM requirements and permits.
Carport canopies	All yards	Rear yard setback and side yard setback	3 feet from property line	Non-enclosed; square footage not to exceed 25% of principal residence
Handicap access ramps, Ground mounted solar panels, Gate houses, Hunting stands, Gazebos, Landscaping, features and Commercial accessory structures	All yards	All yard setbacks	3 feet from property line	Single-family; mobile homes; commercial; business; office; and, industrial
Park model trailers, campers, and RVs as temporary Housing.	Side and rear	Side and rear	5 feet	Temporary use only up to one (1) year without ZBA approval, see subsection 'Y' for all requirements, and all floodplain and floodway requirements apply, restrictive covenants apply, not allowed on Edisto Island.

*See subsection A.5, A.6 and A.7 of this section, for the requirements for accessory structures, including waterfront accessory structures, and farm structures allowed in the front yard setback.

B. *Animal production.*

1. No livestock shall be kept on less than one acre of land.
2. All livestock shall be kept within a fenced area. Any structure used for boarding or feeding livestock shall be located not less than 75 feet from any property line.

Structures for boarding or feeding livestock existing at the time of adoption of this ordinance are exempt.

3. This section shall not apply to dogs, cats, rabbits, small potbellied pigs, chickens (not to exceed 23 in number), or other similar household pets. Exotic pets are excluded from this list.
4. All commercial livestock operations, including poultry, are required to meet SCDHEC regulations for operation.

C. *Animal services with outdoor kennels.*

1. In any place or premises, used in whole or in part for the purpose of keeping, housing, or raising 24 or more animals in any combination whether commercially boarded, rescued, or household pets, they shall be kept a minimum of 300 feet from any property line, and the outdoor kennel place or premises shall meet in full the screening requirements of section 14.08-4.020 for commercial buffers. If allowed to roam freely on the property, outside of their kennels, those outside roaming areas shall also meet the same setback and screening requirements as the outdoor kennels.
2. All outdoor kennels and roaming areas shall be located only in the rear or side yard area of any lot, whichever is determined by the director to be farthest from any abutting residences.
3. Animal waste shall be regularly collected and contained in containers with lids to minimize noxious odors and the accumulation of flies and other disease carrying insects and vermin to minimize deleteriously affecting neighboring properties. Waste containment, and removal from the property at regular intervals, shall be as approved by the director, to minimize the spreading of diseases, the contamination of neighboring properties, the quality of air, and/or any waterways or water bodies.

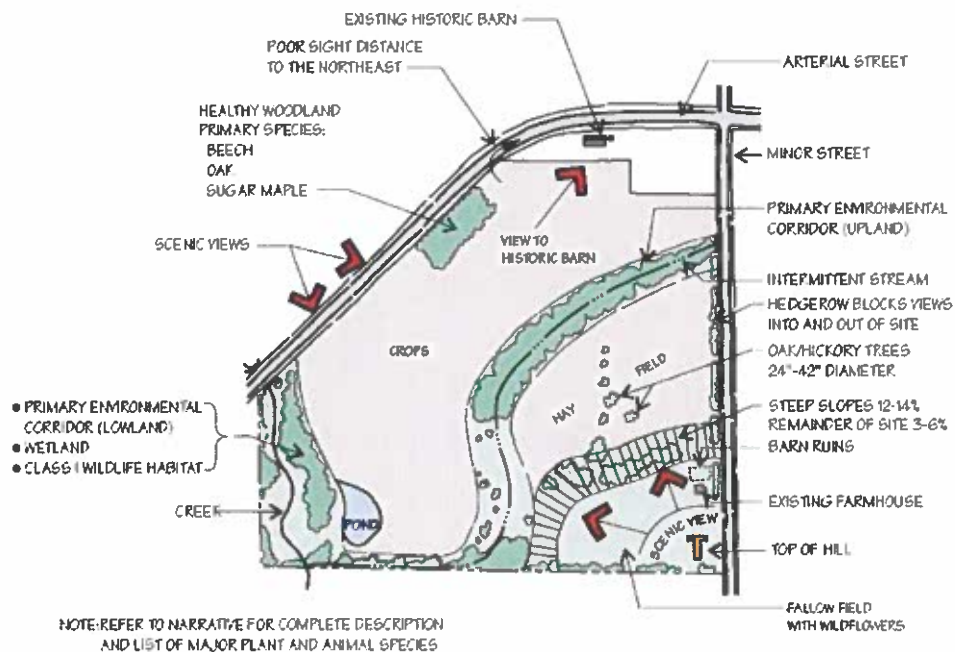
D. *Automotive services or other non-automotive repair services.*

1. Gas station pumps or other appliances shall be set back at least ten feet from the property line, and all service, storage, or similar activities connected with such use shall be conducted entirely on premises.
2. Wrecked, damaged or inoperable vehicles, boats, heavy equipment, appliances, or above-ground fuel storage tanks shall be located behind the principal structure and shall not be visible from any public right-of-way. Such areas shall be screened in accordance with section 14.08-4.020(D) within 12 months of the adoption of these regulations. This conditional use cannot be grandfathered as a legal nonconforming use and shall be brought up to code as mentioned herein.
3. A permanent structure with permanent restroom facilities must be provided on premises.

4. No outdoor sound system shall be permitted which can be heard beyond the boundaries of the property.
 5. Nothing shall be stored or displayed within the public right-of-way.
- E. ***Bed and breakfast inns.*** These inns are intended to provide a unique transient lodging experience in predominantly residential environs and care shall be taken to protect the environs that contribute to the experience of such lodging while promoting their use. Bed and breakfast inns, where permitted by this title, shall:
1. Be occupied by the resident/owner.
 2. Serve no regularly scheduled meal other than breakfast.
 3. 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.
 4. Maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the residential character of the area.
 5. Provide off-street parking of one space per guest room, plus two spaces for the resident, and sufficient off-street parking to accommodate private gatherings, when proposed by the applicant.
 6. Be permitted one non-illuminated identification sign, not to exceed four square feet in sign face area.
- F. ***Boarding and rooming houses.***
1. The maximum number of bedrooms shall be six rooms for guests plus one for the resident manager.
 2. The use shall be located in a structure which was originally constructed as a dwelling, with only one kitchen which shall only serve meals on premises to overnight residents and guests of the facility.
 3. Provide one off-street parking space per guest room and two spaces for the resident manager.
- G. ***Campgrounds and recreational vehicle parks.***
1. The site shall be at least three acres.
 2. The site shall be developed in a manner that preserves natural features and landscape.
 3. The development shall not exceed the following dimensional requirements.

- a. Maximum impervious surface ratio shall not exceed 15 percent of the project site.
 - b. Minimum setbacks for all structures and recreational vehicles shall be at least 100 feet from any street frontage and 50 feet from all other property lines.
 - c. Maximum density shall not exceed ten vehicles per acre.
 - d. Buffer yards shall meet the requirements of section 14.08-4.020 for commercial uses.
4. Areas designated for parking, loading and driveways for travel lanes shall be separated from public streets by a distance of at least 150 feet from any street intersection and designed in a manner conducive for safe vehicular ingress and egress.
 5. All streets within RV parks shall be private and shall comply with the requirements of chapter 14.04.
 6. Each park site shall be serviced by public water and sewer or other systems approved by DHEC.
- H. ***Conservation subdivisions.*** A conservation subdivision is a subdivision of five acres or more that preserves agricultural and forestry lands, natural and cultural features, and the rural character that would likely be lost through conventional development practices, which allows the lot sizes to be reduced, subject to the following requirements:
1. The density shall not exceed that permitted for the zoning district. A yield plan shall be provided at the pre-application meeting to demonstrate that the maximum permissible density has not been exceeded. Yield plans are conceptual in nature and they shall be realistic and not show development in areas that would not be permitted in a conventional subdivision, such as in wetlands, or where streets should be located.
 2. A minimum of 50 percent of the total area of the subdivision shall be set aside as common open space.
 3. Each site plan for a conservation subdivision shall follow a four-step design process as described below. When the conceptual site plan is submitted, applicants shall be prepared to demonstrate that these four steps were followed in determining the layout of their proposed streets, lots and open space conservation areas.
 - a. Step #1. All conservation areas (primary and secondary) shall be identified, using an existing conditions survey. Primary areas shall consist of wetlands and other environmentally protected areas and secondary areas shall include the most sensitive and noteworthy natural, scenic and cultural resources.

FIG 3.1: EXAMPLE OF AN EXISTING CONDITIONS SURVEY

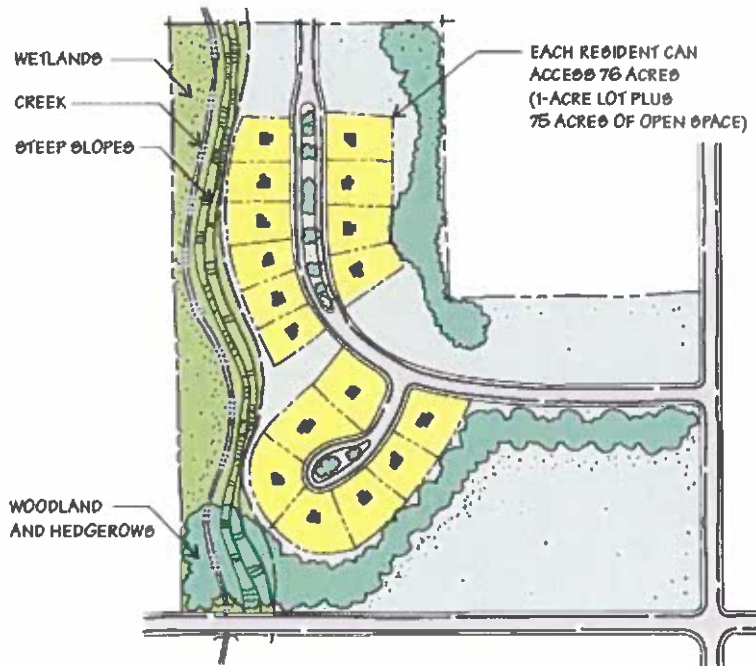


NOTE: REFER TO NARRATIVE FOR COMPLETE DESCRIPTION AND LIST OF MAJOR PLANT AND ANIMAL SPECIES

Source: Southeastern Wisconsin Regional Planning Commission (SEWRPC). "Conservation Subdivision Design." 2002. [conservationsubdivisions/pdfs/conservation_subdivision_design_process.pdf](http://www.sewrpc.com/conservationsubdivisions/pdfs/conservation_subdivision_design_process.pdf)

- b. Step #2. Potential house sites and lots are tentatively located since the proposed location of the houses on the lots represents a significant decision with potential impacts on the ability of the subdivision to meet the evaluation criteria, and the applicant shall show these on the conceptual sketch plan. House sites should be located no closer than 30 feet to primary conservation areas.
- c. Step #3. Aligning proposed streets to provide vehicular access to each house in the most reasonable way that avoids, or minimizes, adverse impacts on the primary and secondary conservation areas. Wetland crossings shall be avoided. Street connections shall be provided to minimize the number of culs-de-sacs and facilitate easy access to and from homes throughout the subdivision.
- d. Step #4. Involves drawing in the lot lines where applicable. Setbacks are to be identified and in no case be less than five feet from any property line.
- e. All final plats shall be reviewed and approved by the director for compliance with the terms of this section.

FIG. 3.2: EXAMPLE OF CONVENTIONAL SUBDIVISION VS. CONSERVATION SUBDIVISION



Through a reduction in lot size, open space can be created without losing density.

- I. **Day cares.** The following shall apply to commercial day cares not operated as a home occupation:
 1. The facility must be registered or licensed by the state, as required.
 2. There must be at least 100 square feet of outdoor play area for each child, with the play area being fenced to a height of at least four feet.

3. All play equipment shall be located in the fenced area. Front yards shall not be used as play areas.
 4. Hours of operation shall be limited to 6:00 a.m. to 8:00 p.m. unless approved as a special exception, the hours of operation may be specified by the zoning board of appeals.
 5. No parking areas shall be permitted in the required setbacks.
 6. For loading and unloading children, one on-street space shall be provided for each 20 children enrolled, or fraction thereof.
- J. ***Family care homes for the handicapped.*** In accordance with S.C. Code 1976, § 6-29-770(E), family care homes for the handicapped are deemed residential uses and permitted in all districts where single-family homes are permitted, subject to the following conditions:
1. The homeowner and immediate family plus up to nine mentally or physically handicapped residents are permitted to live in the home.
 2. The operator of the home shall give prior notice to the local governing body advising of the exact site of the proposed home and identify the individual responsible for site selection.
 3. If the county objects to the selected site, it must notify the individual responsible for site selection within 15 days of receiving notice and must appoint a representative to assist in selecting a comparable alternate site. This triggers the following:
 - a. The site selection representative of the entity proposing the project and the county representative select a third mutually agreeable person.
 - b. The three people have 45 days to make a final site selection by majority vote.
 - c. This final site selection is binding for both the proposing entity and the governing body.
 - d. In the event that no selection has been made at the end of the 45-day period, the entity selecting the site may select the site without further proceedings.
 4. A home shall be licensed with the state before operating.
 5. Prospective residents of these homes must be screened by the licensing agency to ensure that the placement is appropriate.

6. The licensing agency shall conduct reviews of these homes no less frequently than every six months for the purpose of promoting the rehabilitative purposes of the homes and their confirmed compatibility with their neighborhoods.
7. No exterior signage is permitted.
8. No lockdown, violent, or dangerous residents.
9. Only incidental and occasional medical care may be provided.

K. *Family group development.*

1. Family group developments may incorporate up to a maximum of six dwelling units of family members related by blood, marriage, or adoption on a single lot of record.
2. The maximum of six dwelling units on a single lot only applies if the development density of dwelling units per acre, and the setbacks for every unit complies with the zoning district for the subject property.
3. Each dwelling unit shall be placed a minimum of 15 feet away from any other unit and be accessed by a minimum 15 foot wide driveway for the passage of emergency services vehicles.
4. A special exception is required for any family group development that exceeds this threshold of six dwelling units on a single lot. The special exception can only be requested if the subject single lot has enough acreage to allow all six units to comply with the density, setback, access way, and space between units requirements.
5. A notarized Family Group Development declaration/affidavit shall be recorded at the county register of deeds stating that all residents on the single lot are related by either blood, marriage or adoption and the land will not be subdivided in the future unless all of the requirements of this chapter and chapter 14.04 are met.

L. *Gun clubs, outdoor shooting ranges and turkey shoots.* The unique nature of this use is such that the following criteria shall be observed in siting any such use in the county:

1. It shall be located west of I-95 and no closer than one-fourth mile to any existing residential use. Gunfire shall be oriented away from habitable areas. Areas east of I-95 shall require special exception approval by the zoning board of appeals. Hours of operation shall be extended to accommodate law enforcement training and certification for low-light conditions.
2. The site upon which the use is proposed shall be suitable in size and topography, and preferably contain a wooded perimeter to buffer noise and improve the safety of any surrounding residents.

3. Seasonal "turkey shoots." Separately, turkey shoots are temporary in nature, not lasting more than 60 days, shall meet the following requirements:
 - a. Gunfire shall be no closer than 500 feet from any residential use, and not allowed from 11:00 p.m. until 8:00 a.m.
 - b. Gunfire oriented towards residential uses shall be no closer than one-half mile. This distance may be reduced by the use of licensed engineer approved projectile absorbing barriers on the subject property.
 - c. A site plan submitted to the director illustrating the shooting range, orientation of fire, topography of the land, and distances and locations of adjacent residential uses.
 - d. Turkey shoots are allowed in the UD-2, RD-1, RD-2 and RC-1 zoning districts as a conditional use.
- M. **Heavy construction contractors.** All outdoor storage of materials and equipment associated with a heavy construction contractor business shall be set back a minimum of 25 feet from property lines, 50 feet from any residential use, and be screened in accordance with section 14.08-4.020(D).
- N. **Home occupations.**
 1. **Customary home occupations (RS and UD-1 district only).**
 - a. The home occupation shall be carried on wholly within the dwelling and occupy no more than 25% of the principal building floor area, up to a maximum of 400 square feet.
 - b. No exterior signs, merchandise, storage or articles shall be visible from outside the building.
 - c. No more than one person not residing in the residence may be employed on site.
 - d. No alteration away from the residential nature of the buildings or property is allowed.
 - e. Only cars, vans and pickup trucks used primarily as passenger vehicles shall be allowed in the daily operations of the home occupation.
 - f. The occupation shall not create any noxious fumes or odors, light emissions, noises or interference with radio or television reception that can be detected off of the premises.
 - g. Home occupations may operate between the hours of 7:00 a.m. and 8:00 p.m. with no merchandise manufactured off premises and brought in for retail sales.

2. ***Child care home occupation.*** In addition to the requirements for a customary home occupation, the following requirements shall apply to a child care home occupation:
 - a. Child care home occupations shall be limited to a maximum of six children in addition to any children of the operator.
 - b. A minimum of 100 square feet of outdoor play area per child shall be provided in the rear yard which shall be fenced to a minimum height of four feet.
3. ***Rural home occupations.*** For residential lots located in the RC-1, RC-2, RD-1, RD-2, and UD-2 districts, and in addition to the requirements for a customary home occupation, the following requirements shall also apply to a rural home occupation:
 - a. A rural home occupation may be carried on within the principal dwelling or an accessory building, not to exceed 400 square feet. Any accessory building used for a rural home occupation shall meet the principal structure setbacks for the district.
 - b. Rural home occupations include carpentry, metal working, electrical, welding, plumbing, repair shops, professional and technical services, insurance and real estate services, personal care services, and retail, excluding the sale of firearms.
4. ***Motor vehicle repairs and sales home occupations.*** In addition to the requirements for a customary home occupation, the following requirements shall apply to motor vehicle repairs and sales home occupations:
 - a. The repair of motor vehicles at a place of residence is subject to the following restrictions:
 - i. Only minor repairs and maintenance may be performed, which for the purposes of this subsection are defined as the:
 - (1) Changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid, and lubricating oil.
 - (2) Replacement of sparkplugs and wires.
 - (3) Rotation of tires and checking of adequate pressure.
 - (4) Replacement of drive belts and hydraulic lines.
 - ii. Any other repairs shall be restricted to totally enclosed spaces and only accomplished on privately registered vehicles having current state license plates, or motor vehicles designated by the state as qualifying for any antique or horseless carriage designation.
 - b. The sale of motor vehicles at a place of residence is subject to the following restrictions:
 - i. No more than two vehicles at any given time.
 - ii. The vehicle may be displayed by appropriate window or other attached signage.

iii. The vehicle and associated signage may not be located in the public right-of-way.

O. ***Hunting and fishing camps.***

1. A maximum density of ten campers per acre is allowed.
2. Any structure or camper shall be setback a minimum of 50 feet from property lines.
3. Demonstrate compliance with SCDHEC waste treatment.
4. All structures and campers within 100 feet of the front property line shall meet the buffer requirements found in section 14.08-4.020 (B) Street yard.

P. ***Lumber and saw mills.*** All outdoor storage of materials and equipment associated with a lumber or saw mill business shall be set back a minimum of 200 feet from the property line and screened in accordance with section 14.08-4.020(D).

Q. ***Manufactured homes (on individual lots).*** Manufactured homes on individual lots shall:

1. Be built according to the Federal Manufactured Housing Construction and Safety Standards Code (245 CFR 3280), enacted June 15, 1976. Manufactured housing built prior to the effective date of the code shall not be permitted for reasons of safety.
2. Be installed in accordance with the Manufacture's Installation Manual. In the absence of such a manual, the home must be installed in accordance with the requirements of the state manufactured housing board regulations.
3. Be under-skirted around the entire home with brick, masonry, vinyl, or similar materials designed and manufactured for outdoor installation.
4. Have landing steps installed or constructed at each exterior doorway, in accordance with applicable building codes.
5. Be provided with a sanitary sewer system approved by SCDHEC.
6. It shall be unlawful for any such home to receive electricity except by use of this separate meter. It shall be unlawful for any public utility or electrical supplier to connect power to any manufactured home in the absence of all approved permits.

R. ***Manufactured home parks.*** The establishment and operation of a manufactured home park shall comply with the following design and development standards:

1. The park site shall not be less than two acres, and have not less than 200 feet frontage on a publicly maintained street or road.

2. The park shall be served by public water and sewer systems or other systems as approved by local DHEC officials. A storm drainage plan is required and subject to compliance with section 14.04-5.070(L).
3. All manufactured home spaces shall abut upon an interior all-weather roadway subject to section 14.04-5.070(K)1 and shall have unobstructed access to a public street or road.
4. All on-site roadway intersections shall be provided with a street light.
5. Each individual home site shall be at least 25 feet from any other site and at least 25 feet from the right-of-way of any street or drive providing common circulation.
6. All homes shall be installed in accordance with the installation requirements of the state manufactured housing board regulations.
7. Not less than 15 percent of the park site shall be set aside and developed for common open space and recreational usage.
8. Permanent space numbers shall be provided on each space and located to be visible from the street or driveway. Signs identifying space locations shall be provided at each street or driveway intersection.
9. The maximum number of spaces shall not exceed eight per acre.
10. Two parking spaces shall be provided for each designated space. Parking may be provided at the designated space or in community parking areas.
11. Existing trees and other natural site features shall be preserved to the extent feasible.
12. Buffer yards shall be provided on the perimeter of the park or court in accord with the requirements of section 14.08-4.020.
13. The zoning permit may be revoked by the director or his designee for a violation of this title or other applicable ordinances and regulations governing the operations of such uses.
14. A site plan showing the above required data, and in all other respects meeting the minimum requirements for a building permit shall accompany all applications to establish a manufactured home park.

15. All pre-existing manufactured home parks at the time of the adoption of the ordinance from which this chapter is derived are considered legal nonconforming uses, and any expansions must comply with these requirements.
- S. **Manufacturing.** All proposed manufacturing uses shall meet the following performance standards:
1. The emission of visible smoke, dust, dirt, fly ash, particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the state department of health and environmental control (SCDHEC).
 2. There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the property line. Any process, which may involve the creation or emission of any such odor, shall be provided with a primary and a secondary back-up system to maintain control in the event of the primary system failure.
 3. There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding or otherwise, so as to be visible from any residence.
 4. There shall be no emission of any fumes or vapors of a noxious, toxic or corrosive nature, which can cause damage or irritation to health, animals, vegetation, or any property.
 5. Activities which could produce any adverse effect on the temperature, motion or humidity of the atmosphere beyond the lot line shall not be permitted.
 6. The applicant for a facility which would utilize toxic matter in the process of manufacturing, fabricating, assembling, packaging, or any related activity, shall provide with the application a certificate from the SCDHEC, indicating compliance with the rules and regulations of such agency.
 7. All outdoor light fixtures shall be fully shielded and installed to prevent any light trespass onto any abutting property. Light-emitting-diode (LED) lighting shall be used. Light sources visible in residential or medical areas shall not exceed one-tenth footcandle, and in all other areas, shall not exceed one-half footcandle, measured at the property line.
 8. The applicant of a permit for a manufacturing or processing plant which would produce any of the above "objectionable elements" shall acknowledge in writing their understanding of the performance standards applicable to the proposed use and shall submit with the permit application, an agreement to conform with such standards at all times. Any violation of the agreement shall constitute a violation of this chapter and shall be treated accordingly. Enforcement of this agreement shall be precipitated by complaint from any person aggravated by the uses

failure to comply with the provisions of this section. Where there is a problem in complying with any one of these performance criteria, the applicant shall mitigate a solution satisfactory to the director, or request a variance before the zoning board of appeals.

T. ***Commercial mining and extraction.***

1. Minimum lot size shall be five acres.
2. All land disturbing activity shall be located at least 100 feet from any property line and at least 500 feet from any residential, religious, civic, community service or day care use, school, or public park.
3. All extractive uses shall be surrounded by a solid fence or berm at least eight feet high, located no less than 100 feet from any public right-of-way, and no less than 50 feet from any adjacent property.
4. Blasting may only be conducted between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Loading and hauling operations are not permitted between the hours of 9:00 P.M. and 7:00 A.M.
5. Operations shall not create any light, noise, smoke, odors, or dust at a level which creates a nuisance to any person of normal sensitivities at the property line.

U. ***Mixed use buildings.*** Dwelling units in a mixed use building shall not be located on the ground floor.

V. ***Multi-family residential.***

1. Such projects shall have a minimum of one acre.
2. Not more than eight, nor fewer than three, townhouses may be joined together, with approximately the same (but staggered) front line.
3. Minimum distance between buildings shall be 20 feet.
4. Minimum lot width shall be 18 feet.
5. Sidewalks not less than five feet in width, to meet ADA Standards, shall be provided along the front property line and the parking area side of each building.
6. Not less than ten percent of the site shall be dedicated as common open space.
7. No building shall exceed a length of 150 feet.
8. All trash containers shall have a lid and be completely screened from view from the street and adjacent properties with fencing and/or landscaping.

W. ***Outdoor markets (including farmers markets, flea markets, etc.).***

1. Any sale of items where booths or spaces may be rented on the same property or by the same organizers more than four days per calendar year shall be considered an outdoor market, and all sales shall be conducted under cover of an approved structure or tent.
2. Approved SCDHEC restroom facilities shall be provided but not located between the permanent structure or tent and the street right-of-way and be screened from view.
3. Trailers for delivery or pickup may be stored temporarily on site for not more than three days at a time and shall be parked to the side or rear of the permanent structure.
4. When the outdoor retail market is not open for business, all items shall be removed or screened from view from the street and any adjacent residentially zoned properties.

X. ***Outdoor storage.*** Outdoor storage as an accessory use may be permitted provided such storage area does not occupy over 20 percent of the lots' buildable area, is not located in any required setback yard, and is screened from public view as set forth in section 14.08-4.020(D).

Y. ***Park model trailers, campers and RVs as temporary living accommodations (on individual lots).***

1. All units must retain their axles, wheels and towing hitch and remain road-ready. Units are not to have a permanent foundation nor can they have any structurally and permanently attached additions, such as porches, decks, platforms, coverings, steps, stairs, landings, supports or related elements.
2. Only one camper, park model trailer or RV is permitted per lot as a principle use and it shall comply with all district setbacks and buffers established for the principle use, not accessory use.
3. Units may not be renter-occupied for income generation.
4. Units must demonstrate compliance with all applicable restrictive covenants.
5. No park model trailer, camper or RV may be permitted as a principle use on an individual lot of record within the unincorporated portion of Edisto Island.
6. Units will comply with all provisions of the County's Floodplain Ordinance when located in a Special Flood hazard Area. Units located in a floodway must receive a permit for each three (3) day stay, and up to six 3-day permits may be issued per calendar year per unit. Units located in a floodway in excess of three

(3) days per stay or 18 days per year must comply with the completion of a no-rise-no-impact study performed by a licensed professional engineer.

7. No more than 100 amp electrical service is to be provided on-site, and only after the site has a SCDHEC approved septic system installed.
8. Units located within the Urban Development-1 district shall have a minimum of one acre lot size.
9. These units are designed as temporary housing units only, and not recognized by the International Residential Codes as a permanent residential dwelling unit, where they can only be used as temporary housing for up to one (1) year, such as during construction or reconstruction of an active permitted onsite residence, where they are allowed in all zoning districts, unless prohibited by restrictive covenants, and may be granted an additional six months extension upon review of the zoning board of appeals. They are considered Temporary Uses and must comply with the above stated conditions of approval, except where they are prohibited to be placed on Edisto Island.

Z. *Produce stands (year-round and permanent).*

1. All produce grown on a lot under the same ownership as the lot upon which the produce stand is located is exempt for the provisions of this chapter.
2. All other produce stands shall be considered temporary uses and shall follow the special requirements for temporary uses.

AA. *Recreational group quarters.*

1. Recreational group quarters are located on lands intended for outdoor recreational purposes in combination with on-site residential dwellings.
2. A minimum of 100 acres is required.
3. Accessory uses and structures including golf courses, marinas, horse stables, trails, tennis courts, hunting preserves, shooting ranges, and similar type uses are permitted.
4. All structures shall be set back a minimum of 500 feet from any property line.
5. Hotels, motels, condominiums, apartments, and townhomes are not permitted.

BB. *Residential care facilities.*

1. A minimum of two acres is required for a residential care facility.
2. Structures shall be set back a minimum of 50 feet from all property lines.

CC. ***Salvage yards, junkyards, and recycling operations.*** The location of these uses shall be regulated by the following:

1. No such use shall be located closer than 500 feet to any residential use, church, school, historical place or public park or within 50 feet of a public street right-of-way.
2. No material because it is discharged and incapable of being reused in some form shall be placed in open storage.
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. All paper, rags, cloth and other fibers, and activities involving the same, other than loading and unloading, shall be within fully enclosed buildings.
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 eight feet in height. No items may be stacked in a manner so that they protrude above the top of the opaque screen within 50 feet of the screen.
6. Disposal of garbage unrelated to motor vehicles shall be in an approved container and regularly maintained. Open dumping of garbage is prohibited.
7. Disposal of toxic/hazardous matter is prohibited without a state permit.
8. Storage of items shall be so arranged as to permit easy access for firefighting purposes.

DD. ***Seasonal worker housing.***

1. Seasonal worker housing shall be permitted on agricultural land of greater than 20 acres.
2. Seasonal worker housing shall be either permanent residential structures built to South Carolina Building Codes, HUD approved manufactured homes, or park model homes. Recreational vehicles may only be used for seasonal worker housing if they are located on the property no more than three months per calendar year.
3. There shall be a minimum 30-foot easement and driveway to the housing that is suitable for access by emergency personnel.
4. All seasonal worker housing shall be set back a minimum of 100 feet from all property lines.
5. The farm operator shall provide a site plan showing the proposed location of seasonal worker housing.

6. Sanitary sewer and water supply shall be provided as approved by the SCDHEC.

EE. *Sexually oriented businesses.*

1. This section regulates sexually oriented businesses to uphold the health, safety, morals and general welfare of the county residents,, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses in the county. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Similarly, it is not the intent or effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to the intended market. Neither is it the intent of this section to condone or legitimize the distribution of obscene material.
2. The county has conducted an extensive review of land use studies concerning the secondary effects of sexually oriented businesses in other cities including, Palm Beach Co., FL (2007), Ellicottville, NY (1998), Cleburne, TX (1997), Dallas, TX (1997), Houston, TX (1997), Newport News, VA (1996), New York, NY (1994), St. Croix Co., WI (1993), Oklahoma City, OK (1992), Garden Grove, CA (1991), Tucson, AZ (1990), Indianapolis, IN (1984).
3. The clear conclusions to be drawn from these reports are that in areas surrounding adult-entertainment establishments crime increases, property values decrease, and the quality of life for residents declines. Specifically, the reports indicate that sex-related crimes and property crimes increase significantly in close proximity to sexually oriented businesses, including prostitution, pandering, exposing minors to harmful materials, possession and distribution of obscene materials and child pornography, possession and distribution of controlled substances and violent crimes against persons and property. Owing to the potentially objectionable operational characteristics of sexually oriented or adult uses, and the deleterious effect of such uses on existing businesses and/or residential areas around them, the location of such uses, where permitted by article 14.08-2, shall be tempered by the supplemental siting criteria of this section.
4. No property line of such use shall be located within 1,000 feet (measured in a straight line, without regard to intervening structures or objects, from the nearest property line of any lot on which contains a building or structure from which any part is used as a sexually oriented business) of the nearest property line of the uses listed below and documented on a map drawn to scale of:
 - a. A residence or an RS zone;
 - b. A church or religious institution;
 - c. Public or private schools and educational facilities;
 - d. Public parks and recreational facilities;

- e. U.S. Highway 15, 17A, 17, and 21, and S.C. Highways 61, 63, 64, 174, 303, 641, and the Walterboro Bypass, and Interstate 95;
 - f. Another sexually oriented business;
 - g. Day care facilities; or
 - h. Licensed nursing home.
5. It shall be a misdemeanor for a person to operate a sexually oriented business without a valid permit, issued by the responsible governing authority for the particular type of business. An application for a permit must be made on forms provided by the director. The premises must be inspected and found to be in compliance with the law by health, fire and building officials.
 6. Each permit shall expire at the end of each calendar year and may be renewed only by making application as provided herein prior to the end of each consecutive calendar year. If an application and permit fee are not received within 30 calendar days from the end of the previous year, the permit has expired and the business shall be required to shut down until a new application and fee are received before the end of the current year, to have a permit for the following calendar year.
 7. The annual permit fee for a sexually oriented business permit shall be \$1,000.00.
 8. An applicant or permittee shall allow representatives of the county planning and development department, county sheriff's office, SCDHEC and/or county fire-rescue or other governmental departments or agencies involved in code enforcement to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
 9. A person who operates a sexually oriented business and/or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.
 10. The director shall suspend a permit and/or license for a period not to exceed 30 days if he determines that a permittee and/or licensee has:
 - a. Violated or is not in compliance with any section of this chapter; or
 - b. Refused to allow an inspection of the sexually oriented business premises as authorized by this section.
 11. Revocation. The director shall revoke a permit and/or license if he determines that:
 - a. A permittee gave false or misleading information in the material submitted as part of the application process.

- b. A permittee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises.
- c. A permittee or an employee has knowingly allowed prostitution on the premises.
- d. A permittee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's permit and/or license was suspended or revoked.
- e. A permittee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted premises.
- f. On two or more occasions within a 12-month period, a person or persons committed an offense, occurring in or on permitted premises, constituting a specified criminal act for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business at the time the offenses were committed. The fact that a conviction is being appealed shall have no effect on the revocation of the permit.
- g. A permittee is delinquent in payment to the county for any taxes or permit fees past due.

FF. *Solid waste landfills.*

1. *Sanitary landfills.*

- a. Sanitary landfills shall be located no closer than 1,000 feet from the nearest property line of any existing residential, recreational, religious, educational, medical or public use (measured in a straight line).
- b. A geotechnical engineering firm approved by the director shall render a written opinion that, in their best professional judgment, the formations being used to contain the waste are impermeable and that surrounding ground water sources will not be contaminated.
- c. The facility shall be enclosed by an opaque fence or wall structure on all sides visible from the street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries. Said screen fencing shall be a minimum of six feet tall.
- d. A plan showing restoration of the site upon completion of the landfill use shall accompany the request.

2. *Construction and demolition landfill.*

- a. A construction and demolition landfill may be located internally up to, but not closer than 300 feet from any property line, and no property line of a

landfill shall be located any closer than 300 feet from the nearest property line of a residential dwelling, school building, day care center, religious, recreational, or medical facility.

- b. No material shall be placed in open storage or areas in such a manner that it is capable of being transferred out by wind, water, or other causes.
- c. All materials and activities shall be screened in such fashion as not to be visible from off site. The provisions of this subsection may be waived by the director where such facility will be utilized for a period not to exceed 90 days. Screen fencing shall meet the opacity of a solid wall and be a minimum of six feet tall.
- d. A plan showing restoration of the site upon completion of the landfill use shall accompany the request.

GG. *Telecommunications towers.*

- 1. All new towers (including antennas) shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements.
- 2. All applicable safety code requirements shall be met.
- 3. Towers shall not be painted or illuminated unless otherwise required by state or federal regulations.
- 4. No tower shall be located in any marsh or wetlands.
- 5. No tower shall be located within 1,000 feet of an existing tower, except where the applicant certifies that the existing tower does not meet the applicant's structural or technical design requirements, or that a co-location agreement could not be obtained.
- 6. Towers shall be exempt from the maximum height requirements, except as provided in section 14.08-2.010(D)3.
- 7. Tower shall be located so adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties. Should this fall zone encroach onto another property, a recorded easement may be prepared and signed by the adjacent property owner to ensure that no structure will be built within the fall zone. If the tower is designed to collapse within a specified "fall-zone" this must be certified by a letter from a licensed professional engineer or the tower manufacturer.
- 8. Permit requirements for the erection or replacement of a tower shall be accompanied by the following:

- a. One copy of the tower specifications, including the design characteristics and materials.
- b. A site plan drawn to scale showing: property boundaries; tower location and height; guy wires and anchors; existing structures; fall zone; CGI generated images, photographs or elevation drawings depicting design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property (site plan not required for colocation on an approved existing structure).
- c. A map showing locations of applicant's tower, any existing towers within 1,000 feet, and proposed towers planned for the future.
- d. Identification of all owners of all antennae and equipment to be located on the site.
- e. Written authorization from the site owner for the tower.
- f. Evidence that a valid FCC license for the proposed activity has been issued.
- g. A line of sight analysis, drawing and/or CGI generated images showing the potential visual and aesthetic impacts on adjacent residential districts.
- h. A written agreement to remove the tower and/or antenna within 120 days after cessation of use.
- i. A certificate from a licensed professional engineer that the proposed facility and equipment will meet all FCC requirements, together with written indemnification of Colleton County and proof of liability insurance or financial ability to pay claims up to \$1,000,000.00 in the aggregate related to the operation of the facility, at no cost to the county.

HH. *Temporary/seasonal sales uses and structures.*

1. *General provisions for all temporary uses and structures.*

- a. The director or his designee is authorized to issue permits for temporary uses and structures specified in this section, including fireworks and Christmas sales. No temporary use may be established without receiving such permit and shall be valid for up to 30 days unless otherwise specified.
- b. Temporary use permits may be renewed no more than twice within one calendar year, for a total of three permitted use terms, provided use doesn't create traffic congestion or a nuisance to surrounding uses. Any temporary use creating a nuisance may have its temporary permit revoked by the director.
- c. Temporary uses and structures shall be removed from the site after the permit has expired.
- d. All temporary uses shall:
 - i. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
 - ii. Be compatible with the principal uses taking place on the site;

- iii. Not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
- iv. Not include permanent alterations or in any way create damage to the site;
- v. Meet all the setbacks of the underlying base and any overlay zoning districts;
- vi. Comply with the maximum signage size for temporary signs;
- vii. Remove temporary signs associated with the use or structure after the activity ends;
- viii. Not violate the applicable conditions of approval that apply to a site or use on the site;
- ix. Not interfere with the normal operations of any permanent use located on the property; and
- x. Contain sufficient land area to allow the temporary use, structure, or special event to occur, and accommodate the associated parking, traffic movement, port-a-potties, and waste receptacles, without disturbing principal parking areas, traffic flows and/or environmentally sensitive lands.

2. ***Carnival, fair, circus, or special events.***

- a. The total amount of required off-street parking spaces shall be determined by the director. If shared parking for the event is co-located on a parcel with an active use during the event, a shared parking agreement shall be approved by the director prior to the event. The traffic management plan shall be approved by the director for any events with over 100 attendees that will enter and exit off of a local road or highway.
- b. All activities shall be located a minimum of 50 feet from all lot lines. Any concerts or events requiring amplified sound systems shall be approved in advance to be directed away from residential and medical uses and facilities. Any stages, raised platforms, or scaffolding shall require inspection approvals from the building department prior to the start of the event.
- c. Demonstrate compliance with SCDHEC regulations for food safety, sewage, trash, and wastewater disposal and/or removal from the site.
- d. Provide documentation on how electrical services will be provided to all food vendors, rides, attractions, and any other structures or devices which require additional electricity needs.
- e. Churches, places of worship, and/or religious institutions are exempt from the provisions of this section.

3. ***Seasonal agricultural sales.*** This includes the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, may be permitted in accordance with the following standards:

- a. The property contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking.
 - b. The sale of goods shall not occur within the public right-of-way, or within 50 feet of a dwelling.
 - c. A minimum unobstructed pedestrian walkway of at least five feet in width along the front of the display shall be maintained in accordance with ADA Standards.
 - d. The range of goods or products available for sale shall be limited to products obtained primarily through farming or agricultural activities, including, but not limited to: grains and seeds; fruits; vegetables; nursery, floral, ornamental, and greenhouse products; forest products, including trees, Christmas trees, firewood, and pine straw; bees and bee biproducts; seafood; and dairy products. Processed/prepared food products shall not be considered agricultural products.
 - e. The itinerant sale of products from a vehicle that does not involve the display or short term storage of products on a property for a period of two days or longer, shall not be considered seasonal agricultural sales.
 - f. The seasonal sale of agricultural products shall be allowed to operate from 7:30 a.m. until 10:00 p.m.
 - g. Seasonal sales shall be allowed on an individual lot for no more than 120 days per calendar year.
 - h. When seasonal sales are not in operation, the stand shall be properly closed up and maintained.
 - i. Churches, places of worship, and/or religious institutions are exempt from the provisions of this section.
4. ***Temporary construction trailers.***
- a. Commercial construction trailers or equipment sheds used in conjunction with construction projects are allowed provided the following requirements are met.
 - b. Authorization to place a commercial construction trailer onto a development site may be granted after the preliminary plans for the development or phase have been submitted. Multiple construction trailers are allowed; however, no sales may occur from the construction trailers.

- c. Such construction trailers may be located at a commercial or residential building site where a valid building permit exists.
 - d. All construction trailers shall be located at least ten feet off of any street right-of-way.
 - e. For construction projects or residential subdivisions valued at more than \$1,000,000.00, one or more residential security guard houses may be installed which include sleeping, kitchen and full restroom facilities for overnight stay, provided the same conditions and requirements for construction trailers are met.
 - f. Authorization to relocate commercial construction trailers and/or residential guard houses from a completed phase to a future phase of the development may be approved by the director provided that the completed phase has received final approval for recording and no further improvements are required to close out that phase of work.
 - g. Authorization to relocate a construction trailer and/or guard houses to a future phase of development does not grant the developer the right to begin site improvements in the future phase unless the preliminary plat for the next phase of construction has been approved
5. ***Residential sales offices.***
- a. Temporary or permanent commercial structures located in a subdivision may be used as sales offices for the subdivision development.
 - b. Any temporary structure used as a sales office shall be located on a lot which is in compliance with the regulations of this chapter and meets all yard requirements for the applicable zoning district.
 - c. Five off-street parking spaces plus two spaces for sales employees shall be provided on the lot where the sales office is located.
 - d. A commercial trailer may be used as a temporary sales office, provided that the following conditions are met, as approved by the director:
 - i. The trailer shall have underpinning installed from the bottom of the walls to the ground.
 - ii. Landscaping shall be provided around the base of the trailer.
 - iii. At the completion of the sales in a tract, or two years from the date the temporary sales office began operation, whichever is sooner, said sales office shall cease operation unless the director determines that substantial progress is being made in the selling of the lots and/or homes in the subdivision. Extensions may be so authorized by the director as required. The temporary sales office structure shall be removed after its use as a sales office has terminated and the lot shall

be returned to a natural state, including the removal of any paved or graveled driveway and/or parking area used by the sales office. All remaining bare soil areas shall be returned to a natural vegetative state (reseeded or sodded) immediately after removal of the sales office and driveway/parking area.

6. **Portable classrooms.** Portable classrooms in any district for cultural, community, educational, or religious facilities are permitted for an indefinite period provided all required setbacks for the zoning district are met and the portable structure is located on the same site as the principal structure.
7. **Tent sales and vendor sales from vehicles.** Sale of commercial goods may be conducted within a tent or from a vehicle located on a lot with a legally established commercial principal use, provided the following criteria are met:
 - a. A temporary permit is obtained prior to erecting the tent or parking the vehicle for sales.
 - b. The tent or vehicle shall be located outside the normal flow of traffic and areas of ingress and egress.
 - c. The tent or vehicle shall be located on an improved surface such as asphalt or gravel, and not within areas devoted to required landscaping, tree protection, or open space.
 - d. The tent or vehicle shall be located to ensure the minimum number of required parking spaces for the principal use are maintained over the duration of the sale.
 - e. The tent sale shall not include any signage other than that allowable as temporary signage.
 - f. The hours of operation shall be from 7:30 a.m. until 10:00 p.m.
 - g. The total number of days allowed for tent or vehicle sales per lot shall be limited to a maximum of 15 total days per calendar year.
8. **Yard and estate sales.**
 - a. Yard and estate sales may be conducted for a total of six days in any calendar year by civic or religious organizations, occupants of a residence, or in cooperation with neighbors for the purpose of selling household items.
 - b. One on-premises sign and three off-premises signs no larger than six square feet each may be displayed 24 hours in advance of the sale and removed within 24 hours after the sale ends. Signs shall not be located within the street right-of-way, or attached to street signs, trees or utility poles.

9. **Temporary emergency permits.**

- a. **Individual emergency.** When a structure or building has been damaged or destroyed by fire, flood, wind or other forces major, and strict compliance with zoning permit requirements will impair the health and safety of the affected individuals or the security of the premises, the director may declare an emergency condition and grant a temporary administrative permit in accordance with the following requirements:
 - i. If the structure or building complies with all applicable requirements of this chapter, a nonrenewable, temporary administrative permit shall be issued for a period not to exceed one year.
 - ii. If the structure or building is a legal nonconformity, and less than 50 percent of the appraised value has been damaged or destroyed, a nonrenewable, temporary administrative permit shall be issued for a period not to exceed one year.
 - iii. If the use, structure or building is a legal nonconformity, and 50 percent or more of the appraised value has been damaged or destroyed, only emergency housing or the use of manufactured housing units for the conduct of emergency business operations while relocation efforts are in progress shall be allowed. The nonrenewable, temporary administrative permit shall be issued for a period not to exceed six months.
- b. **Community emergency.** Where a major disaster affects the health, safety or welfare of the general public and compliance with zoning permit requirements will delay remedial action, the director shall be authorized, upon approval of the county administrator, to waive zoning permit requirements for a period of time.

ARTICLE 14.08-4. - LANDSCAPING, BUFFERING, AND ENVIRONMENTAL PROTECTION

Sections:

14.08-4.010. - Purpose and applicability.

14.08-4.020. - Landscaping types.

14.08-4.030. - Landscaping and screening installation, protection, and maintenance.

14.08-4.040. - Environmental Protection.

14.08-4.010. - Purpose and applicability.

This article regulates the protection, installation, and mandatory long-term management of trees and shrubs to minimize potential nuisances, such as visual impacts, noise, dust, odor, litter, and glare of lights, onto adjacent properties. The appropriate use of existing and supplemental landscaping enhances the appearance of developed properties with natural landscaping. Existing vegetation should be retained wherever possible.

14.08-4.020. - Landscaping types.

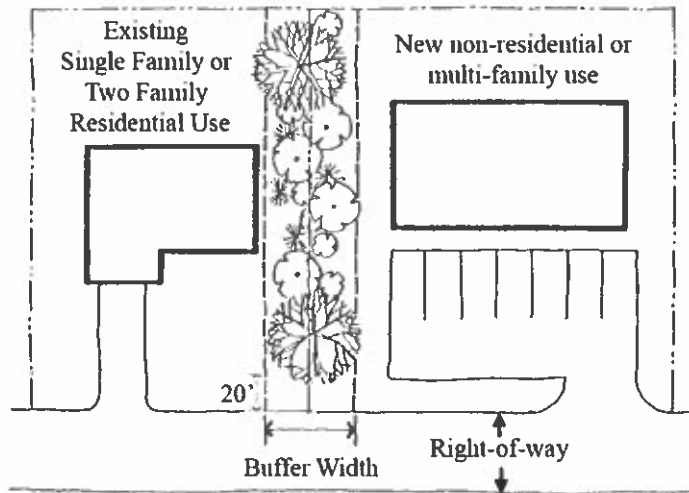
This section is designed to specifically address the application of landscaping to varying styles of development to enhance the appearance, health, and financial well-being of the community. The provisions are broken into four landscaping categories:

*	Buffers (Type A)
*	Street yards (Type B)
*	Parking lot landscaping (Type C)
*	Other Screening and landscaping (Type D)

A. Type A landscaping: Buffers.

1. **Applicability.** A buffer shall be required for all new commercial uses adjacent to any existing single or two-family residential use or adjacent to properties zoned RS, CC, VC, UD-1, UD-2, LID and ID. The expansion of a commercial use by more than 50 percent of building area or land area also requires compliance with this section.
2. **Buffer location, width, and composition.**
 - a. The buffer shall be located entirely on the property of the new or expanding use.

BUFFER LOCATION



- b. The buffer shall begin 20 feet back from the street right-of-way line and extend the length of the property line separating two uses, or 100 feet beyond the end of the use to be buffered.
- c. Type A landscaping functions as an opaque or solid screen with a minimum height of six feet.

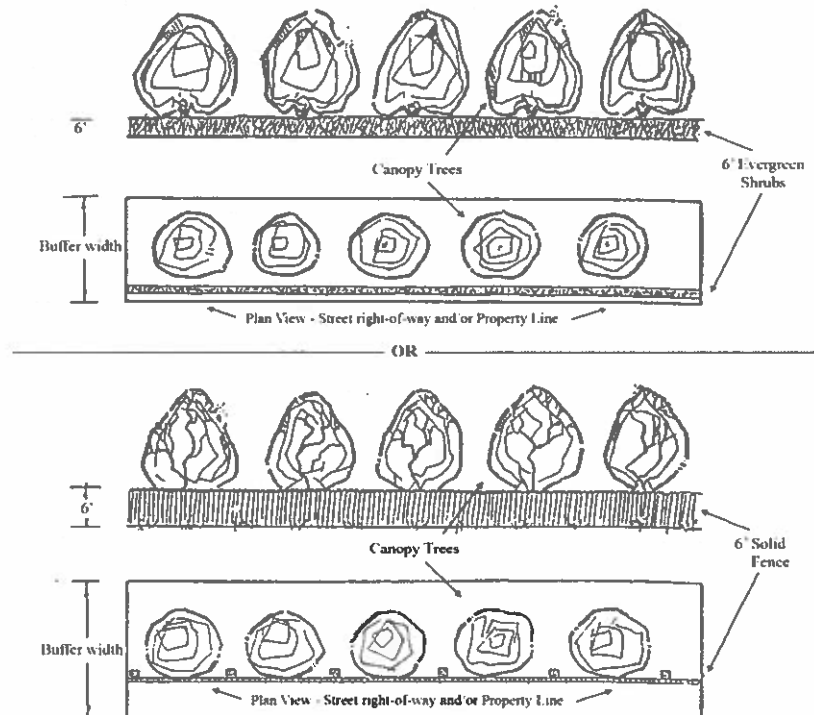
- d. Shrub plantings shall have no unobstructed openings wider than four feet. At least 75 percent of the required shrubs shall be native evergreen species.
- e. No buildings, parking areas, sanitary containers, utilities, or other paved areas may be located within the required buffer area. A buffer may be used for passive recreation and may be interrupted by access driveways, as long as the sight triangle is adhered to.
- f. Composition of the buffer area may include a wall, solid fence, landscaped berm, planted vegetation, existing vegetation, or any appropriate combination of these elements to be a minimum of six feet high as approved by the director.
- g. The use of existing vegetation to satisfy this requirement is encouraged. Supplemental planting may be required in addition to native materials to meet the screening and opacity requirements.
- h. The following table shows the minimum buffer width and composition for a new or expanding commercial use adjacent to an existing single or two-family residential use or property zoned RS, CC, VC, UD-1, UD-2, LID and ID.

New or Expanding Development Use	Minimum Buffer Width	Composition (per 100 linear feet)
Civic, institutional/government	10 feet	2 canopy* trees, 20 shrubs**
Commercial and Mixed-Use	15 feet	3 canopy* trees, 30 shrubs**
Industrial	30 feet	4 canopy* trees, 60 shrubs**

*If overhead power lines exist, then a minimum of two ornamental trees may be installed in lieu of each required canopy tree affected.

**A six-foot solid fence or wall may be used in lieu of shrubs for any buffer. Canopy or ornamental trees are still required.

TYPE 'A' LANDSCAPING BUFFER



B. Type B landscaping: Street yard.

1. Applicability.

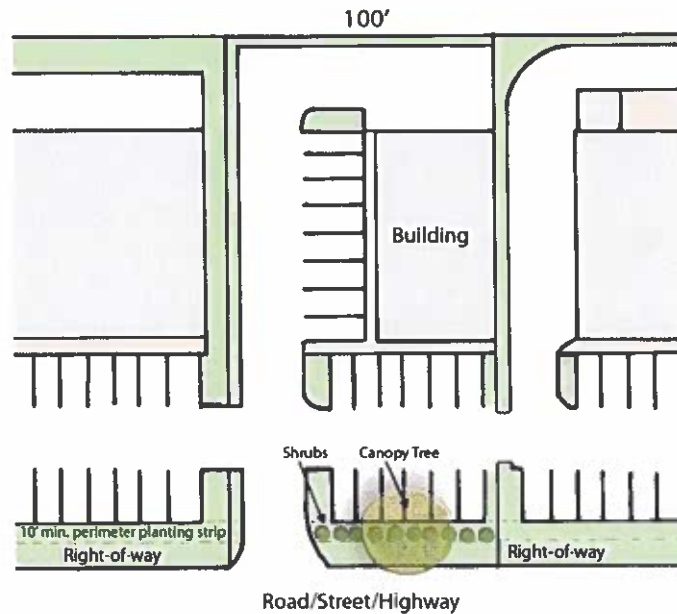
- a. A street yard shall be required for all new commercial uses within the CC, VC, UD-1, UD-2, LID and ID zoning districts. An expansion of an existing commercial use by more than 50 percent of building area or land area also requires compliance with this section.
- b. For districts in which a street yard is not required, landscaping complementary to the site and surroundings is required as approved by the director.

2. Street yard location, width, and composition.

- a. The minimum street yard width is eight feet. The street yard shall be located outside of the right-of-way and on the property side of any required sidewalks.
- b. The minimum height for Type B landscaping adjacent to the street right-of-way is two feet at maturity.
- c. No buildings, parking areas, sanitary containers, items displayed for sale, or utilities may be located within the required street yard area. Driveways may cross the street yard for access to the site.
- d. Composition of the Type B landscaping may include a wall, fence, planted vegetation, existing vegetation, or any appropriate combination thereof.

- e. Shrubs shall be planted at a minimum rate of ten shrubs per 100 linear feet of street frontage (minus driveways). At least 75 percent of the shrubs shall be native evergreen species.
- f. Street trees shall be planted outside the right-of-way within the street yard at a minimum rate of one large maturing (canopy) tree per 100 linear feet, or two small maturing (ornamental) trees in lieu of each required canopy tree where overhead power lines exist.

TYPE B - LANDSCAPING



(1 canopy tree per 100 linear feet or 2 ornamental and 10 shrubs)

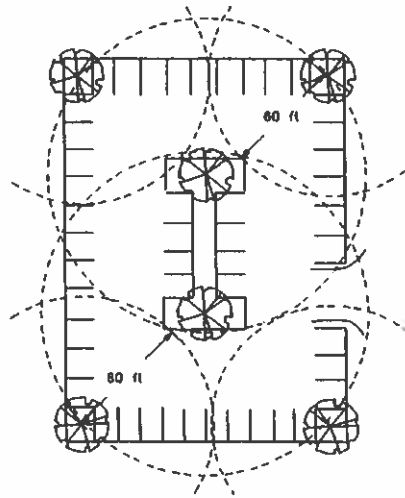
C. Type C landscaping (parking lot canopy).

1. Applicability.

- a. A parking lot canopy is required within all parking lots except automobile sales display areas in the CC, VC, UD-1, UD-2, LID and ID.
- b. Landscaping between the building and the parking area that is complementary to the site and surroundings is encouraged.

2. Location and composition.

- a. A minimum of one canopy tree shall be located within 60 feet of every parking space. The measurement shall be taken from the base of the tree.



- b. Canopy trees shall be planted in a manner that provides shade for parking areas at maturity. Two ornamental trees shall be used in lieu of each required canopy trees under power lines. The use of existing vegetation to satisfy this requirement is encouraged.
- c. Each planting area shall be a minimum of 49 square feet, with a minimum dimension of seven feet.

D. Type D - *Other screening and landscaping.*

- 1. Screening shall be required for all open commercial or industrial storage areas (not devoted to retail sales) or trash containers of four or more cubic yards visible from any public street.
- 2. Screening shall be accomplished by an opaque or solid divide not less than six feet in height or the height of the object to be screened, whichever is greater.
- 3. Screening may be in the form of a berm, wall or fence, or an appropriate amount of landscaping as to provide the necessary amounts of screening as determined by the director to effectively screen the storage from view from any adjacent lot or street right-of-way. Chain-link fence with slats shall not be used to meet the requirement of this section.

14.08-4.030. - Landscaping and screening installation, protection, and maintenance.

A. *Fence, wall, and berm standards.* Whenever a fence, wall, or berm is being installed, whether part of a screen or not, they shall meet the following requirements:

- 1. Fences and walls must have the finished side facing outward. Fences shall be wooden, vinyl, wrought iron or a combination of these materials to achieve the opacity of a solid wall, as approved by the director. Chain-link fences and wood, plastic, or metal chain-link fence slats are expressly prohibited. However, a black

or green coated chain-link fence with evergreen hedges is acceptable. Fences shall not be tin, corrugated metal, plywood, wood pallets, or any plastic other than vinyl. Walls must be made of masonry materials such as poured concrete, rock, decorative block, concrete blocks covered with stucco, and/or brick.

2. No wall or fence used as part of a screen shall be less than six feet tall. All fences and walls are required to obtain a zoning permit prior to construction, regardless of height or location. Fences or walls taller than six feet and shorter than eight feet require a building permit prior to construction. Fences or walls taller than eight feet in height are required to obtain a height variance from the zoning board of appeals prior to obtaining a building permit to construct. The specific hardship, not created by the applicant, explaining why the height variance is being requested, must accompany the variance application.
3. It is the applicant's responsibility to ensure, for their own protection, that any fence or wall installed near property boundaries is being installed completely on their property, so as not to create an undue civil dispute between property owners. County Staff will not determine if a fence or wall is installed on the correct property, nor will they assist in any way in settling said dispute between parties. These disputes can only be solved by SC licensed surveyors and/or engineers as a civil matter.
4. Sight-Triangle and Visibility at Intersections. No fence, wall, berm or landscaping shall block a motorist's visibility, in any direction, from being able to safely see oncoming pedestrian, bicycle or motor vehicle traffic, when attempting to exit a property in accordance with the sight-triangle and visibility at intersections provisions outlined in paragraph H below.
5. Fence or wall "gate setbacks" required when fronting onto a street or road. Fence or wall gates that allow vehicles to enter or exit a property through a gate, off of a road or highway, require the gate to be setback a minimum of forty-five feet (45'-0") from the right-of-way line being crossed, to allow the vehicle and an attached trailer to safely pull completely off of the road or highway before stopping to open or close the gate, so as not to interfere with the flow of traffic on the road or highway.
6. Where a fence or wall is used as part of a required screen area, any required plantings accompanying the fence or wall shall be located on the street side of such fence or wall, opposite the new development.
7. All berms shall be grassed and/or planted with other plant materials sufficient to prevent soil erosion. If a specific height for the screen is required, this can be obtained by the berm itself, or a combination of the height of the berm plus the height of the planted vegetation needed to meet that overall height requirement, while also meeting the opacity of a solid fence or wall. No berm shall exceed a slope greater than one foot of rise for every three feet in plane. At least 75 percent

of any required shrubs shall be planted on the slope of the berm facing the street, opposite the new development.

- B. ***Existing vegetation.*** If existing vegetation is located on the property being developed and it meets the screening requirements for height, width and opacity, further plantings and or improvements shall not be required. If the existing vegetation is deficient in meeting the screening requirements, the developer shall make needed improvements and/or additions as required by the director.
- C. ***Plant standards and plant installation standards.*** The following standards shall apply to all new plant material installed as general landscaping or as part of a screen required under these regulations:
1. All plants and trees installed for general landscaping or as part of a screen fence shall be approved plants that are native to our area as defined by the American Nursery and Landscape Association's current edition of American Standard for Nursery Stock (ANSI Z60.1-2004).
 2. Invasive and/or exotic pest plants listed on the South Carolina Exotic Pest Plants website located at www.sc-eppc.org are expressly forbidden from being planted as part of the general landscaping or screen fence requirements, where doing so could result in fines levied against the property owner.
 3. The minimum required size for a canopy tree at planting shall be two-inch caliper and/or 12 feet in height.
 4. The minimum required size for an understory tree at planting shall be one and one half-inch caliper and/or eight feet in height.
 5. The minimum required large screening shrub shall be the seven gallon container size and/or four to five feet in height.
 6. The minimum required small screening shrub shall be the three gallon container size and/or 18 inches in height.
 7. No large maturing trees shall be planted within 20 feet of an electrical distribution line. This does not include insulated low-voltage lines of 240 volts or less or telephone or cable lines.
 8. All plants shall be installed free from disease, in accordance with generally accepted and recommended planting practices and in areas that ensure the availability of sufficient soil, water, air and sunlight needed to sustain healthy growth.
 9. No plants, and specifically no trees, shall be planted within an easement that could be intrusive to utilities, ingress/egress access to a property, or deleteriously impact proper drainage.

D. *Landscaping maintenance.*

1. The maintenance of all required landscaping shall be the responsibility of the property owner in order to fulfill the purpose for which it is established.
2. Debris and litter shall be picked-up, and berms, fences, and walls shall be maintained at all times.
3. Dead plants in the required landscaping shall be replaced promptly and during the growing season and all landscaping shall be protected from damage by erosion, motor vehicles, or pedestrians which could reduce its effectiveness.
4. Failure to maintain landscaping as outlined in this section shall constitute a code violation which could result in fines and/or imprisonment.

E. *Tree protection.*

1. *Trees to be protected.*

- a. Any tree, excluding pine trees, measuring 30 inches DBH (diameter breast height) shall constitute a "significant or protected tree" and shall be protected to the extent that no person shall directly or indirectly destroy or remove any tree in violation of the terms of this section.
- b. Ordinary cutting, trimming and maintenance of any tree, and/or the cutting or removal of any tree that the county shall certify as required for public safety is permissible.
- c. The provisions of this section shall apply only to developments that meet any of the following criteria:
 - i. Major subdivisions with lot sizes of less than one acre within the RS and UD-1 or UD-2 zoning districts.
 - ii. Commercial developments in the UD-1, UD-2, LID or ID zoning districts on lots of ten acres or more.

2. ***Tree survey required.*** As part of the application process for a subdivision preliminary plat or a commercial site plan approval, the applicant shall conduct a tree survey identifying the location of all significant or protected trees and said tree survey must accompany the preliminary plat or site plan review application packet. Said trees shall be shown on a survey plat and in the field be physically marked with brightly colored tape or other markings.

3. *Site design for tree protection.*

- a. The design of any commercial development or subdivision shall take into consideration the location of all significant protected trees identified on the tree survey. Lot and site design shall minimize the need to fell significant protected trees, and the site plan shall include the following:
 - i. Existing location and size of all significant protected trees;
 - ii. Significant protected trees to be removed;
 - iii. Significant protected trees to remain;
 - iv. Areas to be cleared;

- v. All proposed development structures and improvements.
 - b. Where a zoning permit or subdivision approval has not been issued, the destruction of any significant tree, as defined by this section, without prior approval of the director shall be prohibited and constitute a code violation for every tree destroyed and for each day the violation has not been cured.
4. ***Tree and root protection during development.*** During development, a minimum protective zone, marked by barriers, shall be erected at the drip line and maintained around all trees to be retained. Protective zones may be modified from the drip line with an approved mitigation plan acceptable to the director. There shall be no construction, pouring of concrete, paving, grading, operation of equipment or vehicles, or storage of materials within this protected zone.
5. ***Tree replacement.*** Where significant trees have been approved to be removed as part of the zoning permit, or where removal is required due to acts of negligence, or where sites were cleared of significant trees in violation of this section, replacement trees shall be planted in accordance with either method (a.) or (b.) below as required by the director who shall specify the number, species, DBH, and location of replacement trees required:
- a. Combined DBH of replacement trees is equal to the DBH of the trees removed; or
 - b. Individual replacement trees are of the largest transplantable DBH available.
- F. ***Relief from landscaping requirements.***
 In the event that hardships created by the property, and not created by the owner, prevent the strict application of the landscaping requirements from being fulfilled in their entirety, such as topography or an unusually shaped lot, the director may alter the requirements of this section provided the spirit and intent of this article are maintained. Should this occur, the applicant shall submit a plan to the director showing existing site features that would screen the proposed use, plus any additional screening materials the developer may propose to have installed. If the director agrees that the adjusted site plan does meet the intent of these requirements, then the adjusted landscaping shall be installed according to the approved site plan. The mere desire of an owner to make a more intensive use or generate more profits from a greater economic use of the property cannot be grounds for reducing the landscaping requirements, since only a hardship not created by the owner can be accepted.
- G. ***Sight-Triangle and Visibility at intersections.*** No hedge, shrubbery, tree, natural growth, sign, fence, wall, or other obstruction of any kind to vision which prevents a motorist from safely seeing oncoming pedestrian, bicycle and/or vehicular traffic from either direction will be permitted between two feet and nine feet above the center of the street where the projection of the sight triangles intersect the centerline of the street, in accordance with section 14.08-2.010, subsection D – general

provisions, paragraph (2)(g). In instances where SCDOT sight triangle provisions are applicable, such regulations shall prevail.

14.08-4.040. - Environmental protection.

A. Environmental buffers.

1. A riparian buffer setback of not less than 30 feet or one-third the depth of a lot or parcel, whichever is less, shall be provided along the banks of all streams, rivers and shorelines. The buffer setback area for tidal waters shall be measured from the mean high tide line. The buffer setback area for rivers and streams shall be measured from the point on a sloped bank where natural vegetative growth begins, or from the edge of the bank if the bank is steep and elevated vertically above the surface of the water.
2. The buffer area shall remain undeveloped except for piers, docks, utilities, and pervious access paths to the water, as approved by FEMA and Chapter 13.12.

ARTICLE 14.08-5. - PARKING

Sections:

14.08-5.010. - Purpose and applicability.

14.08-5.020. - Parking lot surface materials.

14.08-5.030. - General design provisions for parking lots.

14.08-5.040. - Parking ratios.

14.08-5.050. - Shared parking and parking connectivity.

14.08-5.060. - Standard parking dimensions.

14.08-5.070. - Loading area requirements.

14.08-5.080. - Parking lot maintenance.

14.08-5.090. - Commercial driveways.

14.08-5.010. - Purpose and applicability.

- A. The purpose of this article is to ensure adequate and well-designed parking is provided for new developments.
- B. This article applies to all new commercial developments and the expansion of existing parking areas by more than 50%. Single and two-family residential uses are subject to the minimum parking requirements of section 14.08-5.040(A).

14.08-5.020. - Parking lot surface materials.

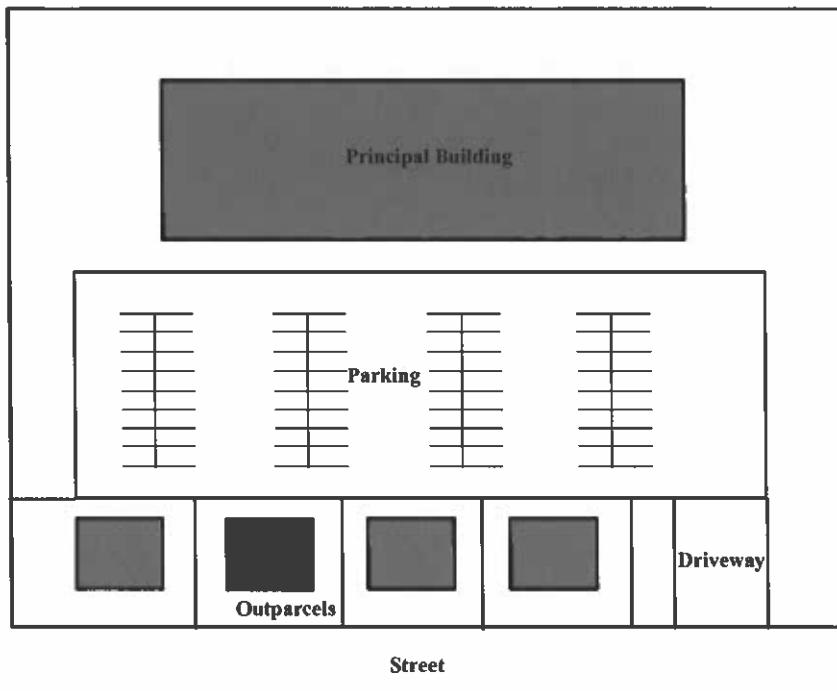
- A. All primary front yard off-street commercial parking areas with more than ten spaces shall be paved with concrete, asphalt, County Engineer approved semi-pervious pavers, or other similar material(s). All other parking areas secondary to the primary parking areas, or any parking areas smaller than ten spaces may use gravel, crushed stone, or other County Engineer approved materials, so long as the materials are confined to the parking area, the driveway aprons and access to the site are paved and

installed in accordance with SCDOT requirements on state roads, and the handicapped parking spaces are provided in accordance with ADA Standards. Curb and gutters are optional.

- B. Paved parking areas shall have permanent lines demarcating each parking space.
- C. Where less than 20 parking spaces are required, places of worship may use grass as the parking surface, otherwise the requirements outlined in paragraph 'A' above shall apply.

14.08-5.030. - General design provisions for parking lots.

- A. A maximum of two rows of parking spaces may be located in the front yard of the principal building and all other parking shall be located in the rear or side yards. For large-scale developments with large parking areas, parking may be shared and screened with outparcel buildings as shown in the diagram below:



- B. Off-street parking shall be provided on the same lot as the corresponding principal use.
- C. Off-street parking and loading spaces, not to include parking structures, are permitted in all required yards and setback areas, but no closer than five feet to a residential property line and two feet to any other property line, where no required landscape buffers are required.
- D. Off-street parking areas shall be designed to facilitate large sanitation, emergency, and delivery type vehicles.

- E. Off-street parking areas shall be designed to prevent parked vehicles from: parking on or backing onto public rights-of-way, sidewalks or adjacent property; or, hitting any fence, wall, vegetation, utility, or structure.
- F. The size of any single surface parking area shall be limited to a maximum of three acres, unless divided by a street, building, or a landscaped area a minimum of ten feet wide.
- G. No surface parking or circulation driveway is permitted within any required buffer area.
- H. A stormwater management plan shall be provided to minimize off-site stormwater runoff, and not drain into or across public sidewalks or an adjacent property, except into a natural watercourse or a drainage easement. In areas where this condition may be impossible to meet, the director may exempt the developer from this requirement, provided that adequate provision is made for stormwater detention. Stormwater retention is prohibited.
- I. Adequate lighting shall be provided for off-street parking areas used at night. Lighting shall be arranged so that light does not trespass onto, or interfere with traffic or adjacent residential properties.
- J. All off-street parking areas shall be landscaped in accordance with section 14.08-4.020(C).
- K. Bicycle racks are encouraged for all parking areas with more than 50 spaces, and they may be placed in the front yard.
- L. Adequate vehicle storage for drive-thru lanes shall be provided on-site to prevent vehicles from backing up into any street, public rights-of-way or adjacent properties during peak business hours.

14.08-5.040. - Parking ratios.

A. *Parking ratios by use.*

- 1. The following are the recommended parking ratios for the uses indicated, except as shown as required. For all other uses, a Parking Plan prepared by a licensed professional engineer, as approved by the director, will be accepted in lieu of the following parking ratios:

Use	Minimum
Single-family and two-family residential (attached and detached)	2 per dwelling unit (required)
Multi-family residential	1 per bedroom

Residential care facilities and hospitals	1 per 3 beds
Commercial (office and retail)	1 per 300 square feet gross floor area
Restaurants	1 per 4 seats
Nightclubs and bars	1 per 75 square feet
Warehousing/industrial	0.25 per 1,000 square feet gross floor area
Hotel/motel/inn	1 per room
Government buildings	1 per 300 square feet
Civic and public assembly uses (not including schools)	1 per 4 seats
Day care centers	1 per 10 children and 1 per employee
Elementary and middle schools	1.5 per classroom
High schools and colleges	10 spaces per classroom
Drive-through (queuing/storage lanes)	The sufficient number of car lengths of vehicle storage needed to prevent back-up into the street during peak business hours, as determined by an engineered Parking Plan, as approved by the director.
Other	An engineered Parking Plan or the minimum of the most similar use(s) as determined by the director.

2. The director can authorize a reduction to the minimum number of parking spaces required if the applicant can demonstrate through an engineered Parking Plan that the number of required spaces is excessive.
3. Where more than one principal use will exist to use the same parking area, an engineered Parking Plan shall be submitted for approval by the director, to indicate the true number of parking spaces needed for all uses, taking into consideration the peak use hours for all uses, to prevent an underutilized sea of asphalt for the majority of time the parking area is used. Please reference Section 14.08-5.050 - Shared Parking and parking connectivity below.

B. *Parking spaces for the physically disabled.*

1. All commercial uses shall provide the following number of disabled parking spaces and van-accessible disabled parking spaces:

Total Number of Standard Parking Spaces Required	Minimum Number of Disabled Parking Spaces Required	Minimum Number of Van-Accessible Disabled Parking Spaces Required
1—25	1	1

26—50	2	1
51—75	3	1
76—100	4	1
101—150	5	1
151—200	6	1
201—300	7	2
301—400	8	2
401—500	9	2
500+	2% of required total	

2. The number of disabled spaces shall be in addition to those standard spaces required.
3. A minimum of one van-accessible disabled parking space shall be required, plus an additional one for each additional eight (8) regular disabled parking spaces required.
4. All off-street disabled parking spaces, signage, curb-cuts and ramps shall be designed and located in accordance with the current ADA Design Standards.

14.08-5.050. - Shared parking and parking connectivity.

- A. **Shared parking.** The joint use of shared off-street parking between two or more uses may be made by contract between all participating uses, as approved by the director, and it shall include at a minimum: a parking plan prepared by a licensed professional engineer; the days and hours of operation and peak hours for all uses; any overflow parking areas that may be utilized; any conflicts in usage time between the uses; and, how any conflicts shall be resolved.
- B. **Parking connectivity.** Adjacent parking lots shall be interconnected except where topographical issues prevent it. Each participating interconnected parking area may reduce their minimum required parking by five percent. Reductions in excess of five percent shall require a parking plan prepared by a licensed professional engineer.

14.08-5.060. – Standard Parking dimensions.

- A. **Parking space dimensions.**
 1. Each standard parking space, shall be a minimum of 19 feet long by nine (9) feet wide.

2. Ten percent of the total number of spaces may be compact spaces measuring 18 feet long by 8.5 feet wide.
3. Parallel spaces shall measure no less than 24 feet long by nine (9) feet wide.

B. **Parking lot dimensions.** The following are dimensional standards for all required parking areas:

	Angle of Parking Spaces				
Aisle Direction	0 (parallel)	30	45	60	90 (perpendicular)
One-way	13 feet wide	14 feet wide	18 feet wide	20 feet wide	24 feet wide
Two-way	19 feet wide	20 feet wide	21 feet wide	23 feet wide	24 feet wide

14.08-5.070. - Loading area requirements.

- A. All uses shall provide off-street loading space sufficient for their requirements and arranged so that no vehicle shall project onto a public right-of-way or sidewalk.
- B. Off-street loading/unloading space shall be located on the same lot as the structures they serve.
- C. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, and vice-versa.
- D. Each loading space shall be a minimum of 12 feet wide by 40 feet in length and have a minimum vertical clearance of 14 feet.

14.08-5.080. - Parking lot maintenance.

Off-street parking areas shall be properly maintained and kept in good condition (free from potholes, etc.) with all parking space lines or markings kept clearly visible and distinct.

14.08-5.090. – Commercial Driveways.

- A. Where required, landscaping, curbing, or other approved barriers shall be located along boundaries to control vehicle and pedestrian ingress and egress. Off-street parking areas shall be designed so that movement onto a public street is in a forward motion. Ingress and egress driveways to public streets must be located at least 50 feet, measured along the curblines, from the intersection of the nearest curblines.
- B. Driveways shall be no less than twelve feet wide for one-way traffic and 20 feet wide for two-way traffic.
- C. Fourteen-foot-wide driveways are permissible for two-way traffic when:
 1. The driveway is not longer than 50 feet;
 2. The driveway provides access to not more than five parking spaces; and

3. Sufficient turning radius and storage area is provided so no vehicles back onto a public street.
- D. In no case shall a driveway width exceed 36 feet, except as required by SCDOT.
 - E. Driveways shall be as nearly perpendicular to the street right-of-way as possible and in all instances the sight triangle shall be maintained.
 - F. Driveways are encouraged to line up with driveways across the street and be shared between adjacent uses wherever possible.

ARTICLE 14.08-6. - SIGNS

Sections:

14.08-6.010. - Purpose and applicability.

14.08-6.020. - General provisions.

14.08-6.030. - Sign type descriptions.

14.08-6.040. - Signs allowed by zoning district and special requirements. Signs not specifically listed in a category in Article 6 as an approved sign type are expressly prohibited.

14.08-6.050. - Sign requirements by type.

14.08-6.060. - Prohibited signs.

14.08-6.010. - Purpose and applicability.

- A. This article regulates and controls signs and their placement throughout the county for the following purposes:
 1. To provide an aesthetically pleasing environment which is vital to the economic attractiveness of the county;
 2. To create a more productive, enterprising, and professional business atmosphere;
 3. To allow signs appropriate to the planned character and development of each zoning district;
 4. To ensure that permitted signs do not become a hazard or nuisance;
 5. To maintain the sight triangle and otherwise promote traffic, bicycle and pedestrian safety;
 6. To prevent business and advertising signs from conflicting with public safety signs;
 7. To prevent the overcrowding of land;
 8. To facilitate fire and police protection;
 9. To protect and enhance the value of properties; and
 10. To promote the public safety and general welfare of the residents.
- B. The provisions of this article shall apply to the construction, erection, alteration, demolition, use, type, number, location, size, height, and maintenance of all signs. For all signs requiring a permit, it shall be unlawful for any person to erect,

construct, demolish, enlarge, move, remove, or replace any sign, without first obtaining a sign permit from the planning and development department.

14.08-6.020. - General provisions.

A. *Sign design guidelines.*

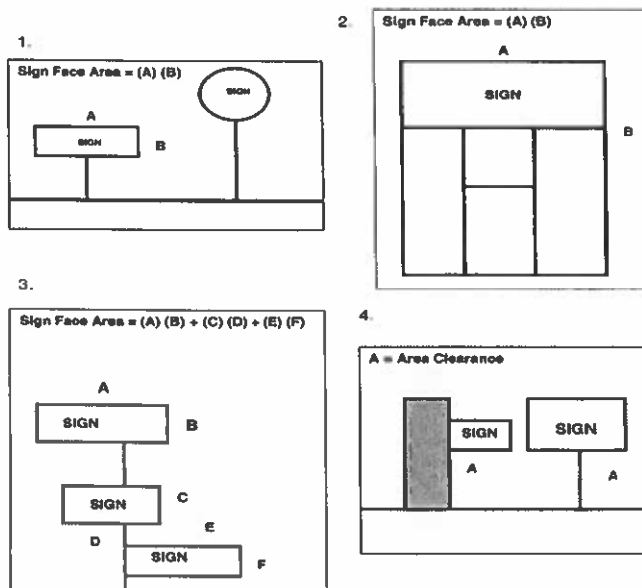
1. No sign shall be located within a sight (visibility) triangle as defined by this chapter.
2. When a sign extends over an area where vehicles travel or park, the bottom of the sign structure shall be at least 14 feet above the ground.
3. When a sign extends over a sidewalk, walkway, or other space accessible to pedestrians, the bottom of the sign structure shall be at least eight feet above the ground.
4. Signs shall be constructed in accordance with all applicable provisions of the current building and electrical codes, and consist of durable all-weather materials.
5. Images, logos, graphics, etc., painted on permanent signs or buildings must be performed in a professional and aesthetically pleasing manner. Permits for painted signs will only be issued to companies who are engaged as professional sign painters.
6. Stacked or double-decked sign faces or side-by-side sign faces shall not be permitted except within 600 feet of the I-95 right-of-way.
7. Illuminated signs shall not directly shine on abutting properties, simulate traffic control devices or emergency vehicles, intermittently switch on and off, change in intensity or color, or otherwise create the illusion of flashing or movement. A commercial sign within 100 feet of an existing residential structure shall not be illuminated between the hours of 10:00 p.m. and 6:00 a.m.
8. Billboards are required to be setback no less than ten feet from any property line while all other signs are to be setback no less than five feet, and in no instance shall any part of any sign overhang across a property boundary or obstruct the sight triangle.

B. *Sign measurements.*

1. The area of a sign is determined by the outer dimensions of the frame or cabinet surrounding the sign face (Illustration 1). Sign area does not include foundations or supports. Only one side of a double-faced or V-shaped, freestanding sign is counted.
2. For signage without a frame, the sign area shall include every portion of the sign that contains a sign display, symbol, or decoration.

3. For signs constructed of individual pieces attached to a wall, sign area is determined by a perimeter drawn around all the pieces (Illustration 2).
4. For signs containing multiple signage, the sum area of all signage on one side only is counted as one sign face (Illustration 3).
5. The maximum surface area visible at one time on a round or three-dimensional sign is the sign area.
6. For signs incorporated into awnings, #2 above applies by measuring the perimeter of the sign display, symbol, or any decorations.
7. Clearances are measured from the ground directly beneath the sign to the bottom of the sign structure (Illustration 4).

Sign Measurement Illustrations



C. Common signage plan required.

1. A common signage plan shall be required for any sign permit involving:
 - a. Two or more contiguous lots or parcels under the same ownership;
 - b. A single lot or parcel with more than one principal use or building or where multiple lots exist which allows for one free-standing sign per lot; and
 - c. A PDD (planned development district) project.
2. The plan shall contain all information required for sign permits generally and all signs shall be consistent with regard to:
 - a. Lettering or graphic style;

- b. Lighting;
 - c. Location of each sign on the buildings;
 - d. Materials; and
 - e. Sign proportions.
3. A common signage plan shall allow a total of one freestanding sign for each lot on each side of each lot which has street frontage.
 4. Once approved by the director, the common signage plan shall become binding on all participating businesses and uses, but it may be amended by filing a revised plan in conformance with the requirements of this chapter.
 5. All common signage plans for properties which contain existing signs shall include a schedule for bringing any nonconforming signs into compliance within three years.
- D. ***Maintenance and upkeep of signs.*** All signs and their components shall be kept in a good state of repair, in compliance with all building and electrical codes, and in conformance with the requirements of this chapter (unless deemed a legal nonconforming sign by article 14.08-9). Any sign determined to be unsafe shall require the property owner to be notified and directed to immediately remove the sign or bring it into compliance.

14.08-6.030. - Sign type descriptions.

A sign is any communication device, structure, or fixture that incorporates graphics, symbols, or written copy intended to promote the sale of a product, commodity, or service, or to provide direction or identification for a premises or facility. The following are descriptions of the different types of signs regulated by this article:

- A. ***A-frame sign (sandwich board).*** A temporary ground sign with two sides attached at the top with hinges that allows the bottom to open up away from each other.
- B. ***Animated sign.*** Temporary signage that uses movement or change of lighting to depict action or creates a special effect or scene.
- C. ***Awning sign.*** Permanent Signage painted onto or attached to a fabric or canvas awning.
- D. ***Banner.*** Temporary signage made of fabric or canvas advertising a special sale or event. A banner may be placed on a building wall or on freestanding stakes or fences.
- E. ***Billboard (off-premises sign).*** A large permanent sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than where the sign is located. These are typically located along interstates and major highways.

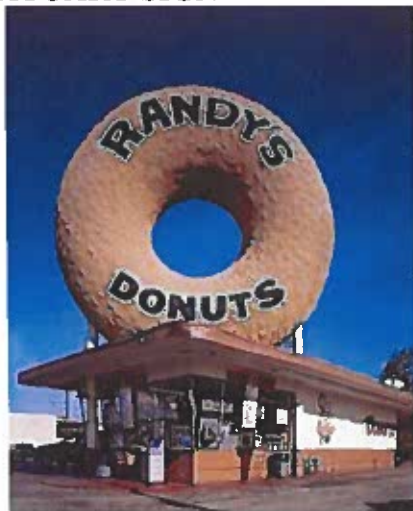
- F. **Building sign.** Any permanent sign attached directly to any part of a building.
- G. **Canopy sign.** A permanent sign that is mounted or painted onto or attached to a canopy.

CANOPY SIGN



- H. **Changeable copy sign.** A temporary or permanent sign or portion thereof with interchangeable characters, letters or illustrations that are changed manually or electronically. Signs with messages that change more than eight times per day are considered animated signs for purposes of this article. Signs where only the time and temperature portion of the sign change are not changeable copy signs for purposes of this article.
- I. **Construction sign.** A temporary sign indicating that a construction project is taking place which may include the contractor's information and information about the construction project.
- J. **Government sign.** A temporary or permanent sign posted by local, state, or federal agencies which provide information to the community, including regulatory, traffic, welcome, and wayfinding signs, community bulletin boards, and directory signs.
- K. **Statuary or Facsimile sign.** A permanent three-dimensional object, molded or sculpted to look like an animal, a human figure, or some inanimate object like a donut or an automobile part, which may or may not contain advertising or information about the products or services sold on the premises.

STATUARY SIGN



- L. **Freestanding on-premises signs.** Any permanent, elevated, stand-alone and self-supporting sign located on the same property as the establishment being advertised that is not affixed to a building. An elevated sign supported by a pole is a common freestanding on-premises sign.

FREESTANDING ON-PREMISES SIGN



- M. **Identification signs.** A permanent sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination thereof for a building, business, development, or establishment on the same property.

IDENTIFICATION SIGN



- N. **Illuminated sign.** A temporary or permanent sign that is illuminated either internally or externally.
- O. **Incidental sign.** A permanent informational sign, such as "no parking," "entrance," "loading only," "telephone," and other signs that provide similar directives, which don't contain a commercial message.
- P. **Inflatable sign.** A temporary three-dimensional object, filled or inflated with air or gas, which may or may not contain commercial advertising that is used to attract attention.

INFLATABLE SIGN



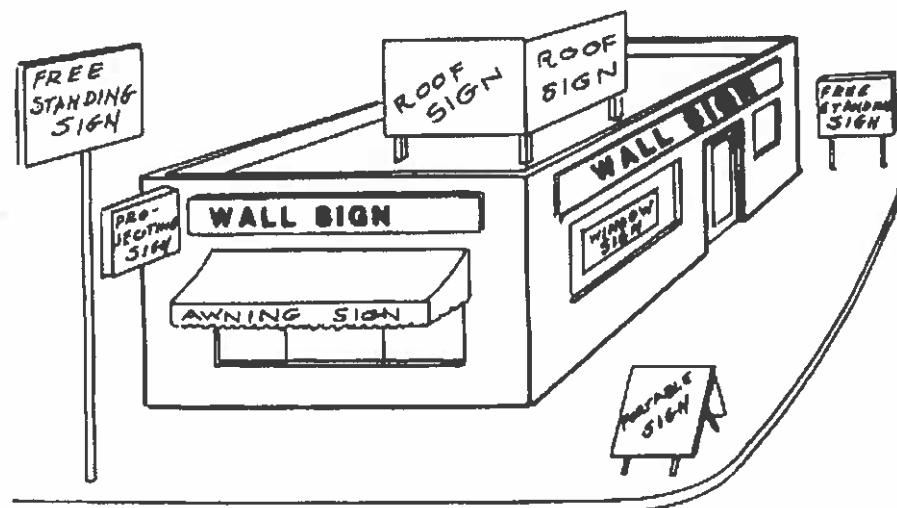
- Q. **Legal/warning sign.** A permanent sign erected to warn of danger or hazardous conditions or required or specifically authorized for a public purpose by any law, statute or ordinance, such as “No Trespassing”, “Private Property” and/or “Towing Enforced”.
- R. **Marquee signs.** A permanent sign painted onto or attached to a marquee (i.e., a movie theater).
- S. **Neighborhood identification sign.** A permanent sign identifying the name and located at the entrance of a residential subdivision or neighborhood.

NEIGHBORHOOD IDENTIFICATION SIGN



- T. **Occupant/street number sign.** A permanent sign affixed to a structure, mailbox, driveway entrance, etc., which serves to identify the address of the structure or occupant.
- U. **Pennant.** Any lightweight flexible material, which may or may not contain commercial advertising, attached along the length of a rope or wire, designed to move in the wind as a temporary attention-getting device.
- V. **Permanent sign.** A permanent sign attached to a building, structure or the ground made of materials intended to last for long-term use.
- W. **Political sign.** A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election or referendum.
- X. **Portable sign.** A temporary sign designed to be transported, but not limited by means of wheels.

- Y. **Poster sign.** A small temporary sign advertising a business or commodity off-premises that is intended to be read by pedestrians.
- Z. **Projecting sign.** A permanent sign supported by a building that projects outward more than 12 inches.
- AA. **Real estate sign.** A temporary sign advertising a property for sale or lease.
- BB. **Roof sign.** A permanent sign mounted on the roof of a building.
- CC. **Unspecified, temporary sign.** Any temporary sign that cannot be classified as another type of sign that is used for only a short period of time which is not permanently mounted.
- DD. **Vehicular sign.** A temporary sign not permanently attached to a vehicle parked in a manner solely to attract attention. Magnetic, painted on or wraps and other signs on vehicles are not covered or enforced by these regulations.
- EE. **Wall sign.** Any permanent sign which displays only one sign face that is attached to a wall of a building.
- FF. **Window sign.** A temporary sign attached to or visible through a window from outside the building.



14.08-6.040. - Signs allowed by zoning district and special requirements. Signs not specifically listed in any category in Article 6 as an approved sign type are expressly prohibited.

A. *Noncommercial signs allowed in all zoning districts without a permit.*

1. Government signs.
2. Identification signs.
3. Incidental signs.
4. Legal and warning signs.
5. Occupant/street number signs.
6. Political signs (temporary)
7. Posters (temporary).
8. Real estate (temporary)

The maximum sign display area for all on-premises signs in the unincorporated areas of Edisto Island shall not exceed 50 square feet, regardless of the zoning district.

B. *There is no height limit for any freestanding or billboard sign within 300 feet of I-95.*

C. *Resource Conservation (RC-1 and RC-2).*

1. ***Signs allowed without a permit.***
 - a. Unspecified temporary signs.
 - b. Window signs.
2. ***Signs allowed with a permit.***
 - a. Canopy signs.
 - b. Freestanding on-premises signs (excluding billboards).
 - c. Neighborhood identification signs.
 - d. Wall signs.
3. ***Sign characteristics allowed.***
 - a. Changeable copy.
 - b. Illuminated.

E. *Rural Development (RD-1 and RD-2).*

1. ***Signs allowed without a permit.***
 - a. A-frame signs (temporary).
 - b. Pennants (temporary).
 - c. Portable (temporary).
 - d. Unspecified temporary signs.
 - e. Window signs.
2. ***Signs allowed with a permit.***
 - a. Banner (temporary).
 - b. Canopy signs.

- c. Freestanding on-premises signs
- d. Marquee signs.
- e. Neighborhood identification signs.
- f. Projecting signs.
- g. Wall signs.
- h. Billboard signs. (within 300 feet of I-95 only).

3. ***Sign characteristics allowed.***

- a. Changeable copy.
- b. Illuminated.

F. ***Suburban Residential (RS).***

1. ***Signs allowed without a permit.***

- a. Construction signs for residential projects (temporary).

2. ***Signs allowed with a permit.***

- a. Neighborhood identification signs.

3. ***Sign characteristics allowed.***

- a. Illuminated.

G. ***Community Commercial (CC) and Village Commercial (VC).***

1. ***Signs allowed without a permit.***

- a. A-frame signs (temporary).
- b. Inflatable signs (temporary).
- c. Pennants (temporary).
- d. Portable (temporary).
- e. Unspecified temporary signs.
- f. Window signs.

2. ***Signs allowed with a permit.***

- a. Banner (temporary).
- b. Billboards.
- c. Canopy signs.
- d. Freestanding on-premises signs.
- e. Marquee signs.
- f. Neighborhood identification signs.
- g. Projecting signs.
- h. Roof Signs
- i. Wall signs.

3. ***Sign characteristics allowed.***

- a. Changeable copy.
- b. Illuminated.

H. ***Urban Development (UD-1 and UD-2).***

1. ***Signs allowed without a permit.***
 - a. A-frame signs (temporary).
 - b. Inflatable signs (temporary).
 - c. Pennants (temporary).
 - d. Portable (temporary).
 - e. Unspecified temporary signs.
 - f. Window signs.

 2. ***Signs allowed with a permit.***
 - a. Banner (temporary).
 - b. Billboards.
 - c. Canopy signs.
 - d. Freestanding on-premises signs.
 - e. Marquee signs.
 - f. Neighborhood identification signs.
 - g. Projecting signs.
 - h. Roof signs.
 - i. Wall signs.

 3. ***Sign characteristics allowed.***
 - a. Animated.
 - b. Changeable copy.
 - c. Illuminated.
- I. ***Industrial (ID) and Light Industrial (LID).***
1. ***Signs allowed without a permit.***
 - a. Window signs.

 2. ***Signs allowed with a permit.***
 - a. Canopy signs.
 - b. Freestanding on-premises signs.
 - c. Marquee signs.
 - d. Projecting signs.
 - e. Wall signs.
 - f. Roof Signs
 - g. Billboards.

 3. ***Sign characteristics allowed.***
 - a. Changeable copy.
 - b. Illuminated.

14.08-6.050. - Sign requirements by type.

A. *Permanent signs.*

1. *Billboards:*

- a. Maximum area: 378 sq. ft. (672 sq. ft. within 300 feet of I-95).

- b. Maximum height: 36 feet (no height limit within 300 feet of I-95, and where allowed by zoning district).
- c. Maximum number: one sign per 700-foot radius.

2. **Building signs:** (includes canopy, marquee, projecting, roof, wall signs, and permanent window signs).

- a. Maximum area by district: (see table below)

Zoning District	Maximum Area
RC-1, RC-2, RD-1 and RD-2	10% of wall area
CC, VC, UD-1, UD-2, ID and LID	25% of wall area

- b. **Maximum height (for roof signs):** 12 feet above highest point of roof.
- c. **Maximum number:** The number of signs is limited only by the maximum allowable sign area.

3. **Freestanding on-premises signs.** (Billboards are not considered freestanding signs for this Article)

- a. **Maximum area by district: ***

Zoning District	Maximum Area
RC-1 and RC-2	24 sq. ft.
RD-1 and RD-2	80 sq. ft.
CC and VC	72 sq. ft. + 12 per tenant up to combined total of 144 sq. ft.
UD-1 and UD-2	1 square foot per linear foot of street frontage up to a total of 120 sq. ft.
ID and LID	120 sq. ft.

* Special Exception approval required where sign area thresholds are requested to be exceeded.

- b. **Maximum height by district: ***

Zoning District	Maximum Height **
RC-1 and RC-2	24 feet
RD-1 and RD-2	24 feet
CC and VC	36 feet
UD-1 and UD-2	36 feet
ID and LID	36 feet

* No height limit for billboard or freestanding signs within 300 feet of I-95, and where allowed by zoning district.

** Special Exception approval required where height thresholds are requested to be exceeded with justification.

- c. **Maximum number:** One per street frontage of developed lot, except as allowed for common signage plans where multiple lots exist.

4. **Neighborhood identification signs.**

- a. **Maximum area:** 32 sq. ft (area may be split between two signs on either side of entrance).
- b. **Maximum height:** Six (6) feet tall.
- c. **Maximum number:** One per street frontage entrance, except maximum area may be split between two signs on either side of the entrance.

B. **Temporary signs.**

1. **A-frame signs.**

- a. **Maximum area:** 12 sq. ft.
- b. **Maximum height:** Four (4) feet tall.
- c. **Maximum number:** One per business per street frontage.
- d. **Display period:** During daylight hours only, every day.
- e. **Other:** Signs on sidewalks shall not obstruct ADA or pedestrian traffic.

2. **Banners.**

- a. **Maximum area:** 32 sq. ft.
- b. **Maximum height:** Six (6) feet tall if not displayed on a building wall.
- c. **Maximum number:** One per business or organization per street frontage.
- d. **Display period:** 30 days per six-month period.
- e. **Other:** Banners shall be properly secured and maintained at all times.

3. **Project identification signs.**

- a. **Maximum area:** 120 sq. ft.
- b. **Maximum height:** Ten (10) feet tall if not displayed on a building wall.
- c. **Maximum number:** One per project or business per street frontage.
- d. **Display period:** 90 days, or project completion, whichever is longer.
- e. **Other:** None.

4. **Inflatable signs.**

- a. **Maximum size:** 500 cubic feet (total).
- b. **Maximum height:** Maximum district height.
- c. **Maximum number:** One per business or organization per street frontage.
- d. **Display period:** 30 days per one-year period.
- e. **Other:** Shall be properly anchored and not interfere with airport traffic.

5. **Pennants.**

- a. **Maximum area:** N/A.
- b. **Maximum height:** N/A.
- c. **Maximum number:** N/A.

- d. Display period: 30 days per six-month period.
- e. Other: None.

6. ***Political signs.***

- a. Maximum area: 32 sq. ft.
- b. Maximum height: Six (6) feet tall.
- c. Maximum number: One per candidate or issue per lot of record.
- d. Display period: Calendar year of election; shall be removed within seven days of dropping out of election, losing a primary, or after general election.
- e. Other: Shall not be displayed on utility poles and shall be placed no closer than five feet from a street or curb.

7. ***Portable.***

- a. Maximum area: 32 sq. ft.
- b. Maximum height: Six (6) feet tall.
- c. Maximum number: One per establishment or event per lot of record.
- d. Display period: 30 days per one-year period.
- e. Other: Portable signs shall have no colored or flashing lights, or be wired to obstruct ADA, pedestrian, bicycle or vehicular traffic, and they shall be anchored in accordance with the building codes.

8. ***Posters.***

- a. Maximum area: Six (6) sq. ft.
- b. Maximum height: Three (3) feet tall if not displayed on a building wall.
- c. Maximum number: One per candidate or issue per lot of record.
- d. Display period: 30 days.
- e. Other: Shall not be displayed on utility poles or in any public right-of-way and shall be placed no closer than five feet from a street or curb.

9. ***Real estate signs.***

- a. Maximum area: 12 sq. ft. for single and double-family residential properties and 24 sq. ft. for commercial properties and subdivisions.
- b. Maximum height: Six (6) feet tall.
- c. Maximum number: One per street frontage per lot or development and, three off-premises signs.

10. ***Unspecified temporary signs.***

- a. Maximum area: Six (6) sq. ft.
- b. Maximum height: Four (4) feet tall if not displayed on a building wall.
- c. Maximum number: Six (6) signs per lot.
- d. Display period: Ten days per month.
- e. Other: None.

11. *Window signs (temporary).*
 - a. Maximum area: 50 percent of window.
 - b. Maximum height: N/A.
 - c. Maximum number: N/A.
 - d. Display period: N/A.
 - e. Other: None.

14.08-6.060. - Prohibited signs.

- A. *List of prohibited signs.* All signs not expressly permitted by this article are prohibited. Such signs include but are not limited to:
1. Signs painted on or attached to trees, fences posts, utility poles, stationary vehicles, or natural features.
 2. Signs displaying intermittent flashing or rotating lights resembling traffic signals, emergency response vehicles, or warning signals, using the words "stop," "danger," or any other word, phrase, symbol, or character in a manner that might mislead or confuse motorists.
 3. Signs in the public right-of-way except for the following:
 - a. Public signs erected by a governmental body;
 - b. Informational signs for a public agency or utility regarding its facilities;
 - c. Church signs, in accordance with state law;
 - d. Historical signs and markers; and
 - e. Directional signs of a temporary nature not to exceed three (3) sq. ft. in area and 72 hours in duration for such events as yard sales, special events, public gatherings, etc., provided they are located no closer than 500 feet apart and removed immediately after the advertised event.
 4. Signs which are abandoned and/or no longer correctly direct people or that advertises an inactive business, lessor, owner, product, or service.
 5. Signs which have fallen into disrepair (dilapidated), are unsafe or otherwise structurally unsound and incapable of meeting the minimum safety requirements of the building codes.
 6. Any sign which obstructs the view of pedestrians, bicyclists or motorists using any street, approach to any street intersection, the exiting points of a lot, or which interferes with or obscures any traffic sign, device, or signal.
 7. Any sign located outdoors which obstructs free passage from any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or which prohibits light or air.
 8. Any sign located to intentionally deny an adjoining property owner visual access to their existing sign.

9. Signs placed on property without the written permission from the owner or agent.
10. Inoperable derelict motor vehicles parked in one location more than 24 hours used as signage.

B. Remedies for prohibited signs.

1. In addition to other remedies and enforcement powers of this chapter, the director or his compliance officer(s) shall have the authority to remove and impound any prohibited signs or sign structures.
2. The owner of an impounded sign or structure may recover same upon the payment of \$50.00 for each sign or structure. If it is not claimed within ten days from the date of impoundment, the director shall have the authority to dispose of such sign or sign structure without notification or compensation to the owner.
3. No provision of this section shall apply to any grandfathered or legal nonconforming sign or sign structure, but they shall be subject to the provisions for nonconforming signs in article 14.08-9.

ARTICLE 14.08-7. – ZONING BOARD OF APPEALS: SPECIAL EXCEPTIONS, VARIANCES, AND APPEALS

Sections:

14.08-7.010. - Establishment of the zoning board of appeals (ZBA).

14.08-7.020. - Powers and duties of the ZBA.

14.08-7.030. - Appeals from decisions of the director and compliance officers.

14.08-7.040. - Variances.

14.08-7.050. - Special exceptions.

14.08-7.010. - Establishment of the zoning board of appeals (ZBA).

The county zoning board of appeals (ZBA) is hereby established under the provisions of S.C. Code 1976, § 6-29-780.

A. Composition of the ZBA.

1. The ZBA shall consist of five members appointed by the county council for overlapping terms of four years. One member first appointed shall serve for two years, two members first appointed shall serve for three years, and two members first appointed shall serve for four years. Three members shall constitute a quorum.
2. Members shall serve until their successors are appointed and qualified.
3. Vacancies are filled for unexpired terms in the same manner as initial appointments.
4. No more than one person shall represent a given profession. No member shall be the holder of an elected public office in the county.

- B. **Compensation.** Members of the ZBA shall serve without compensation. Reimbursement for actual expenses incurred in the performance of official duties may be reimbursed from budgeted funds pursuant to reimbursement policies and procedures for employees of the county.
- C. **Removal of members.** Members of the ZBA may be removed at any time by county council for cause. The existence of cause shall be discussed by the council in executive session as permitted by the Freedom of Information Act, S.C. Code 1976, § 30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of council, is deemed to adversely affect the public interest, including general lack of attendance at meetings, or non-attendance at any three (3) consecutive meetings, may constitute cause.
- D. **Organization and rules of procedure.** The ZBA shall organize, elect officers, and adopt rules of procedure as required by S.C. Code 1976, § 6-29-790.

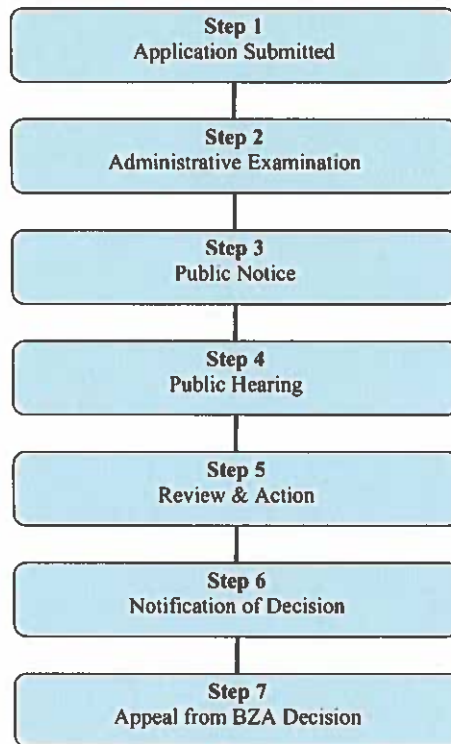
14.08-7.020. - Powers and duties of the ZBA.

The ZBA shall have the following powers and duties in accordance with S.C. Code 1976, § 6-29-800:

- A. *To hear and decide appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the director or compliance officers.
- B. *To grant variances.* To authorize upon appeal in specific cases a variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in the unnecessary hardship so that the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship in accordance with the conditions for approval set out in section 14.08-7.040. No variance shall be granted for a reduction in minimum lot size except as an administrative variance as set forth in section 14.08-8.030(D).
- C. *To grant special exceptions.* To permit uses by special exception as allowed for in the individual zoning districts of article 14.08-2 and subject to standards and conditions of section 14.08-7.050.

14.08-7.030. - Appeals from decisions of the director and compliance officers.

This process shall be followed for appeals. See the details following the chart below for each step.

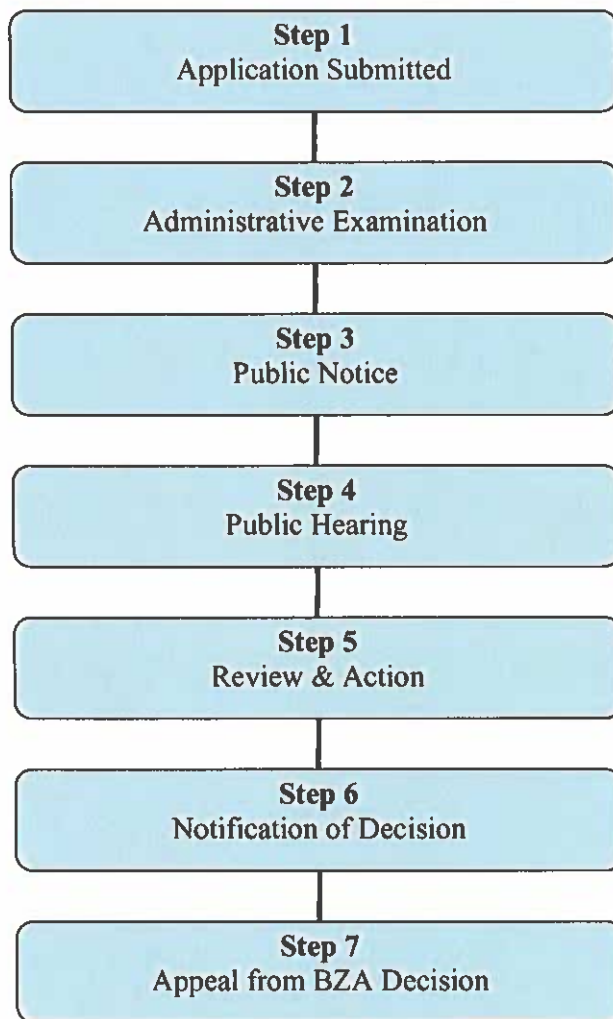


- A. **Step 1: Application submitted.** The appellant shall submit a completed application and fee in accordance with the schedule of fees not more than 30 days from the decision of the director.
- B. **Step 2: Administrative examination.** Upon receipt of an application, the director shall examine it for completeness, and shall, within ten days, either return the application for additional information or after preparing the answer and/or case briefing, forward it to the ZBA for review and action.
- C. **Step 3: Public notice.** Public notice shall include announcing the application for appeal in a county newspaper of general circulation at least 15 days prior to the public hearing where the application will be heard. The notice shall state the nature of the appeal and the time, date, and place of the hearing.
- D. **Step 4: Public hearing.** The ZBA shall conduct a public hearing on all applications for appeals from decisions of the director and/or compliance officers.
- E. **Step 5: Review and action.** Appeal applications shall be heard and decided by the ZBA based on information presented by the applicant and the director/compliance officers relative to the specific ordinance provision being appealed.
- F. **Step 6: Notification of decision.**
1. All applicants shall be notified in writing of final action.
 2. An approved appeal shall be accompanied by an order of the ZBA.

- G. **Step 7: Appeals from ZBA decisions.** Any person who may have a substantial interest in any decision of the ZBA may appeal said decision to the county circuit court by filing a written petition with the clerk setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the ZBA is rendered.

14.08-7.040. - Variances.

This process shall be followed for variances. See the details following the chart below for each step.



- A. **Step 1: Application submitted.** The applicant shall submit a completed variance application and fee in accordance with the schedule of fees. Application shall include the written explanation of the hardship, which hardship has not been created by the applicant, which explains why the strict application of the Codes has created the undue hardship and created the need to request a variance. No variance application

shall receive a staff recommendation of approval without a legitimate hardship being provided.

- B. **Step 2: Administrative examination.** Upon receipt of an application, the director shall examine it for completeness, and shall, within ten days, either return the application for additional information or after creating the case briefing, schedule it for review and action by the ZBA at their next regularly scheduled meeting.
- C. **Step 3: Public notice.**
1. Public notice shall include announcing the application for a variance in a county newspaper of general circulation at least 15 days prior to the public hearing where the application will be heard. The notice shall state the nature of the change and the time, date, and place of the hearing.
 2. Notice of the public hearing shall be conspicuously posted on the subject property, where notices must be visible from each street that abuts the property.
- D. **Step 4: Public hearing.** The ZBA shall conduct a public hearing on all applications for variances.
- E. **Step 5: Review and action.**
1. Applications for a variance shall be evaluated by the ZBA on the basis of the following conditions:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property that would create an undue hardship upon this particular land owner.
 - b. These conditions do not generally apply to other properties in the district.
 - c. Because of these conditions, the strict application of the regulations to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
 - d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
 - e. Explain how the variance is the smallest variance possible that will allow the property owner reasonable utilization of the property as is enjoyed by other properties in the same district.
 2. The ZBA may not grant a variance the effect of which would allow the establishment of a use not otherwise permitted in a zoning district, physically enlarge a nonconforming use of land, or change the zoning district boundaries shown on the zoning map. The fact that property may be utilized more profitably, or otherwise provide a benefit to this property owner not available to other property owners in the same district, should a variance be granted, shall not be considered grounds for a variance.

3. The ZBA shall not reconsider an application for a variance for the same property, or portion thereof, within one year from the date of final determination and notification.
4. An approved variance shall lapse and be of no further effect one year after the date the variance was approved by the ZBA unless a completed zoning permit is submitted in accordance with article 14.08-8, or if no zoning permit is required, unless construction has commenced and is being diligently pursued.
5. One one-year extension of a variance approval may be allowed by the ZBA if construction has commenced and is being diligently pursued. Applications for extensions of variance approvals shall be submitted to the director in writing at least 15 days prior to the expiration of the variance approval.

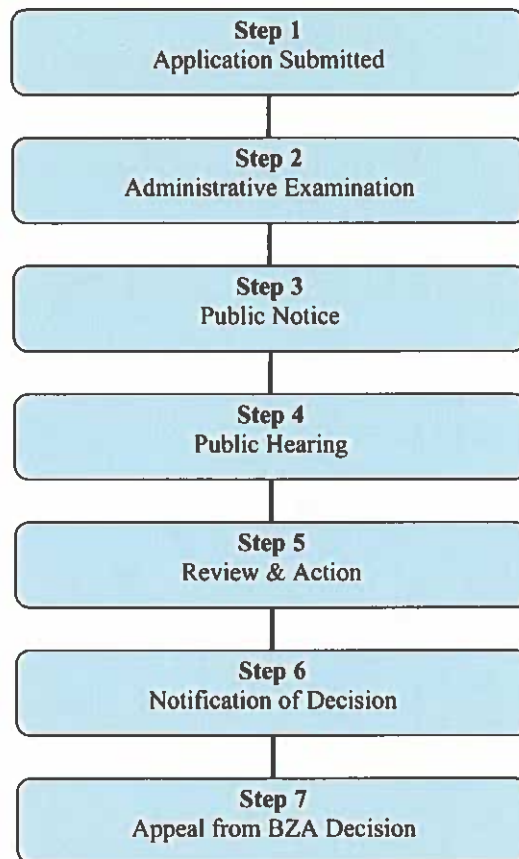
F. Step 6: Notification of decisions.

1. All applicants for variances shall be notified in writing of final action.
2. An approved variance shall be accompanied by an order of the ZBA to direct the issuance of a permit.

G. Step 7: Appeals from ZBA decisions. Any person who may have a substantial interest in any decision of the ZBA may appeal said decision to the county circuit court by filing a written petition with the clerk setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the ZBA is rendered.

14.08-7.050. - Special exceptions.

This process shall be followed for special exception uses as listed for each zoning district in article 14.08-2. See the details following the below chart for each step.



- A. **Step 1: Application submitted.** The applicant shall submit a completed special exception application and fee in accordance with the schedule of fees. Each application for a special exception that involves the construction or addition of building area, land area, or parking area shall be accompanied by a site plan as set forth in section 14.08-8.030(c)2.
- B. **Step 2: Administrative examination.** Upon receipt of an application, the director shall examine it for completeness, and shall, within ten days, either return the application for additional information or after creating the case briefing, schedule it for review and action by the ZBA at their next regularly scheduled meeting.
- C. **Step 3: Public notice.**
1. Public notice shall include announcing the application for a special exception in a county newspaper of general circulation at least 15 days prior to the public hearing where the application will be heard. The notice shall state the nature of the change and the time, date, and place of the hearing.
 2. Notice of the public hearing shall be conspicuously posted on the subject property, where notices must be visible from each street that abuts the property.
- D. **Step 4: Public hearing.** The ZBA shall conduct a public hearing on all applications for special exceptions.

- E. **Step 5: Review and action.**
1. Applications for a special exception shall be evaluated by the ZBA on the basis of the following conditions:
 2. Is it consistent with the recommendations contained in the county comprehensive plan and the character “description” of the underlying zoning district;
- F. Compatibility with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;
- G. Adequate provision is made for such items as: setbacks, buffering to protect adjacent properties from any potential adverse nuisances, such as noise, vibration, dust, glare, odor, traffic congestion and others;
- H. Where applicable, will be developed in a way that will preserve and incorporate any important natural features; and
- I. Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.
1. In granting a special exception, the ZBA may attach other conditions regarding the location, character, or other features of the proposed structure as the ZBA deems necessary to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.
 2. Granting a special exception in one case does not bind the ZBA to grant a special exception in another similar case. Each case stands on its own facts. [*Witherspoon v. City of Columbia*, 291 SC 44, 351 S.E.2d 903 (1986)].
 3. The ZBA shall not reconsider an application for a special exception for the same property, or portion thereof, within one year from the date of final determination and notification.
 4. An approved special exception shall lapse and be of no further effect one year after the date the special exception was approved by the ZBA unless a completed zoning permit application is submitted in accordance with article 14.08-8, or if no zoning permit is required, unless construction has commenced and is being diligently pursued.
 5. One one-year extension of a special exception approval may be allowed by the ZBA if construction has commenced and is being diligently pursued. Applications for extensions shall be submitted to the director in writing at least 15 days prior to the expiration of the special exception approval.
- J. **Step 6: Notification of decisions.**
1. All applicants for special exceptions shall be notified in writing of final action.

2. An approved special exception shall be accompanied by an order of the ZBA.
- K. **Step 7: Appeals from ZBA decisions.** Any person who may have a substantial interest in any decision of the ZBA may appeal said decision to the county circuit court by filing a written petition with the clerk setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the ZBA is rendered.

ARTICLE 14.08-8. – ADMINISTRATION

Sections:

- 14.08-8.010. - Purpose.**
- 14.08-8.020. – Director.**
- 14.08-8.030. - Permits.**
- 14.08-8.040. - Violations and penalties.**
- 14.08-8.050. - Planning commission (PC).**

14.08-8.010. - Purpose.

This article sets forth the requirements for obtaining permits for zoning, building, signs, plats, zone changes, variances, conditional uses, special exceptions, and certificates of occupancy. It also defines the duties, powers, and limitations of the planning and development department director hereinafter (director) and the planning commission (PC), who are responsible for the administration and enforcement of this article.

14.08-8.020. – Director.

- A. The various provisions of this chapter shall be administered by the director and designated planning staff and compliance officers. It shall be the duty of the director to carry out and enforce, remedy violations, and issue permits in compliance with this chapter.
- B. The director shall maintain a record of all zoning permits on file at his office, and copies shall be made available upon request.

14.08-8.030. - Permits.

A. *Responsibility.*

1. It is the responsibility of the director or his designee to administer the requirements for processing applications and issuing permits according with the provisions of this section. The director shall collect such fees for the issuance of permits as are authorized by the fee schedule as adopted by the county council.
2. It shall be the responsibility of an applicant to provide the required information needed and/or requested to process a permit application.

B. *Permits required.*

1. *Generally.*

- a. No building, structure, or sign requiring a permit or any part thereof shall be erected, added to, removed, or structurally altered, nor shall any excavation be commenced until the required permits have been issued.
- b. No building, structure, or land shall be converted, wholly or in part, to any other use until all applicable and appropriate licenses, certificates, and permits have been issued certifying compliance with this chapter. No zoning permit may be issued for any property where a violation of the nuisance ordinance, floodplain prevention ordinance, or building code exists unless the zoning permit is issued as part of the compliance action.
- c. No permits inconsistent with the provisions of this chapter shall be issued unless accompanied by an approved variance.
- d. The director may make or require inspections of any land disturbing activity, construction or maintenance requirement to ascertain compliance with the provisions of this title and the approved permit applications, plats, plans, and/or certificates.
- e. The provisions of this section shall not apply to the necessary construction, replacement or maintenance by a public utility of its outside plant facilities, including such items as poles, cross-arms, guys, wires, cables, and drops.
- f. Failure to apply for and obtain the appropriate required permits, including building, zoning, sign and/or floodplain permits, prior to commencing any work shall require the issuance of a stop-work-order, which shall not be removed to allow further work to commence until applicant has submitted everything needed for all required permits, received approval on all permits, and paid a double-permit fee fine for each required permit. Failure to comply and/or pay the double-permit fee fine may cause the property owner to be fined up to \$500.00 and serve up to 30 days in jail in accordance with the Colleton County Codes. Each day of violation of specific provision of this chapter shall constitute a separate offense.

2. ***Zoning permit.***

- a. A zoning permit shall be required in advance of:
 - i. The issuance of a building permit.
 - ii. Changing the use of any part of a structure or lot, including any increase in the number of dwelling units occupying a building or lot. A change in use shall mean that the new use is a different land use than the existing use.
 - iii. The installation of a manufacturing or other industrial process whose operation may generate a public nuisance as set forth in section 14.08-3.020(S).
 - iv. Installation of any sign for which a permit is required.

- v. The establishment of a temporary use.
- b. Notwithstanding any other provisions of this chapter, no zoning permit is necessary for the following uses:
 - i. Street or public utility repair;
 - ii. Mailboxes, newspaper boxes, birdhouses, flag poles, pump covers, and doghouses;
 - iii. Interior alterations and renovations which do not alter the footprint, elevation, height, structural support, or use of an otherwise conforming use and/or structure.
 - c. When the director receives an application for a zoning permit whose proposed improvement and use described and illustrated conforms to all requirements of this chapter, he shall issue a zoning permit and return a signed copy to the applicant within ten days of receipt of the application.
 - d. When the director receives an application for a zoning permit whose proposed improvement and use described and illustrated does not conform to this chapter, he shall deny the issuance of a zoning permit, and so advise the applicant within ten days, citing the particular sections of this chapter with which the application does not comply.
 - e. If the zoning permit is denied, the applicant may appeal the action of the director to the ZBA as provided for in article 14.08-7. Such appeal shall be made within 30 days of such permit denial.
 - f. If the work described in any zoning permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; it shall be canceled and written notice thereof shall be given to the applicant, unless extended by the director upon reapplication by the applicant, with payment of any reapplication fees.
3. ***Building permits.*** A building permit shall be required of all proposed building and/or construction activity unless expressly exempted by adopted county building codes.
- a. One story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 225 square feet, regardless of cost, are exempt from permits per section 105 Permits, paragraph 105.2 Work Exempt from Building Permit, of the IBC and IRC.
 - b. Areas not affected. This chapter shall not affect any incorporated areas of the County, except the Town of Cottageville, where the County has agreed to do all permitting and inspections until such time the Town reacquires that ability.

- c. Other areas not affected. This chapter shall not affect any parcel of land owned by the State or Federal Government, or any buildings or structures placed thereon.
4. ***Sign permits.*** Where a sign permit is required by article 14.08-6, the permit application shall be accompanied by the following:
- a. A common signage plan, where applicable, in accordance with the requirements of section 14.08-6.020(C).
 - b. Identification of landowner and/or leaseholder of property on which the sign is to be erected, including street address and property TMS parcel number.
 - c. Name, street address, and email address of the sign owner.
 - d. Site plan sketch with dimensions (professional design not required) showing the location of the sign with respect to the property and right-of-way lines, buildings, setback lines, parking areas, existing signs, and buffer areas.
 - e. Correct size, shape, configuration, face area, height, nature, number, and type of sign to be erected, including the size of letters and graphics.
 - f. The value of the sign and sign structure.
 - g. The director may waive any of the informational requirements listed above deemed unnecessary to process an application.
5. ***Certificate of occupancy. (C of O)***
- a. It shall be unlawful to use or occupy any building or premises until a certificate of occupancy (C of O) or temporary certificate of occupancy (TCO) has been issued stating the building and/or land conforms to the requirements of this chapter.
 - b. Failure to obtain a certificate of occupancy shall be a violation.
 - c. The director can issue a 30, 60, or 90 day (TCO) for projects with interior or exterior improvements that don't effect the building's structure or completion of construction, such as rack shelving, kitchen or processing equipment, or landscaping and/or parking that can't be installed due to bad weather conditions, which allows the building to be occupied. A TCO may be issued for a period not to exceed three months. A final C of O shall not be issued until all required landscaping and/or parking is installed.
- C. ***Zoning permit application procedures.*** Each application for a zoning permit shall be accompanied by a site plan. The director may waive any informational requirements deemed unnecessary to process an application for minor and major site plans.

1. ***Minor site plan.***

- a. Minor site plans shall be required for single-family and two-family residential homes, and any development with:
 - i. All accessory structures and any use with less than 2,500 square feet of building area;
 - ii. Commercial developments or any use with less than ten parking spaces required or provided; and
 - iii. Less than one acre of land with any nonresidential use.
- b. Minor site plans for a zoning permit do not have to be professionally drawn but it's preferred they be drawn on the property survey. If not, they shall contain the following minimum information:
 - i. Shape, acreage, and actual dimensions of the lot to be built upon;
 - ii. Location of lot with respect to any rights-of-way, easements, and water features;
 - iii. Existing and proposed use of the building or land;
 - iv. Location and size of existing and proposed structures, and any to be removed;
 - v. Required building setback lines;
 - vi. Required buffers and landscaping;
 - vii. Location and dimensions of any required parking and driveways;
 - viii. Private water/septic systems approval by DHEC (if applicable); and
 - ix. Such other information as deemed necessary by the director.
- c. Two copies of the site plan shall be submitted for review with the zoning permit application.

2. ***Major site plan.***

- a. Major site plans shall be required for all other developments.
- b. Major site plans shall be professionally drawn and contain the following minimum information:
 - i. All information required of general property surveys, in accordance with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina;
 - ii. Project title, owner names, addresses and email addresses, parcel number(s), and zoning;
 - iii. North arrow;
 - iv. Original submittal date;
 - v. Revision dates;
 - vi. Vicinity map;
 - vii. Scale (between one inch equals 50 feet and one inch equals 200 feet);
 - viii. Zoning district and any applicable overlay districts;
 - ix. Adjacent property owner names, parcel numbers, and zoning;
 - x. Shape, acreage, and actual dimensions of lot being built upon;

- xi. Location of lot with respect to any rights-of-way, easements, and water features;
- xii. Existing and proposed use of the building or land;
- xiii. Location and size of all existing and proposed structures on the lot, and any to be removed;
- xiv. Required building setback lines;
- xv. Required buffers and landscaping;
- xvi. Location and dimensions of parking and driveways;
- xvii. Drainage plan by qualified professional engineer showing all structures and easements;
- xviii. Boundaries of floodplains (if applicable);
- xix. Topography;
- xx. Location of watercourses and any wetlands (if applicable);
- xxi. Private water, septic system, or well approval by DHEC (if applicable);
- xxii. All applicable permits required by DHEC, including mining, wetlands, etc.; and
- xxiii. Such other information as deemed necessary by the director.

D. **Administrative variance.** Administrative variances may be issued by the director for encroachments of a principal or accessory building into any required yard, up to a maximum of ten percent of the applicable required yard setback, provided that:

1. The request involves only one encroachment into one required yard per lot;
2. The encroachment is a result of a construction error by the property owner or designee;
3. The encroachment cannot be corrected without substantial hardship and expense to the property owner;
4. The encroachment will not substantially interfere with the convenient and enjoyable use of adjacent properties and will not pose any substantial danger to the public health, safety and welfare.

14.08-8.040. - Violations and penalties.

A. **Complaints regarding violations.** Whenever a violation of this chapter is alleged to have occurred, the director or compliance officer shall record and investigate such complaint, and take such action as provided by this chapter. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.

B. **Penalties for violations.**

1. **Fine and/or imprisonment.** Any violation of any provision of this chapter is punishable by fine of \$500.00 and/or up to 30 days in jail. Each day's violation of any provision of this chapter shall constitute a separate offense.

2. ***Withholding permits.*** The director shall deny any permits for any use or work which fails to comply with this chapter. The director or compliance officers shall withhold all other county permits for work which violates this chapter.
3. ***Stop work orders.*** The director or compliance officers are authorized to issue a stop work order pursuant to S.C. Code 1976, § 6-29-950(A), requiring work to cease until specific code violations are corrected. Failure to comply with a stop work order is a misdemeanor punishable under the general provisions of this Code. Issuance of a stop work order may be appealed to the ZBA.
4. ***Ordinance summons.*** The director or compliance officers are authorized to issue an ordinance summons pursuant to county Code provisions for violations of this chapter.
5. ***Arrest warrant.*** The director, with concurrence of the county attorney, is authorized to request the issuance of an arrest warrant for violations of this chapter.
6. ***Injunction.*** The director shall submit a request to the county attorney for institution of a civil action seeking an injunction prohibiting violation of this chapter when appropriate.

14.08-8.050. - Planning commission (PC).

- A. ***Establishment of planning commission.*** The county planning commission (PC) is hereby established under the provisions of the S.C. Code, § 6-29-320.
- B. ***Powers and duties of the planning commission (PC).***
 1. The PC shall undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the unincorporated areas of the county, and the Town of Cottageville, as long as the intergovernmental agreement is in effect. The PC may make, publish, and distribute maps, plans, reports, and recommendations relating to the development of its area of jurisdiction to county officials and outside agencies, such as, public utilities, civic, educational, professional, and other organizations and citizens. The PC, its members and employees, in the performance of its functions, may enter upon any land with consent of the property owner or after ten days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them; provided, however, that the PC shall be liable for any injury or damage to property resulting therefrom. In general, the PC has the powers as may be necessary to enable it to perform its functions and promote the planning of its political jurisdiction.
 2. In the discharge of its responsibilities, the PC has the power and duty to:
 - a. Periodically prepare and revise plans and programs for the development and redevelopment of its area of jurisdiction; and

- b. Prepare and recommend for adoption to the county council as a means for implementing the plans and programs in its area:
 - i. The comprehensive plan and any required updates or revisions as mandated by the state;
 - ii. Zoning ordinances and zoning district maps and appropriate revisions thereof;
 - iii. Regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted;
 - iv. An official map and appropriate revisions showing the exact location of existing or proposed public streets, highways, utility rights-of-way, and public building sites, together with regulations to control their construction or erection, or changes in land use within the rights-of-way, building sites, or open spaces within its political jurisdiction or any portion thereof;
 - v. A landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures, and any other ordinances deemed necessary;
 - vi. A capital improvements program (CIP) setting forth projects required to create and implement plans, including an annual listing of the county's prioritized capital projects by year for consideration by county council for implementation prior to preparation of the annual capital and fiscal year budget; and
 - vii. Policies or procedures to facilitate implementation of planning elements.

C. ***Composition of the commission.***

- 1. The PC shall consist of nine members appointed by county council for overlapping terms of four years. Five members first appointed shall serve four years, and four members first appointed shall serve two years, such terms to be decided by lot.
- 2. To the extent possible, membership should be representative of the racial and gender composition of the county, and represent a broad cross section of the interests and concerns. No member shall be the holder of an elected public office in the county.
- 3. Members shall serve until their successors are appointed and qualified.

- D. ***Funding, expenditures, and contracts.*** The PC may cooperate with, contract with, or accept funds from federal and state government agencies, local general purpose governments, school districts, special purpose districts, including those of other states, public or charitable organizations, or private individuals or corporations; it may expend the funds; and it may carry out such cooperative undertakings and contracts as it considers necessary.

- E. **Removal of members.** Members of the PC may be removed at any time by county council for cause. The existence of cause shall be discussed by the council in executive session as permitted by the Freedom of Information Act, S.C. Code, § 30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of council, is deemed to adversely affect the public interest, including general lack of attendance at meetings, or non-attendance at any three (3) consecutive meetings, may constitute cause.
- F. **Organization and rules of procedure.** The PC shall organize, elect officers, and adopt rules of procedure as required by S.C. Code 1976, § 6-29-360.

ARTICLE 14.08-9. - NONCONFORMITIES

Sections:

- 14.08-9.010. - Purpose and applicability.**
- 14.08-9.020. - Continuation of a nonconforming situation.**
- 14.08-9.030. - Modification of nonconforming situations.**
- 14.08-9.040. - Discontinuance of a nonconforming situation.**
- 14.08-9.050. - Nonconforming lot of record.**
- 14.08-9.060. - Nonconforming signs.**
- 14.08-9.070. - Nonconforming landscaping and buffering.**
- 14.08-9.080. - Nonconforming parking and loading.**

14.08-9.010. - Purpose and applicability.

The purpose of this article is to regulate, limit, and eventually eliminate the continued existence or expansion of any legal nonconforming (grandfathered) uses and structures put into use in accordance with the codes current at that time, or any nonconforming uses or structures established prior to, or after, the effective adoption date of these current regulations (or any amendment subsequent thereto). Any legal nonconformity created in compliance with the previous codes and any nonconformity created by these current regulations shall be regulated by the provisions of this article. Many nonconformities may continue but the provisions of this chapter are designed to minimize and eventually eliminate these nonconformities, so as not to deleteriously impact surrounding conforming properties and preserve the integrity of the area where they exist, and the intent of this chapter.

14.08-9.020. - Continuation of a nonconforming situation.

- A. Nonconforming uses, buildings, or structures are declared to be noncompliant with the current and permitted development regulations in the districts where they are located.
- B. However, to avoid undue hardship, the lawful use of any such use, building, or structure determined to be nonconforming by the enactment, amendment, or revision

of these current regulations may be continued (grandfathered) as a legal nonconformity, with the following exceptions:

1. Existing scrap (junk) and waste yards shall meet in full the screening requirements of section 14.08-4.020(A). (Any active motor vehicle parts establishment which existed prior to the adoption of these current regulations that is primarily engaged in the dismantling of motor vehicles for the purpose of selling their parts and of which 75 percent of the income is derived therefrom, shall not be considered a scrap (junk) or waste yard for the purposes of this section.) The county shall have the right to request whatever documentation it deems necessary to administer this provision.
2. All new outdoor kennels, and those existing prior to the adoption of these current regulations shall meet in full the kennel requirements of section 14.08-3.020(C).

14.08-9.030. - Modification of nonconforming situations.

A proposed change or modification to a nonconforming use shall be governed by the following:

A. *Change of nonconforming use.*

1. If a change from one nonconforming use to another nonconforming use is proposed and no structural alterations or additions are involved, the change may be permitted, provided:
 - a. Nonconformity of dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking and outdoor storage shall not be increased; and
 - b. The proposed change will have little discernible impact over the existing nonconforming use.
2. If a change to a permitted use is proposed which is nonconforming only as to dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking, the change to a permitted use may be allowed, provided that all applicable requirements that can be reasonably complied with are met, and the change will have little discernible impact over the nonconforming use.
3. Compliance with a requirement for a change to a permitted use is not reasonably possible if it cannot be achieved without adding land to the lot of the nonconforming use or moving the use if it is on a permanent foundation.
4. Whenever a nonconforming use of land or building has been changed to a conforming use, such use shall not thereafter be changed back to a nonconforming use.

- B. *Enlargement or expansion of nonconforming use.*** Since the intent of this chapter is to limit and eventually eliminate nonconforming buildings, uses, or land, the enlargement or expansion of a nonconformity shall not be permitted

without approval from the ZBA as a variance to bring the nonconformity into conformance. The hardship explaining why the variance is required is key in helping the ZBA understand the undue hardship created for the applicant, which does not allow them to do what other property owners in the district are allowed to do. If the hardship does not justify the variance, staff will be unable to recommend the ZBA approve the variance request.

- C. ***Repair or alteration of nonconforming use, building, or structure.*** The repair or alteration of a nonconforming use shall in no way increase the nonconformity of said use, except as otherwise permitted by subsection B of this section.
- D. ***Replacement of nonconforming use or structure.***
 - 1. A building permit for the replacement of a nonconforming building or structure or a building or structure containing a nonconforming use, where damaged or destroyed by fire or other natural disaster, must be initiated within six (6) months from the time of the damage or destruction, or forfeit the right of replacement.
 - 2. Replacement of a nonconforming manufactured home, where a manufactured home use is not permitted, shall be accomplished within 30 days of removal, or forfeit nonconforming status, and if replaced shall not infringe on established setbacks, and shall meet in full the requirements of section 14.08-3.020(Q).

14.08-9.040. - Discontinuance of a nonconforming situation.

If a nonconforming use is discontinued and/or abandoned for a continuous period of more than six months, including any period of discontinuation before the effective date of adoption of these regulations, then that use shall not be renewed or reestablished and any subsequent use of the lot or structure shall be in compliance with these regulations.

14.08-9.050. - Nonconforming lot of record.

- A. A nonconforming lot that exists prior to the adoption of these regulations may be built upon provided that the use of the land is in accordance with this chapter and all setbacks for the zoning district are met.
- B. Where the owner of a nonconforming lot does not own sufficient land to meet the setback requirements for the zoning district, such lot may be developed provided the minimum setbacks are not reduced by more than 25 percent. Setback reductions greater than 25 percent shall be referred to the ZBA for consideration. If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or sell off these lots, they must first be combined or summary plat into one lot of record, to bring the lot into compliance with the dimensional requirements of this chapter.

14.08-9.060. - Nonconforming signs.

- A. The lawful use of any permanently mounted sign existing at the time of adoption of these regulations may be continued, except those declared abandoned or dilapidated, which shall be removed or have remedial action taken upon notification by the director.
- B. Any existing sign which is subsequently abandoned, or damaged to more than 60% of its replacement cost, shall be removed or brought into conformance with this chapter.
- C. An order under this section shall be issued in writing to the owner or responsible party of any such sign to comply within 30 days' time. Upon failure to comply with such notice, the director may cause the sign to be removed and any costs of removal incurred in the process may be collected in a manner prescribed by law.

14.08-9.070. - Nonconforming landscaping and buffering.

In accordance with article 14.08-4, certain uses are required to provide and maintain buffering and/or landscaping on site. The following shall apply to nonconforming buffering and landscaping:

- A. Expansions of an existing use in building area, parking or loading area, or activity by more than 20 percent, which is deficient in landscaping and/or buffering, or any change in principal use cannot occur without the required screening and/or landscaping having first been installed to current codes.

14.08-9.080. - Nonconforming parking and loading.

- A. On any lot which contains a use which does not comply with the off-street parking and loading regulations contained in article 14.08-5, no expansion or change of use shall be approved (except as herein provided), until the requisite number of off-street parking spaces and all paving requirements have been met.
- B. A zoning permit may be issued when a change of use and the number of off-street parking spaces required for the new use (per article 14.08-5) are within ten percent of the number of existing spaces provided. Such relief may be granted on a one-time basis per lot, and for unpaved lots, the additional parking spaces shall have a graded gravel, crushed-stone or similar dust-reducing surface.

ARTICLE 14.08-10. – ZONE CHANGE AND MAP AND TEXT AMENDMENTS

Sections:

14.08-10.010. - Purpose.

14.08-10.020. - Amendment initiation.

14.08-10.030. - Application submittal.

14.08-10.040. – Zoning, Development Code or Comprehensive Plan Text amendment process.

14.08-10.050. – Zoning Map amendment (Zone Change) process.

14.08-10.010. - Purpose.

This article sets forth procedures for zone changes, amending text in the county zoning and development codes or comprehensive plan and amending the zoning map. The purpose is not to relieve particular hardships, nor confer special privileges or rights on any person, but only to make needed adjustments and improvements due to improved processes, changed conditions or changes in policy. Procedures for making these amendments are set forth herein.

14.08-10.020. - Amendment initiation.

- A. Zoning and development code ordinances and comprehensive plan text amendments may be initiated by any of the following parties:
1. Director of planning and development.
 2. Planning commission.
 3. County council.
- B. Zoning map amendments may be initiated by any of the following parties:
1. Property owner or agent of property owner.
 2. Option holder.
 3. Planning commission.
 4. County council.
- C. Parties not listed may petition the PC and/or council to initiate a change, but they are not bound to act on behalf of the petitioner.

14.08-10.030. - Application submittal.

- A. An application form and fee, with a description of the proposed change shall be submitted to the director. The form and fee are waived for any amendment requested by a county official, board or county, state, or federal agency.
- B. Upon receipt of an application, the director shall examine it for completeness, and shall within ten days either return the application for additional information or after making any required change(s) and preparing the case briefing, forward it to the PC for review at their next regularly scheduled meeting.

14.08-10.040. – Zoning, Development Code or Comprehensive Plan Text amendment process.

- A. *Planning commission (PC) action.*
1. The director shall create the case briefing and forward all text amendment requests to the PC for review and recommendation. The PC shall act upon a completed application within 30 days after receipt thereof:
 - a. To defer not more than 30 days; or
 - b. To recommend either denial or approval.
 2. The decision shall be determined by a majority of those voting. Failure to act within said timeframe shall constitute a recommendation of approval.

3. The PC may consider the proposed text amendment relative to the following:
 - a. How it relates to and affects the zoning and/or development codes, or comprehensive plan.
 - b. Changes in conditions since the adoption of the plan or ordinance.
 - c. The need to correct an error or deficiency in the ordinance or the plan.
 - d. Any benefits which would be derived from the amendment.
 - e. Any cost to the government generated by the amendment in terms of expenditures for public improvements, facilities, and services.
4. The PC shall forward its recommendation to the county council for final action following a public hearing.

B. *County council action.*

1. Notice of public hearing shall announce the text amendment request in a county newspaper of general circulation at least 15 days prior to the public hearing where the amendment will be heard. Amendments to the Comprehensive Plan requires a 30-day notice, as mandated by the state. The notice shall state the nature of the change and the time, date, and place of the hearing.
2. County council shall consider the recommendation of the PC and vote to approve, deny, or modify a proposed amendment, or refer it back to the PC for further study, or take other action as it may deem necessary.

C. *Effect of approval.* An approved text amendment ordinance shall become effective immediately after such adoption.

D. *Appeals.* Any person who may have a substantial interest in any decision of the county council may appeal said decision to the county circuit court by filing with the clerk a written petition setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the county council is rendered.

14.08-10.050. – Zoning Map amendment (Zone Change) process.

A. *Planning commission (PC) action.*

1. The director shall create the case briefing and forward all map amendment requests to the PC for review and recommendation. The PC shall act on a completed application within 30 days after receipt thereof:
 - a. To defer not more than 30 days; or
 - b. To recommend either denial or approval.
2. The decision shall be determined by a majority of those voting. Failure to act within said time frame shall constitute a recommendation of approval.
3. The PC is encouraged to consider and recommend approval if the proposed map amendment meets the following criteria:

- a. The proposed amendment is consistent with the comprehensive plan and the stated purpose of this chapter;
 - b. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;
 - c. The county and other service providers will be able to provide adequate water and sewer supply, stormwater facilities, waste disposal and other public facilities and services to the subject property, while maintaining adequate levels of service to existing development;
 - d. The applicant provides documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or the environment, including air, water, noise, stormwater management, wildlife and natural resources; and
 - e. The subject property is suitable for the proposed zoning classification considering such things as parcel size, parcel configuration, road access, and the presence of natural resources and amenities.
4. The PC shall forward its recommendation to county council for final action following a public hearing.

B. *County council action.*

1. Notice of public hearing shall include announcing the map amendment ordinance request in a county newspaper of general circulation at least 15 days prior to the public hearing where the amendment will be heard, or 30 days for Comprehensive Plan amendments, as mandated by the state. The newspaper notice shall state the nature of the change and the time, date, and place of the hearing. Notice of public hearing for a zoning map amendment (zone change) shall also include posting the affected property. Such notice shall be posted at least 15 days prior to the hearing.
2. County council shall consider the recommendation of the PC and vote to approve, deny, or modify a proposed amendment ordinance, or refer it back to the PC for further study, or take other action as it may deem necessary.

C. *Effect of approval.*

1. All applicants shall be notified in writing of final action.
2. An approved map amendment ordinance shall become effective immediately after such adoption.

D. *Appeals.* Any person who may have a substantial interest in any decision of the county council may appeal said decision to the county circuit court by filing with the clerk a written petition setting forth plainly, fully, and distinctly wherein such

decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the board is rendered.

- E. **Consideration of denied applications.** The PC shall not reconsider an application for change or relief to the same property or portion thereof, within one year from the date of final determination and notification.
- F. **Consistency with comprehensive plan.** Zoning regulations and map amendments shall be consistent with the comprehensive plan in accordance with S.C. Code 1976, § 6-29-720(B).

3. Severability:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.


4. Conflict:

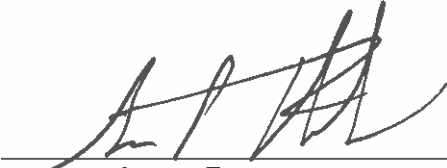
Provisions in other County Ordinances, Resolutions, policies, or by-laws in conflict with this Ordinance are hereby repealed.

ATTEST:

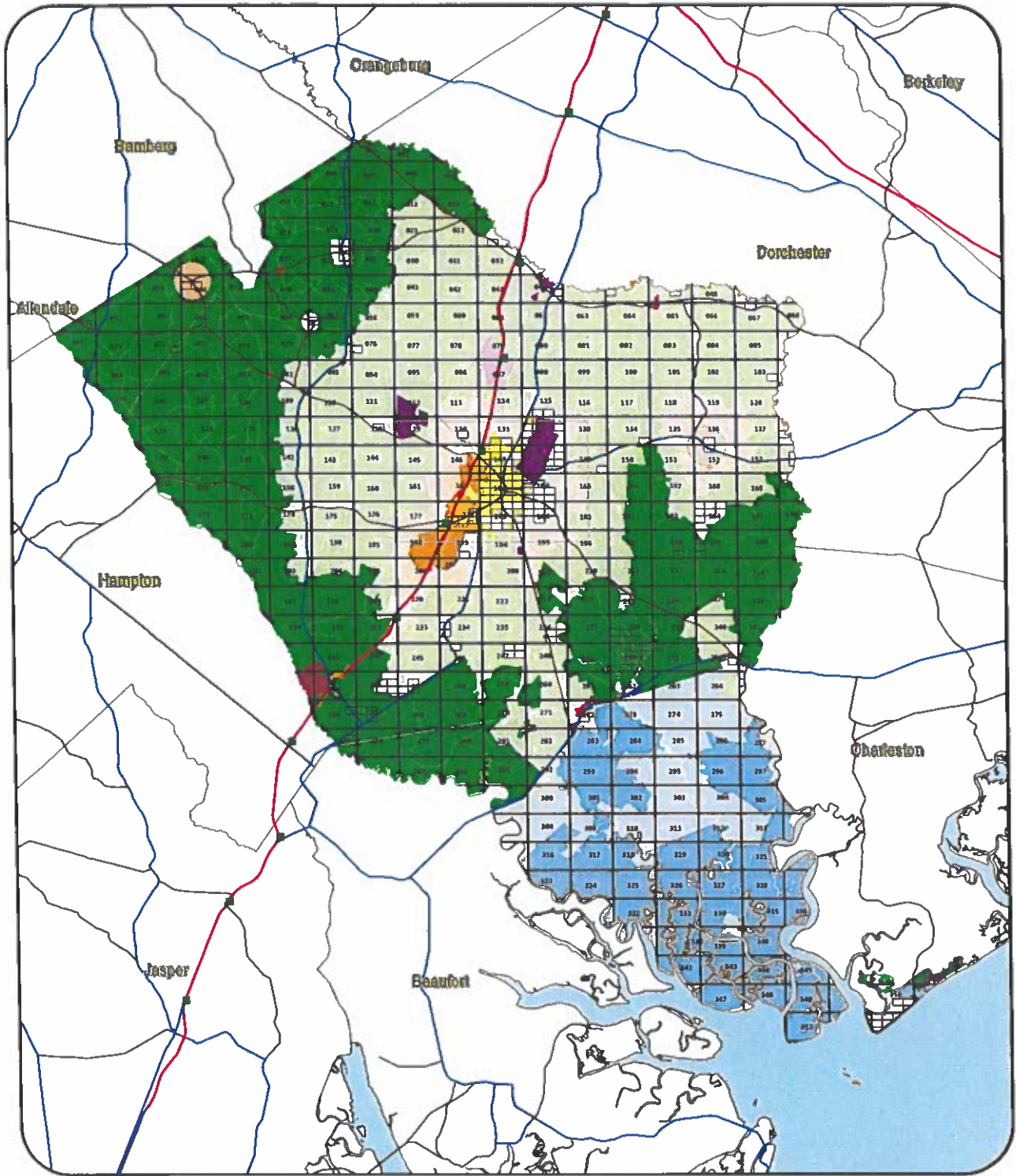
SIGNED:


Kaela Brinson, Council Clerk


Steven D. Murdaugh, Chairman


Approved as to Form
Sean Thornton, County Attorney

COUNCIL VOTE: UNANIMOUS
OPPOSED:



Zoning Map

PLANNING & DEVELOPMENT
Updated on 3/25/2022

Legend

Scale & Grid

- 1" = 200'
- 1" = 400'
- US Interstate Highway
- US Highway
- State Highway

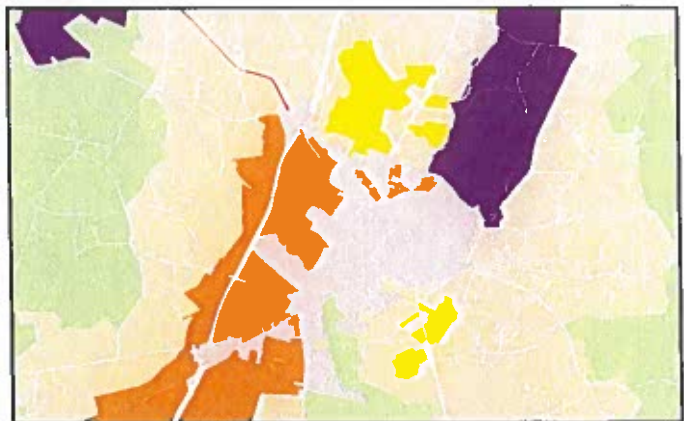
Zoning Districts

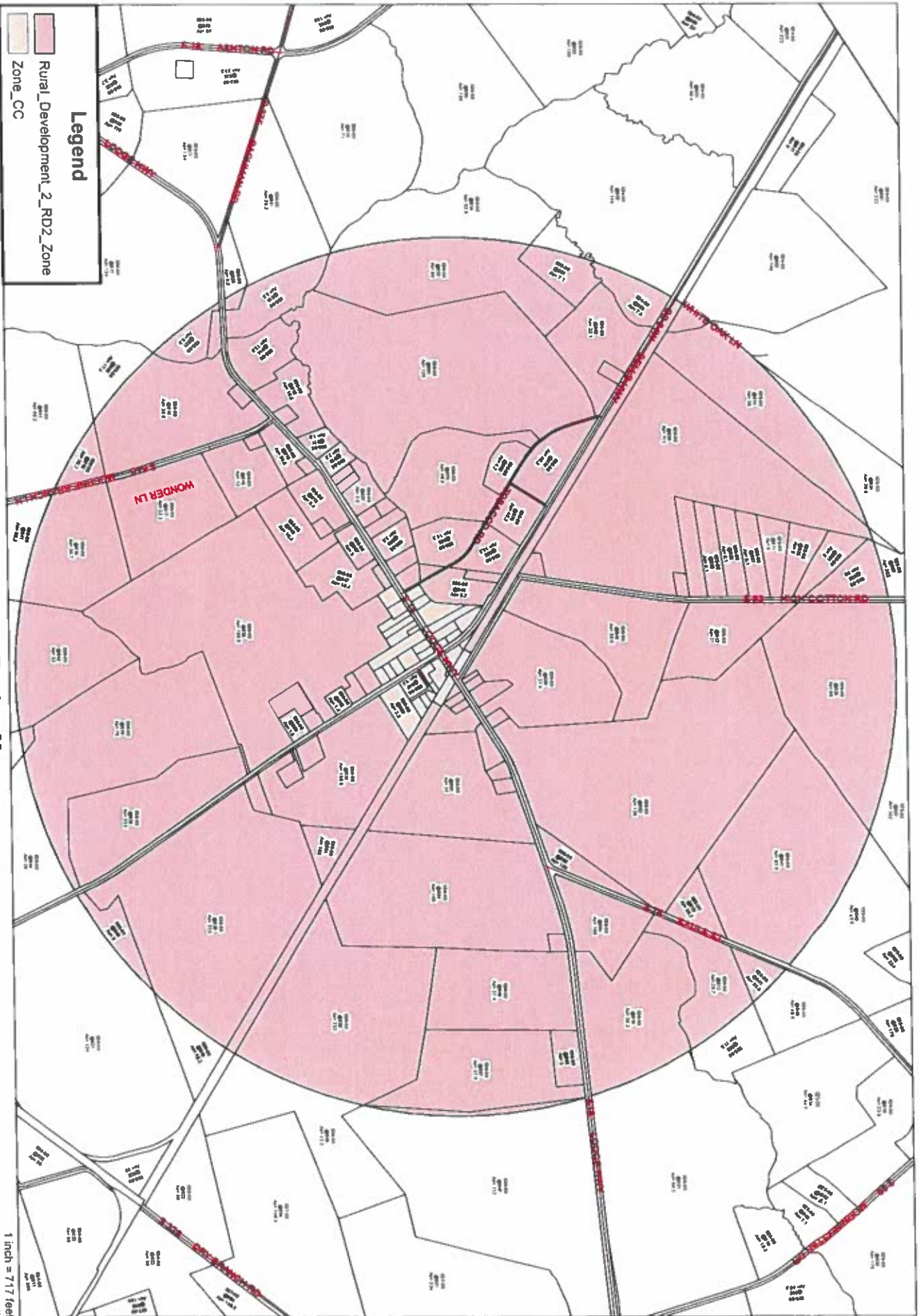
- RC1 - Resource Conservation 1
- RC2 - Resource Conservation 2
- RD1 - Rural Development 1
- RD2 - Rural Development 2
- R3 - Suburban Residential
- CC - Community Commercial
- UD1 - Urban Development 1
- UD2 - Urban Development 2
- I0 - Industrial
- LI - Light Industrial
- PDD - Planned Development District
- VC - Village Commercial



The information contained in this map is made available to the public as a service of the Colleton County Technology Division. This information is intended for general reference purposes only. Colleton County does not assume any liability for damages arising from errors, omissions, or use of this information. This information is offered to the public AS IS WITHOUT WARRANTY OF ANY KIND.

Source: Colleton County Planning and Development, 3/25/2022





Legend

- Rural_Development_2_RD2_Zone
- Zone_CC

Lodge Pre Zoning Map


 City of Chattanooga, Tennessee
 Planning Department
 311 Main Street
 Chattanooga, TN 37402
 (423) 249-1000
 www.chattanooga.gov

Date: Wednesday, February 9, 2022



1 inch = 717 feet

REGULATORY: Current 100-foot buffer around the subject property is shown in light red. The subject property is shown in dark red. The map is a preliminary zoning map and is not intended to be used for any other purpose. The map is not a legal document and does not constitute an offer of any financial product or service. The map is provided for informational purposes only.

Sponsor(s) : County Council
Adopted : May 3, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 22-R-25

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Award the Contract in Accordance with Bid FM-56 for Fleet Maintenance Bay Door Replacement.]

WHEREAS:

1. The County advertised a Request for Bids, FM-56 for the Fleet Maintenance Bay Door Replacement; and
2. Three bids were received; and
3. Contract Building Systems, LLC meets all of the requirements of the bid and is the lowest bidder; and
4. Staff has reviewed the bids, and recommends the contract be awarded to Contract Building Systems, LLC in the amount of \$143,174.00; and
5. Funding for this project is available in the Capital Fund – Fund 115.

NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

1. County Council hereby awards the contract in accordance with Bid FM-56 to Contract Building Systems, LLC in the amount of \$143,174.00 for the Fleet Maintenance Bay Door Replacement.
2. The County Administrator is hereby authorized to execute a contract on behalf of the County pending approval of same by the County Attorney
3. Funding is available in the Capital Fund – Fund 115.

ATTEST:


Kaela Brinson, Council Clerk

SIGNED:


Steven D. Murdaugh, Chairman

COUNCIL VOTE: UNANIMOUS
OPPOSED:

Sponsor(s) : County Council
Adopted : May 3, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 22-R-26

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Reschedule the July County Council Meeting and Cancel the August County Council Meeting.]

WHEREAS:

1. The first Tuesday of July falls during the week of a national holiday; and
2. The South Carolina Association of Counties Annual Conference is scheduled for August 1 – August 4, 2022; and
3. Staff recommends that County Council hold one meeting on July 26, 2022 to cover regular business for the months of July and August.

NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

County Council hereby reschedules the July 2022 County Council meeting to July 26th, 2022, and hereby cancels the August 2022 County Council meeting.

ATTEST:


Kaela Brinson, Council Clerk

SIGNED:


Steven D. Murdaugh, Chairman

COUNCIL VOTE: UNANIMOUS
OPPOSED:

Sponsor(s) : County Council
Adopted : May 3, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 22-R-27

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Authorize the Council Clerk to Advertise for Board Vacancies]

WHEREAS:

1. Colleton County Resource and Development Board has one vacancy; and
2. Colleton County Board of Disabilities and Special Needs has one vacancy; and
3. Colleton County Planning Commission has two vacancies; and
4. Edisto River Canoe & Kayak Trail Committee has one vacancy; and
5. Colleton County Board of Assessment Appeals has one vacancy; and
6. The County Council is the appointing authority for Boards.

NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

The Council Clerk is hereby directed to advertise for the vacancies.

ATTEST:


Kaela Brinson, Council Clerk

SIGNED:


Steven D. Murdaugh, Chairman

COUNCIL VOTE: UNANIMOUS
OPPOSED:

Sponsor(s) : County Council
Adopted : May 3, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 22-R-28

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Appoint Members to Board Vacancies.]

WHEREAS:

1. Colleton County Library Board of Trustees has three vacancies; and
Applicants: Lonnie David Martin, Jr., Vennie Mitchell, Latosia Simmons, and Celeste Stone
2. Colleton County Keep Colleton Beautiful Board has five vacancies; and
Applicant: Jaqueline Harvey-Brown
3. The County Council is the appointing authority for Boards.

**NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL
DULY ASSEMBLED THAT:**

The Council Hereby appoints the following:

Colleton County Library Board of Trustees: Lonnie David Martin, Jr., Vennie Mitchell, and
Celeste Stone

Colleton County Keep Colleton Beautiful Board: Jaqueline Harvey-Brown

ATTEST:


Kaela Brinson, Council Clerk

SIGNED:


Steven D. Murdaugh, Chairman

COUNCIL VOTE: UNANIMOUS
OPPOSED: